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House of Representatives

The House met at 10 a.m.

The Reverend Steven T. Cherry, President, Wesley Enhanced Living at Heritage Towers, Doylestown, Pennsylvania, offered the following prayer:

God of the nations, You gave this new day, blessed it with springtime color, and we give You thanks.

Look today on Your people throughout this beloved Nation, a grand diversity from all corners of the land, and bind us together in the principles of liberty, respect, and service. Teach us to revere those advanced in age who feel the weight of years but live with depth of character that comes from long life. May we be so reverent in the face of the profound gift of life. We give deep thanks for all those who act out of dedication to sisters and brothers, wherever they serve.

Give to all those who work in this place, O God, strength, wisdom and pause to consider Your grace in our midst. You have given to them the great traditions and tools of leadership forged from years of testing. May Your work prevail today.

We pray in the name of Jesus, the Christ. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mrs. CAPPS 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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment Joint Resolutions of the House of the following titles:

H.J. Res. 81. Joint resolution providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 82. Joint resolution providing for the reappointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

WELCOMING REVEREND STEVEN T. CHERRY

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

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, it is my honor to welcome Reverend Steven Cherry to the House Chamber this morning as our guest chaplain. It is my further honor to welcome the residents of Heritage Towers, a retirement community located in Doylestown, Pennsylvania, where Reverend Cherry serves as Executive Director. They are in the House Chamber as I speak to lend their support to the Reverend as well as to see our body in action. Welcome to the Nation's capital.

I have had many opportunities to visit Heritage Towers and meet with the 350 residents who call the community home. I also have had the chance to speak with Reverend Cherry about the mission of Heritage Towers and how it is not just a retirement community but a place where seniors can enhance not only their minds and bodies but their spirit as well.

Reverend Cherry is tasked with the challenge of maintaining the high quality of the services Heritage Towers offers. He is well-equipped to meet that challenge. Reverend Cherry has served as the finance chairman for the Berwyn United Methodist Church and as a board member of the Central Bucks YMCA. In his ecclesiastical role, Reverend Cherry has served as the pastor of many churches, including the Radnor Church in Rosemont and the Iona Methodist Church in Lebanon.

Mr. Speaker, Reverend Cherry has shown his dedication to service and community action throughout his career. Heritage Towers is lucky to have him as Executive Director, and the House is honored to have him with us today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KOLBE). The Chair will entertain up to 10 one-minutes from each side.

LONE STAR VOICE: MICHAEL ESTEP, SR.

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

Mr. POE. Mr. Speaker, working Americans continue to voice concern about the unlawful entry into the United States. Michael Estep, Sr., from Spring, Texas writes to me:

''I am writing to express my most sincere concern for our Nation and the State with regard to the current immigration issues. Having served in both public law enforcement and the private sector for the past 30 years, in all these years I have not seen one good side of illegal immigration, just varying degrees of bad. The strain on local and State medical services, higher insurance costs due to uninsured and unlicensed motorists, the criminal justice system where 29 percent of the American prison population are illegal aliens, are all paid by the citizens.

''What is happening to the land the greatest generation fought to protect? Is the uncontrolled assimilation into

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the melting pot of America destroying the values and resources which made us strong? Is this unchecked invasion crippling our ability to tell the difference between right and wrong, leading us to choose the politically correct solution rather than the right answer?

''I ask your support of immigration reform in the strongest terms. Too many citizens and illegals alike choose which laws are to be obeyed while seeking protection from the law through protests and civil disobedience.''

That's just the way it is.

REPUBLICAN FISCAL IRRESPONSIBILITY, HOUSE REPUBLICANS REFUSE TO CHANGE COURSE

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

Mr. CLEAVER. Mr. Speaker, the other side will once again try to spin their 2007 budget as fiscally responsible. The American people know better. For 5 years now, Republicans have controlled both the Congress and the White House, and for 5 years our budget deficit has been spiraling out of control. Two years ago, former House majority leader Dick Armey told the Wall Street Journal, and I am quoting, ''I am sitting here and I am upset about the deficit and I am upset about spending. There is no way I can pin that on the Democrats. Republicans own the town.''

That is a former Republican leader talking about their fiscal irresponsibilities.

For 5 years now those who own the town created the fourth largest budget deficit in American history. According to the Congressional Budget Office, the 2000 budget those who own the town plan to bring to the floor this week is the fourth most fiscally irresponsible budget in history, creating an additional $348 billion debt, and yet those who own the town try to claim their fiscal responsibility.

Members of their own party don't even believe that anymore.

HONORING GORDON PARKS

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

Mr. RYUN of Kansas. Mr. Speaker, I rise today to honor the life of a great American, my constituent Gordon Parks.

Mr. Parks was born in Fort Scott, Kansas, the youngest of 15 children. Mr. Parks' accomplishments from this simple beginning are far too many to name in the limited time allotted to me, but allow me to list some of his more significant contributions.

Mr. Parks was the first African American to write, produce and direct a motion picture. He was an award-winning photographer for Life magazine and helped found Essence, the first magazine targeted to African American women.

Mr. Parks won an Emmy in 1968 for the documentary, Diary of a Harlem Family. He received the National Medal of Arts from President Reagan in 1988, and was inducted into the International Photography Hall of Fame in 2002.

Mr. Speaker, Gordon Parks passed away on March 6, 2006, leaving behind an expansive legacy. I come to the floor today to honor his life and to thank him for significant breakthroughs that occurred because of his life.

DEMOCRATIC BUDGET IS FISCALLY RESPONSIBLE AND PROTECTS WORKING FAMILIES

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

Ms. SOLIS. Mr. Speaker, today I rise to speak out against the House Republicans' plan for an irresponsible budget that they are going to be presenting.

While the House Republican budget never reaches balance, the Democrats' alternative is balanced by 2012. We simply must restore fiscal sanity here in Washington and the fact is the Republican budget doesn't even get there.

The House Democratic alternative will not only provide a blueprint to get us back to balanced budgets, but it will restore critical domestic funding for programs that are so important for working class families.

The Democratic budget provides the needs for working families who have been hit hard by Washington Republicans over the last 5 years. As they continue to face increasing gasoline prices, home heating bills, an increase in health care costs, and high tuition bills, we can't even send our children to college. Our budget provides critical funding for homeland security, education, health, veterans' benefits, and environmental programs that are all left out of the Republican budget.

It is time that this House start working on behalf of the working families in our country.

PLANNED PARENTHOOD MARKETING GIMMICKS

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

Mr. PITTS. Mr. Speaker, I read recently that Planned Parenthood in San Francisco has launched a fresh marketing gimmick to drum up new business for its clinics.

Under its ''Tell A Friend'' campaign, girls can earn free movie tickets for referring a friend to Planned Parenthood clinics. These same area clinics are offering the chance to win a free iPod for scheduling an appointment by April 30.

While the idea of luring young girls into abortion clinics with gimmicks like free iPods and movie tickets may be outrageous, I guess it shouldn't be surprising. After all, Planned Parenthood may be feeling the financial squeeze these days.

Statistics show U.S. teenagers are having fewer abortions than any time since Roe v. Wade, and polling indicates that today's teenagers are more pro-life than previous generations.

Mr. Speaker, the pro-choice side likes to say that their goal is to see that abortion in America is safe, legal and rare; but those who truly seek to reduce abortion rates in America aren't baiting girls into abortion clinics with offers of free movie tickets and iPods.

HONORING PORTLAND PILOTS WOMEN'S SOCCER TEAM

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

Mr. BLUMENAUER. Mr. Speaker, I am pleased to welcome this morning the University of Portland Women's Soccer Team to our Capitol and congratulate them for their undefeated season, winning the 2005 NCAA Champion Division I Title, their second championship in 4 years. Even the team's dedicated fans have set a new NCAA attendance record for any soccer season, men or women.

I want to congratulate University President, Father Bill Beauchamp, Head Coach Garrett Smith, and the entire university community as the Pilots carried on the legacy of the late legendary coach Clive Charles.

Most of all, I congratulate these women whose combination of athletic and academic excellence is an inspiration for young people everywhere, especially today's young women.

There is much to celebrate ''Up on the Bluff.'' The women's soccer team is a great example of excellence at the University of Portland. I welcome them to the Capitol and their White House ceremony later today.

RESPONSIBLE IMMIGRATION REFORM

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

Mr. GINGREY. Mr. Speaker, I rise today as a strong supporter of effective immigration reform and with a sense of urgency that Congress must act decisively to secure our borders and control illegal immigration.

Every day we put off sending the President border security legislation simply allows more opportunity for illegal immigrants to break our laws and cross our borders.

America must not continue to be a foster home for those who deliberately break the law. Rather, we must be a Nation that respects law and encourages safe and legal immigration.

The burden of illegal immigration is increasing daily for American citizens as hospitals and schools are filled with illegal immigrants who cannot pay for

their education or their medical expenses. Indeed, illegal immigration is not a victimless crime, and as long as our Nation continues to turn a blind eye, illegal immigrants have all the incentives in the world to risk their lives crossing our border.

As the Senate deliberates their approach to reform, I believe we in the House need to continue to emphasize border security first and foremost, our opposition to amnesty, and support for a national guest worker program that treats those seeking jobs here as exactly that, guests not citizens.

□ 1015

NATIONAL PUBLIC HEALTH WEEK

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

Mrs. CAPPS. Mr. Speaker, I wish to remind my colleagues that this week, April 3–9 is National Public Health Week.

I want to thank the efforts of the American Public Health Association and its 200-plus partners who have organized events around the Nation that serve to raise everyone's awareness of the need to improve public health.

This year, the theme of National Public Health Week is, ''Designing Healthy Communities, Raising Healthy Kids.''

Mr. Speaker, less than 10 percent of our Nation's children walk or ride their bicycles to school, and too many schools continue to invite fast-food vendors into their cafeterias.

In America today, the percentage of children and adolescents who are defined as overweight is more than double what it was in the early 1970s.

My experience as a school nurse taught me that we need to make a concerted effort, all of us, to increase physical fitness activity among our children and to encourage all Americans to adopt a healthier diet that includes fruits and vegetables, but there is more.

If we are going to be successful in designing healthy communities and raising healthy kids, we must make sure this message is heard the entire year and not just for 1 week.

I urge my colleagues to support this and other efforts to promote children's health.

ILLEGAL IMMIGRATION

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

Mrs. BLACKBURN. Mr. Speaker, illegal immigration, the process of choosing to enter this country illegally, of violating our laws, is clearly a priority of concern with the American people, and I don't think the American people are asking too much when they call our offices and tell us to secure the border and bring a halt to the massive problem of illegal entry into this country.

Some in this debate are trying to characterize those of us who want to get serious about illegal entry as mean-spirited and anti-immigrant. It is ridiculous.

In a column a while back, Peggy Noonan asked the question, What does it mean when the first thing a person does when coming into the country is break our laws? Mr. Speaker, that is a good question.

We absolutely cannot condone or incorporate into our society large numbers of people whose first act upon entering this country is to break a law.

We need to overhaul our border security. We need to overhaul the process by which people are legally admitted to this Nation.

VOTER CONFIDENCE AND INCREASED ACCESSIBILITY ACT

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

Mr. HOLT. Mr. Speaker, a government such as ours, by the people, works only if the citizens believe it does. Yet, voting irregularities in polling places around the Nation have played an important role in eroding the trust of many Americans in Americans' ability to govern ourselves.

Most or even all of the problems can be addressed, and we should do that. Today, hundreds of citizens are coming to Washington from around the country to urge that we enact H.R. 550, to give every voter a system of voting that allows voter-verified paper audit trails.

Everything of value should be auditable, no less so votes, and every voter should be confident that his or her vote is recorded and counted as intended.

Passage of the Voter Confidence and Increased Accessibility Act will be a big step toward restoring confidence in our government.

IMMIGRATION REFORM

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

Mrs. MILLER of Michigan. Mr. Speaker, this week the Senate is continuing to debate immigration reform which, of course, is badly needed.

I would urge the Senate to look to the legislation that was passed by this House in December when crafting their legislation. America needs the House immigration and border security bill to protect our borders.

The legislation that we passed ends the catch-and-release program, it gets tough on repeat offenders, promotes cooperation amongst local law enforcement as well, and it installs requirements to ensure that those who are here illegally in our country do not take jobs from American citizens.

Some say that these illegals just take the jobs that Americans won't do, but I received a letter just the other day from one of my constituents who urged me to push for tougher immigration laws because he can't find work as a drywaller because of illegal foreign workers.

This is considered a very good job from where I come from, the type of job that has built our middle class.

Now we hear the Senate has cut a deal on providing amnesty for some illegal aliens, and I would have a message for the distinguished Senators on the other side of this building: amnesty has no chance of passage in this House. Look to the House bill if you want to see real immigration reform.

REPUBLICANS CREATE A RESPONSIBLE BUDGET FOR AMERICA

(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, Congress is currently evaluating America's needs and trying to decide upon a budget that will responsibly provide for our Nation in 2007.

We should approach this process with the same wisdom and self-restraint used by American families when they decide upon their budget. While we must provide for our needs, we must eliminate unnecessary government programs and prepare for emergencies.

House Republicans are focused on strengthening our Nation's most critical programs, reforming the government, and spending taxpayers' dollars wisely. The Lexington County Chronicle is correct, that the money belongs to the people, not to the government.

I am particularly proud of Chairman JIM NUSSLE's efforts to save $6.8 billion in spending and reduce the deficit by implementing commonsense reforms. Most importantly, we are taking immediate steps to ensure that the American economy continues to create jobs for American workers.

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

REPUBLICAN BUDGET

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

Mr. DEFAZIO. If we adopt the Republican budget late tonight or tomorrow, the Republicans will set a new record: 5 consecutive years of the largest deficits in our Nation's history.

Two weeks ago, the Republicans in the Senate voted to raise the debt limit in the United States of America to $9 trillion. That is the fourth debt increase in 5 years. This majority and this President Bush have added 65 percent to the debt of the United States in 5 short years.

The President has accumulated more foreign debt than the 42 Presidents who preceded him, and this budget is business as usual: borrow money, borrow all of the Social Security trust fund and spend it, in part, on tax breaks for the wealthy.

This budget assumes that we will continue to borrow money to fund yet more tax breaks for the wealthiest among us, despite the Internal Revenue data that came out yesterday showing that their tax breaks benefit those making over $10 million a year by $500,000 a year. Should people who work for wages and salaries be forced to pay debt to give tax breaks to people who earn over $10 million a year? They say yes.

RESTORING FISCAL SANITY AND PAYGO

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

Mr. DAVIS of Tennessee. Mr. Speaker, House Republicans claim to be fiscally responsible; and if that is the case, I encourage them to join the Democrats in supporting a policy called pay-as-you-go.

Democrats strongly support the reinstatement of commonsense pay-as-you-go budget rules that would require any increase in mandatory spending and any decreases in revenue be offset elsewhere in the budget so that we don't add to the deficit.

PAYGO rules were adopted on a bipartisan basis in 1990 and then reenacted again in 1997 before Republicans allowed such rules to expire in 2002. PAYGO budget rules are widely credited with producing record budget surpluses between 1998 and 2001.

President Bush and congressional Republicans previously supported PAYGO rules for both spending and taxes, but now oppose the application of such rules to taxes because they would be forced to offset their tax legislation. They seem willing to let the deficit spiral out of control as long as they continue to give and provide tax breaks to the very wealthy.

It is time that the Republicans start thinking about our Nation's future. It is imperative we reject the budget so we can reinstate PAYGO rules that will restore fiscal discipline.

REPUBLICANS SELLING OUR COUNTRY AWAY TO FOREIGN NATIONS

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

Mr. MEEK of Florida. Mr. Speaker, it is an honor again to be here on the House floor to share with the American people what is actually going on here in the Capitol.

I want to share with the American people that President Bush and the Republican majority in just 4 years have borrowed $1.05 trillion from foreign nations. That is selling our country to other nations because of the spending that is going on. That is more than 42 Presidents before this President and the Republican majority and 224 years.

What does that mean to Americans? What does that mean to our future? Japan holds $682.8 billion of our debt; China owns $249.8 billion of our debt; the U.K., $223.2 billion of our debt; Caribbean nations, $115.3 billion of our debt; Taiwan, $71.3 billion of our debt; OPEC nations, $67.8 billion of our debt; Germany, $65.7 billion of our debt; Korea, $66.5 billion of our debt; and Canada, $53.8 billion of our debt.

Republicans are going to sell this country away to other countries, and I think it is important that we take on fiscal responsibility.

REPUBLICAN BUDGET A GIFT TO SPECIAL INTERESTS AND A SLAP IN THE FACE TO THE AMERICAN PEOPLE

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

Mr. PALLONE. Mr. Speaker, House Republicans are expected to bring a 2007 budget to the floor this week that they say demonstrates their priorities. Unfortunately, House Republicans once again essentially rubber-stamp the President's budget, refusing to stand up for fiscal discipline and refusing to truly address the needs of everyday Americans.

The Republican budget makes harmful cuts to critical services for working families and uses these cuts to partly pay for new tax cuts, primarily benefiting America's millionaires.

This budget slashes education, training and social services funding; cuts veterans health care and taxes military retirees; cuts homeland security, including port security; squeezes programs for low-wage workers and vulnerable families; slashes environmental protection and conservation funding; and cuts funding for public health programs and medical research.

The wealthiest Americans are doing just fine. They don't need any more help from Washington Republicans. It is America's middle class who have lost out over the last 5 years, and they are not getting help from the Republican budget. We should reject this mean-spirited budget.

COMMUNICATION FROM THE HON. JON C. PORTER, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. KOLBE) laid before the House the following communication from the Honorable JON C. PORTER, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 5, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the Western District of Pennsylvania.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JON C. PORTER,
Member of Congress.

PROVIDING FOR CONSIDERATION OF H. CON. RES. 376, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2007

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 766 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 766

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the concurrent resolution (H. Con. Res. 376) establishing the congressional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011. The first reading of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution are waived. General debate shall not exceed four hours, with three hours of general debate confined to the congressional budget equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget and one hour of general debate on the subject of economic goals and policies equally divided and controlled by Representative Saxton of New Jersey and Representative Maloney of New York or their designees. After general debate the Committee of the Whole shall rise without motion. No further consideration of the concurrent resolution shall be in order except pursuant to a subsequent order of the House.

□ 1030

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

Mr. PUTNAM. Mr. Speaker, House Resolution 766 is a rule that provides for general debate of House Concurrent Resolution 376, the bill establishing the congressional budget for the Federal Government for fiscal year 2007, and setting forth the appropriate budgetary levels for fiscal years 2008 through 2011.

As a member of both the Rules Committee and the Budget Committee, I am pleased to bring this resolution to the floor for consideration. This rule provides for 4 hours of general debate, with 3 hours equally divided and controlled by the chairman and ranking member of the Budget Committee, and 1 hour on the subject of economic goals and policies, again equally divided and controlled by Representative SAXTON of New Jersey and Representative MALONEY of New York or their designees.

The rule waives all points of order against consideration of the concurrent resolution, and it provides that after general debate the Committee of the Whole shall rise without motion and no further consideration of the bill shall be in order except by subsequent order of the House.

This rule allows the House to begin consideration of the congressional budget. The budget is an important tool of the Congress, allowing us to establish our priorities for the coming year. I am proud that this budget responds to the Nation's complex challenges with the straightforward principles of strength, spending control, and a continued commitment to reform.

The budget resolution continues policies that have helped to reestablish a strong United States economy. We have included savings for working Americans to the tune of $228 billion. We extend the 2001 and 2003 tax reforms, preventing what would otherwise be an automatic tax increase from their scheduled expiration. The budget also assumes the extension of other expiring tax provisions, including the alternative minimum tax relief, a House-passed pension bill, and other important economic growth measures.

While working to give Americans back some of their hard-earned dollars and letting them keep more of their hard-earned dollars, we are also working to enact a responsible spending plan that exercises control and restraint. I am proud that once again this House has delivered a budget that practices conscientious spending. Our goal is to stem the ever expanding outflow of Federal dollars.

House Concurrent Resolution 376 has an overall discretionary spending level that is equal to the President's budget request of $873 billion. It allows for the President's requested 7 percent increase in defense and a 3.8 percent increase for homeland security. As always, the discretion lies with the House Appropriations Committee to determine the final allocation of these funds. This budget essentially freezes nonsecurity discretionary spending, with only a 0.1 percent increase over last year's level, a tenth of a percent. As an additional savings method, the budget caps advance appropriations, spending that is for the year after the budget year.

In the area of mandatory spending, entitlement spending, we provide a total of $1.5 trillion. In an effort to control the automatic effusion of dollars, the budget resolution calls for mandatory spending reforms from several committees. These savings, these mandatory spending savings, total $6.75 billion over 5 years.

This is an important distinction. This is one of the first times in the history of modern budgeting that there has been back-to-back reconciliation instructions in the House budget. Today, over half of Federal spending is essentially on autopilot. Fifty-five percent of Federal expenditures today are going into what is known in budget parlance as mandatory accounts. So all of the discretion that lies within this body and lies within the Senate is not even half of the Federal budget. And within 10 years, if these reconciliation instructions are not implemented, that are embedded in this budget for the second year in a row, then within 10 years it will consume two-thirds of the Federal budget, two-thirds of the Federal budget being on autopilot if we don't implement the reforms that this budget calls for.

Last year was the first year since 1997 that we had made the effort through passage of the Budget Act to get our arms around mandatory spending through reconciliation instructions. This year we do that again. This is an important reform effort. Again, it is one of the few times in modern history where there has been back-to-back reconciliation instructions that allows us to reduce the size of the Federal deficit.

Mr. Speaker, I am pleased that this year the Budget Committee included an emergency reserve fund to help Congress plan for unforeseen costs that may arise in the future. We have set aside $50 billion toward an expected wartime supplemental, as well as $4.3 billion for unanticipated emergencies, such as natural disasters, and $2.3 billion for potential avian flu costs.

As a Congressman from the great State of Florida, I can tell you with a great deal of certainty that the last several years have been very active in the Atlantic hurricane season. We know, without being able to see into the future, we know that somewhere in the next year there is likely to be a hurricane that will make landfall in the United States. Somewhere in the United States this year there will almost certainly be devastating wildfires. Somewhere in the United States in the coming fiscal year there will almost certainly be an earthquake or devastating tornadoes.

Hopefully, we will not have a natural disaster that reaches the catastrophic level that Hurricane Katrina reached. But nevertheless, just like responsible businesses and responsible homeowners who set aside money in their savings accounts for when the hot water heater breaks or when the car needs new tires or when the transmission goes out, the Federal Government, a little bit slowly, but nevertheless has come around to the notion that we should plan for emergencies, particularly those types of very expensive natural disasters that do frequently strike our shores.

With increased spending control, tax relief, and these important budget reforms, this budget makes a sizable dent in our deficits. Under these policies, the deficit will fall by more than half, from $521 billion, which is projected in fiscal year 2004, to $191 billion in fiscal year 2009, which is below the President's planned budget achievements.

I am proud of the work of the Budget Committee this year. I thank Chairman NUSSLE for pushing forward with fiscal discipline and bringing us this excellent budget for our consideration, and I urge Members to support the rule and the underlying bill.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank my good friend from Florida (Mr. PUTNAM) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. Mr. Speaker, we have seen this movie before. Just like last year and the year before that and the year before that, the budget resolution put forward by the House Republican leadership today is an awful piece of legislation. There is no other way to describe it.

It is a budget that hurts American families. It is a budget that continues to create a government without a conscience. It is a budget that punishes the poor and the middle class and rewards the very wealthy and special interests. It is a budget that explodes our Nation's deficit and passes mountains of debt onto our children and grandchildren. It is a budget that deliberately misleads the American people about the cost of our ongoing wars in Iraq and Afghanistan. In short, Mr. Speaker, this is a budget that deserves to be defeated soundly by every Member of this House.

The details speak for themselves. This budget includes a deficit for 2006 of $372 billion and a deficit for 2007 of $348 billion. In fact, if this budget is approved, the five largest deficits in the history of the United States of America will have occurred in the past 5 consecutive years, all during the period when the House, the Senate, and the White House are totally under Republican control. What in the world has happened to the party of fiscal discipline? They have become the party of runaway spending and reckless tax giveaways.

Even worse than this unchecked spending binge is the Republican leadership's deliberate misleading of the American people. We are at war, Mr. Speaker, and every day our brave soldiers patrol the most remote areas of Afghanistan and the most dangerous neighborhoods in Iraq. Every day the American people learn of more roadside bombings, insurgent attacks, and

death in Iraq. Every day the Iraqis seem more and more unable to form a functioning government, and every day Iraq slips further and further into chaos and civil war. And every day our credibility around the world gets lower and lower. And every day our Nation sinks deeper and deeper into a violent quagmire.

But with all of this, Mr. Speaker, how do you explain only $50 billion in funding for the wars in Iraq and Afghanistan for fiscal year 2007, and after that no funding at all? Now, if the Republicans actually carry out what they are promising in this budget, the United States won't be spending a penny in Iraq or Afghanistan after 2007. Maybe they have miraculously stumbled upon an exit strategy, which would be just fine with me. But last year, the United States spent over $100 billion on the wars in Iraq and Afghanistan, and all told we have spent $357 billion over the past 4 years on fighting these wars.

President Bush recently announced that the American troops will be in Iraq until at least 2009. The truth, of course, is that the Bush administration will be back before we know it asking for tens, if not hundreds of billions of dollars more in so-called emergency funding to pay for their failed foreign policy. But then, Mr. Speaker, why should we expect the Republicans in Washington to start telling the truth about Iraq now, given the fact we have been lied to, deceived, and misled from day one.

What will happen is that the Republican leadership will write a blank check without asking the tough questions, without demanding the straight answers, and without conducting the kind of oversight that is our responsibility as Members of Congress.

And while we are on the subject of war and its aftermath, Mr. Speaker, let us examine how this budget handles our veterans. Now, my Republican colleagues will pat themselves on the back and crow about how they have increased funding for veterans in fiscal year 2007, but once again the devil is in the details. The truth is that over the next 5 years, the Republicans actually cut the same funding by a total of $4 billion.

Do they think our current and future veterans are just going to fade away? Talk about cutting and running. At a time when America is creating hundreds, if not thousands of new veterans, and when thousands of those veterans are going to need significant health care support for the rest of their lives because of their service in Iraq and Afghanistan, it is shameful that the Republicans in Washington are blatantly ignoring our veterans. Sending our brave servicemen and women to war without providing for their care when they return is not an American value.

Let me say to my colleagues on the other side of the aisle, if you are going to send our servicemen and women into war, you have an obligation to them, a moral obligation to them that when they return home as veterans that they will be cared for. To do otherwise is to disrespect their service. And that is what this budget does. How does anyone in this Chamber vote for this budget and then go back to their districts, look their veterans in the eye and say with a straight face that we have done our best for you? You can't.

The list of misplaced priorities in this budget, Mr. Speaker, goes on and on. This budget slashes critical programs in the areas of education, job training, environmental protection and conservation funding, public health programs, medical research, and social services. It fails our responsibility to protect America by allowing $6.2 billion worth of cuts to homeland security programs.

And where is the money for port security? Didn't my Republican friends say that they were concerned about our ports when joining with Democrats in opposing the President's selling of our port security to the United Arab Emirates?

□ 1045

Maybe I need new bifocals, but I cannot find the necessary funding to make our ports secure in this budget.

This budget cuts programs that helps low-wage workers and vulnerable families. In fact, the Republican leadership cuts into these programs even more deeply than President Bush's proposal.

To top it all off with a Nation at war, with desperate priorities that need to be met, with veterans who need our help and the gulf coast still devastated from last year's hurricanes, the Republican leadership still has the audacity to give the wealthiest Americans $228 billion in new tax cuts while passing the cost of those tax cuts onto our children. It just takes my breath away.

My friends on the other side of the aisle will say this budget reflects necessary tough choices. My question, however, is this: Why do all of the tough choices hurt average families? Why don't some of the tough choices include forgoing tax cuts for wealthy people or ending subsidies in tax breaks for oil companies that are gouging families at the pump, or no more giveaways to pharmaceutical companies until they provide cheaper drugs for our citizens? Why is it all of the Republican tough choices spell tough choices for working families, senior citizens, students, veterans and the most vulnerable?

Mr. Speaker, there is a better way. Democrats have a plan that works, a plan that reestablishes fiscal discipline by implementing a pay-as-you-go strategy, a plan that provides our veterans over $8 billion more in assistance than the Republican budget, a plan that balances the budget by 2012, a plan that properly funds our domestic priorities including homeland security, a plan that gives our veterans the care and the respect they deserve, and a plan that provides fiscally responsible tax relief to millions of hardworking middle-class Americans.

What the Republicans have proposed today is out of step with the American people. Indeed, it is way out of the mainstream. This is a budget that reflects a heart of stone. I can only say to my colleagues on both sides of the aisle that the day has come for a new direction, a new set of priorities, a new commitment to the American people. The day has come for us to recreate a government with a conscience.

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

Mr. PUTNAM. Mr. Speaker, it is always fun to have these debates. We ought to at least start out with our facts straight, though. For the last 10 years, spending per veteran under Republican leadership has doubled. In the last 10 years, spending budget authority for veterans medical care nearly doubled going from $16.2 billion to $31 billion.

Facts are stubborn things, my friend.

Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank the gentleman from Florida, the elder statesman, Mr. PUTNAM, and I as a Member of the House can say that to my good friend, Mr. PUTNAM.

Today I want to quote from the ranking member on the Budget Committee: "A budget is a statement of moral choices, and this budget makes the wrong choices, cutting education, Medicare and Medicaid and barely funding the bold initiatives that the President set out in his State of the Union. Its greatest moral fault is that it leaves our children a legacy of debt and an even heavier burden to bear as the baby boomers begin to retire." That is from the gentleman from South Carolina (Mr. SPRATT), the ranking member on the House Budget Committee.

The fault in his quote there, Mr. Speaker, is that we are not cutting education. We are not cutting Medicare. We are not cutting Medicaid. These things are absolutely off base. What our budget does say to the American people, these are our moral choices so Congressman SPRATT should be commended for saying that a budget is a moral choice, and I agree with that.

But what we do with this budget is say boldly that we will set out the fences around which government spending should be held within. That is a positive thing.

I ask my colleagues on the left wing of this body, the Democrats and the liberals here, to come and support this budget because what we are saying is our children should not be left with a legacy of debt. We need to control wasteful government spending.

What this rule provides for in this budget document is a restraint of spending. It does not hurt people. It takes out and gives the opportunity for the policy-making committees of this

House and the appropriating committees of this House to reform much-needed government services and programs.

I ask my colleagues to join with us in supporting this rule to provide for a reasonable debate and reasonable amendments to this budget document that will constrain spending and provide for priorities for all Americans.

Mr. MCGOVERN. Mr. Speaker, let me just respond to the gentleman from Florida (Mr. PUTNAM). Facts are indeed a stubborn thing. The fact is that this budget that the Republicans have put forward cuts funding for veterans. Over 5 years, the budget cuts funding for veterans health care by $6 billion below current services.

Republicans will tout the fact that the budget raises discretionary spending for 2007 by some $2.6 billion, but these apparent gains are quickly reversed with a cut for 2008 of $59 million below current services, and cuts of increasing amounts in subsequent years culminating in a cut of $4 billion for 2011.

One other fact: a couple years ago, the VA itself testified it needed a 13 to 14 percent increase each year to maintain what it is doing. This budget in no way reflects what this Veterans Administration has said.

So facts are a stubborn thing. This budget is not good for veterans.

Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. MATSUI), my colleague on the Rules Committee.

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

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

Mr. Speaker, I rise in opposition to the budget resolution. The impact this budget will have on families demonstrates how misguided it really is. Our Nation has had a long-standing commitment to investing in medical research. We all know someone, a friend or a relative, who has fought breast cancer. Each one is an inspiration as they exhibit a reservoir of strength and perseverance.

This is an issue that is very close to me as members of my family have been diagnosed with the dreadful disease.

When I am home in Sacramento, I make it a priority to meet with survivors. As each woman shares her personal battle with me, the one thing they all reiterate is how appreciative they are that research and technology exists to help them win their fight with cancer, and they ask me to express their appreciation to my colleagues for their continued support of the medical research programs that have driven the development of life-saving techniques and technology.

One example is innovative advances that the UC Davis Cancer Center located in my district has made. Last year, its researchers discovered a new method to improve early detection of breast cancer. As that group of survivors has emphasized, early detection is essential to surviving breast cancer.

Tragically, this budget underfunds critical medical research. As a result, dynamic institutions like the UC Davis Cancer Center will not have access to the same level of Federal resources as they did in last year's budget.

What do you tell the children or the spouse of a woman who may have benefited from additional cancer research, but will not now because of this budget?

The fact is this budget chooses tax cuts for the very, very, very wealthiest instead of investing in medical research. This is a choice that Congress is making.

We need a budget that makes sense for America's families. I think about my 2½-year-old granddaughter, Anna. It is Congress' responsibility to invest the resources today so that Anna and her friends have at least the same opportunities that you and I have had. To accomplish this goal, we must devote long-term resources to health care, education, and scientific discovery. Yet with this budget, we are reducing our capability in these areas while continuing to run a massive deficit. So not only are we not investing in Anna and her friends, but we are passing our debt to them.

Congress cannot continue to run this government in the same selfish, short-sighted manner that we have over the past 5 years. Congress risks breaking America's foundation of opportunity and prosperity and imperiling the quality of life for our children and our grandchildren.

When we talk about the quality of life, that means your grandchildren and those of you who may hope for grandchildren. They may not have access to world-class education. It means that the Annas of our country may not benefit from the world's best health care system or be a part of the most innovative and productive economy. It means that citizens of the United States may look at foreign countries and see people who have better opportunities and better lives.

I urge my colleagues to oppose this budget and vote in favor of Mr. SPRATT's alternative.

Mr. PUTNAM. Mr. Speaker, I think the gentlewoman raises an important point about the need for us to continue to invest in research and development, in health care initiatives that allow us to remain a Nation on the cutting edge of technology both in biosciences, basic research, and the whole gamut of diseases and disorders that afflict the human condition.

This majority takes a back seat to no one on investments in health. The National Institutes of Health are preeminent research institutions run by this Federal Government that are making great strides against cancer, against juvenile diabetes, against HIV/AIDS, against a whole host of orphan diseases and disorders that only afflict a small number of Americans, but nevertheless in a huge, huge way to that individual family.

Since 1998, NIH funding, because of the investments that this majority has made, has more than doubled. More than doubled since 1998. Funding in 1998 was at $13.5 billion. Today this Nation invests nearly $28.5 billion in the National Institutes of Health.

We take a back seat to no one in recognizing that it is fundamentally important that America remain on the cutting edge of innovation, that it is fundamentally important that we continue to produce graduates in the health sciences, in engineering, in mathematics to keep us on that cutting edge. We take a back seat to no one in recognizing that it is important to have in place economic policies, tax policies that encourage people to make those investments in this country instead of in other countries; that we have in place incentives to people to add new lines of scientists at their workbenches and their laboratories in Silicon Valley, California, or at the CDC in Atlanta.

We recognize it is important to have a growing economy that allows us the luxury of being able to invest in research that may not bear fruit for decades to come. And we take a back seat to no one in the commitment we have made for the last dozen years in funding the National Institutes of Health.

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

Mr. MCGOVERN. Mr. Speaker, I have here a letter from the major Jewish community service providers in our country, and they ask all of us to oppose this Republican budget resolution because it will force, in their view, harmful cuts in education, health care, nutrition, housing and other services critical for children, families, seniors, and people with disabilities.

I ask my colleagues to listen to the plea of these faith-based groups.

APRIL 5, 2006

DEAR REPRESENTATIVE: The Jewish community has long demonstrated a commitment to economic and social justice. We have been vigorous in advocating policies and programs to fight poverty and to help address the needs of disenfranchised vulnerable populations, including the elderly, working poor, disabled, youth, and refugees.

The budget process is one of the most important actions taken by our government each year and is an integral part of allocating funds for important human needs programs. While we recognize that deficit reduction is critical to the economic stability of our country, we believe it is essential that it be done in a fair and balanced manner. Over the past months we have spoken out against cuts that we believed would disproportionately hurt those in most need.

The budget plan passed out of the House Budget Committee would make huge cuts to domestic discretionary programs. These cuts would be extremely harmful both to our social service agencies that are dependent on public funding as well as the vulnerable populations we advocate on behalf of. Programs such as the Older Americans Act, the Social Services Block Grant, the Community Services Block Grant, and the Low Income Heating Energy Assistance Program are critical

to the elderly, refugees, children, and persons with disabilities, and all would likely face severe cuts if this budget proposal is enacted.

We believe that budgets are documents which reflect the values and priorities of those who create them. With the increase in hunger in American households; housing costs rising faster than wages; and more than 45 million Americans lacking adequate health care coverage, funding for social services to assist these individuals is more critical than ever. This budget does not accurately reflect our values.

As you consider the Budget this week, we ask you to oppose this Resolution that will force harmful cuts in education, health care, nutrition, housing, and other services that are critical for children, families, seniors, and people with disabilities.

Sincerely,

Association of Jewish Aging Services of North America.

Association of Jewish Family and Children's Agencies.

B'nai B'rith International.

Hebrew Immigrant Aid Society.

International Association of Jewish Vocational Services.

Jewish Council for Public Affairs.

Jewish Labor Committee.

Jewish War Veterans of the USA.

National Council of Jewish Women.

Union for Reform Judaism.

United Jewish Communities.

Women of Reform Judaism.

Women's American ORT.

Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, later today the Committee on Rules will decide what modifications to the budget bill Congress may consider. In the spirit of the remarks of the gentleman from Florida (Mr. PUTNAM) with respect to how we need to concentrate on research, I want to offer these remarks. I hope that the Rules Committee does not deny this House the opportunity to correct the mistreatment of the National Aeronautics and Space Administration which is occurring in this budget.

□ 1100

I am not as optimistic about this rule, so I rise to draw Members' attention to the underlying issue. NASA's contributions in the field of research, in the field of aeronautics to this Nation and the world are profound. From surveillance systems that monitor aircraft flight paths to the development of secure communications systems, NASA's research has been instrumental in improving our national security.

NASA's research and NASA's aeronautics programs have also contributed substantially to the Nation's economy. Civil aeronautics is the major contributor to this sector's positive balance of trade, more than any other industry. We have a positive balance of trade in aeronautics, and we can attribute that directly to the work of research and development at the National Aeronautics and Space Administration, and this enables a new generation of service based industries, like e-commerce to flourish by performing the research that leads to inexpensive and reliable flights.

Congress recognizes the value of aeronautics, which is why it restored cuts that were proposed in the administration's fiscal year 2006 budget. Once in the CCJS appropriations bill, and again in the NASA reauthorization bill, Congress protected aeronautics with strong bipartisan support bringing funding back to fiscal year 2005 levels. And I am proud to have played a role in that and working with my colleagues on both sides of the aisle in focusing in on the necessity of protecting our ability to do basic research and research which leads to developments in aeronautics.

Now, in spite of this, this administration is proposing an even bigger aeronautics cut, $179 million, or 25 percent of the aeronautics budget they are trying to cut. I mean, if this was farming, it would be like throwing away your seed corn.

This shortfall is a direct result of the administration's consistent and inexplicable failure to fund the very vision for space exploration that it launched. Now, in order to keep this vision alive, NASA is forced to take the money from other essential programs like aeronautics.

About a month ago our colleagues in the Senate passed a budget amendment with four Republican cosponsors that increased funding for aeronautics at fiscal year 2005 levels. I tried to introduce the same amendment with bipartisan support, but it has not been approved by the Rules Committee. We cannot afford to stand by and watch the erosion of research of aeronautics and the erosion of these NASA programs that are connected. If the Rules Committee produces a rule that lets Congress have the ability to focus on protecting NASA's aeronautics research, then we ought to support the rule.

However, if the Rules Committee denies Congress the ability to debate the mistreatment of NASA, then I will ask that we vote ''no.'' And later, at the appropriate time, I will ask my colleagues to urge conferees to agree with the Senate's position on the National Aeronautics and Space Administration. This is about our ability to grow America's future, and vitally connected to that is the work of the National Aeronautics and Space Administration. And let's not forget national aeronautics, aeronautics, aeronautics, research, research, research. Fund it.

Mr. PUTNAM. Mr. Speaker, my colleagues join me in complimenting your selection of neckwear this morning.

I yield 3 minutes to the gentleman from California (Mr. CAMPBELL), one of our newer members of the Budget Committee and a CPA.

Mr. CAMPBELL of California. Mr. Speaker, I have to say the course of this budget debate is somewhat perplexing. My friends on the other side of the aisle here, the Democrats, are consistently railing about the deficit and the evils of the deficit and how bad the deficit is and how big the deficit is, and I confess that I concur. I have problems with this deficit and that we ought to be reducing this deficit.

But it seems like their solution to reducing the deficit is to spend more money. My friends, this is like saying that we have a boat and our boat is sinking, and the way to fix the boat is to punch holes in the bottom of it.

Spending more money does not reduce the deficit. You don't need to be a CPA to know that. You only need second grade math to know that. Spending more money does not reduce the deficit. In the Budget Committee the vast majority of the amendments to the budget offered by the Democrat side were amendments that spent more money.

Now, to be fair, they do propose to close the deficit by raising taxes, and that is their argument and their proposal. But they claim that the tax rate cuts, and I want to point out that they were tax rate cuts, that happened in 2003 have increased the deficit. Except, since those tax rate cuts went into place, the income to the Federal Government, the revenue coming into the Federal Government has increased by an average of nearly 7 percent a year because tax rate cuts stimulate the economy, and tax rate cuts, these particular tax rate cuts, allowed capital to move to where it is best used and it resulted in more revenue. So you can't say that tax rate cuts have worsened the deficit when the revenue has gone up by higher than historic averages since the rates were cut.

Now, this budget that is before us increases spending. That is another thing. You are hearing about all the cuts in this budget and, sure, some things go up and some things go down. But overall it increases spending by 3½ percent. My friends, that is not a cut. An increase of 3½ percent is not a cut.

It spends $2.7 trillion. That ought to be enough to make things work around here, you would think. And it reduces the deficit because the revenue by this stimulated increased economy will go up by more than that 3½ percent.

So this budget does not cut spending. It increases it. It does not increase the deficit. It reduces it. And it does not raise taxes. It maintains the stimulative tax policy that currently exists in our economy.

Mr. McGOVERN. Mr. Speaker, I appreciate the gentleman from California's comments. But I will tell you, most CPAs that fudge the numbers in real life go to jail. And the fact of the matter is in this budget, the numbers are fudged.

$50 billion for Iraq for the next 5 years? Give me a break. You know what is going on. You know what is going on. The bottom line is you are going to be coming back and back and back for more and more money.

Look, the gentleman raised the Democratic budget proposal. Well, let me just elaborate a little bit and suggest that he read it. The Democratic budget proposal would return the budget to balance. We reach balance by the

year 2012, and we also have smaller deficits than the Republican budget and accumulate less debt.

By contrast, the Republican budget never returns to balance and even refuses to show how big the deficit will be after 2011. Our proposal includes fiscally responsible budget enforcement rules. The Democratic budget backs the two-sided pay-as-you-go budget enforcement rule that requires that the cost of any new mandatory spending or revenue legislation be fully offset.

This is the way families operate. They pay as they go. They can't accumulate the debt that you have accumulated. There is no way that families could operate the way the Republican majority has operated here.

During the 1990s, the two-sided PAYGO rules played a critical role in turning record deficits into record surpluses. Do you remember those days?

The Democratic budget also requires a separate vote to increase the debt limit. You used to be concerned about that, but no longer. Now we sneak the increase in the debt limit through without having to put Members on record, and it prohibits using fast track reconciliation procedures to make the deficit even worse.

We invest in education, and we keep our commitment to veterans. I mean, to me one of the most egregious elements of the budget that the Republicans have proposed is that you turn your back on America's veterans. We have sent them to war. There will be more veterans in the future, not less, and you did not put aside the adequate funding to make sure that these men and women who have served our country with great honor get the respect that they have earned and that they deserve.

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

Mr. PUTNAM. Mr. Speaker, I would remind the gentleman of two points. First, spending per veteran and spending for veterans' medical care both have nearly doubled in the last 10 years. I remind the gentleman of that.

Second point, with regard to the procedure around here for changing the debt limit, it is known as the Gephardt rule. The process for adjusting the debt limit was put in place when your team was in charge. So the gentleman takes issue with a process that was invented by his team.

I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I want to say that this Democrat budget alternative is laughable in the extreme. They want to balance the budget on the backs of the taxpayers. They want every American citizen to pay more in taxes next year than they did this year, and they call that rolling back the Bush tax cuts. That is a tax increase, and that is how they want to balance the budget.

On top of that, they don't want to eliminate wasteful government programs. They don't want to look at government programs that have long outlived their usefulness and effectiveness for people. They just want to keep spending, and they want more money for Washington, more money for Washington bureaucrats, more money for Washington government programs. And they do that, and they nod and wink and laugh to themselves that they are balancing the budget. Right.

What we have done, what this Republican Congress has done through President Bush's tax cuts, through the stimulus to the economy, is we have let people keep more of what they earn. And by keeping more of what they earn, they spend, they employ people, the economy grows. And when the economy grows, Mr. Speaker, tax revenues increase with economic growth. With tax increases it stifles economic growth, and in the end the Treasury doesn't net out as much as it would with pro-growth tax policies.

Just this year, Mr. Speaker, tax receipts have gone up 15 percent. Yet the Democrats want more money for Washington bureaucratic programs. Then they scream and hem and haw that we are cutting. We are not cutting, Mr. Speaker. And as a conservative, I believe we should cut. But I think this is a reasonable budget, a reasonable budget that funds much needed national defense and homeland security programs while freezing government spending in other areas. That is not a cut, Mr. Speaker.

Mr. MCGOVERN. Mr. Speaker, I want to go back to the issue of veterans funding again. The gentleman from Florida keeps on bragging about how the Republicans have been so good to our veterans and have increased dramatically veterans funding over the last decade.

First of all, let me just say that I don't know of a single Member of Congress who have gone back to their districts and heard from veterans and people who work in VA facilities and other veterans health benefit facilities that somehow, boy, you have given us all we need. We don't need any more. What you have handed us is enough to meet the demand. I mean, in fact, what you hear is the opposite. And I am going to just say one thing to the gentleman. Over the past 10 years, all this bragging he is doing about increasing the veterans budget, from 1996 to the year 2000, the number of unique patients increased by $2.4 million. And on a per capita basis, veterans health care funding increases average only 0.1 percent per year, a level well below inflation for medical care.

So we are not meeting the current needs of our veterans, and in this budget there is no way we are going to meet the future needs of our veterans when we are creating more veterans because of the wars in Afghanistan and Iraq. Our policies in Iraq and Afghanistan are creating thousands of new veterans. That is an undeniable fact. Thousands of these men and women have been severely injured, and most will need medical services and benefits for the rest of their lives. And even without the influx of this new generation of veterans, the fiscal year 2006 and fiscal year 2007 spending for the VA doesn't even meet the health care needs of our current number of veterans and military retirees. According to every major veterans organization in the country, we are still about $1 billion short each year. But the Republican budget before us actually decreases the discretionary funding for VA benefits and services each and every year over the next 5 years. So FY 2011, just 5 years away, is actually $4 billion less than FY 2006. That is their budget.

So I ask, is this how we honor our troops? Is this how we support them when they come home? I hope not. And I would urge my colleagues to vote ''no'' on this.

I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I am happy to respond to the gentleman's concerns about funding for veterans, and I would remind him again that since 1995 veterans medical care spending has increased from $16 billion to more than $31 billion, an increase of 92 percent. The funding increase for next year, over this one, year-to-year increase is nearly 4 percent, a substantial jump, especially relative to other discretionary programs who will see a tenth of a point cut.

□ 1115

They are getting a 4 percent increase.

We recognize the sacrifices that veterans make. We recognize our lifelong commitment to them for the sacrifices that they have made and continue to make. This budget builds on that strong foundation. It accommodates general veterans funding at $75 billion, and it is $800 million above even what the President requested. This Congress is meeting the needs of America's veterans. In addition to increasing over the President's request, it does not increase the fees that were called for in his request.

Frequently on this floor we get sucked into these debates based on what the President's proposal is, and that is not the document that we are debating here this morning. This is the House budget. In fact, in the budget markup, we had an opportunity to vote on the President's budget, and we chose to go a different path with the document that this House is producing.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman for his comments. Again, I would simply say that the spending he is bragging about for the last 10 years didn't even keep up with inflation.

But putting that aside, let's talk about the next 5 years. Let's talk about your budget, the budget you have. I have got the numbers here. In fiscal year 2007, it goes up by $2.6 billion.

Then in fiscal year 2008, you go down by $100 billion. In fiscal year 2009, you go down by $1.4 billion. And in fiscal year 2010, you go down by $3.1 billion. And then in fiscal 2011, you go down by $4 billion.

And I would just remind the gentleman, maybe he has not been reading the newspapers lately, but we are at war in Afghanistan and Iraq. Thousands of new veterans are going to come into this system. And your budget shortchanges not only them, it doesn't even meet the needs of the current veterans. So from the veterans' perspective, this budget is deeply flawed. I think it shows a disrespect for the service of those men and women whom we have sent over to fight for our country. We owe them more than this.

And I would urge my colleagues if you want to support veterans, this is not the way to do it. This is the place you take a stand. You say no to this budget, send them back, and let them do what is right by our veterans. There is no way we should be shortchanging our veterans, and this budget does that.

Mr. Speaker, I would at this time like to submit into the RECORD a letter from the Interreligous Working Group on Domestic Human Needs, representing the major Protestant and Catholic churches and faith organizations. They state that ''as communities of faith . . . we are called upon to hold ourselves and our communities accountable to the moral standard of our Biblical tradition. We speak together now to express our concern about our national priorities.'' The letter is called a ''Faith Reflection on the Federal Budget,'' and it opposes what is before us today.

INTERRELIGIOUS WORKING GROUP ON DOMESTIC HUMAN NEEDS

A FAITH REFLECTION ON THE FEDERAL BUDGET

As communities of faith, we are grounded in a shared tradition of justice and compassion, and we are called upon to hold ourselves and our communities accountable to the moral standard of our Biblical tradition. We speak together now to express our concern about our national priorities.

In the year that has passed since this reflection was originally written, this concern has deepened as we have watched poverty, food insecurity, and the number of people without health insurance climb for the fourth year in a row. Across the country, churches and faith-based organizations who care for our most vulnerable people are straining under increased demand for services due to cuts in federal funding for critical safety net programs. Devastating hurricanes have underscored real problems of racism and inequality in our country and along the Gulf Coast, and scattered throughout the country survivors are struggling to provide for their families while waiting for the bold action that has yet to materialize from our national leaders.

These circumstances make it necessary to even more closely examine our government's decisions, particularly those concerning the budget, through a moral lens. The federal budget remains a fundamental statement of who we are as a nation. The choices we make about how we generate revenues and spend our shared resources reveal our true allegiance. As people of faith we must continue to ask: Do these choices uphold values that will strengthen our life together as a nation and as part of the global community?

We offer this reflection as a starting point for such a dialogue and to make clear the values to which we hold ourselves and our nation accountable.

Community and the common good

''But seek the welfare of the city where I have sent you . . . and pray to the Lord on its behalf, for in its welfare you will have your welfare'' (Jeremiah 29:7, NRSV).

Our nation's well-being is dependent on the well-being of all its members. In order to form a more perfect union, the preamble to the U.S. Constitution commits this nation to promoting the general welfare. In faith language we would call that the ''common good.'' The budget should reflect a commitment to the common good by ensuring that the basic needs of all members of society are met. At this time, when Gulf Coast communities are still struggling to recover from last year's hurricanes, when nearly 46 million Americans are uninsured, 37 million live in poverty and one in five children lives in a household experiencing food insecurity, additional cuts to critical human needs programs cannot be justified.

Investments in education, job training, work supports, health care, housing, food assistance and environmental protection strengthen families and communities and promote opportunity for all. These should be budget priorities.

Budget decisions must be evaluated not just in the short term, but with respect to their long-term effects on our children's children, the global community and on all of creation.

Concern for those who are poor and vulnerable

''Give the king your justice, O God . . . May he judge your people with righteousness, and your poor with justice . . . . May he defend the cause of the poor of the people and give deliverance to the needy (Psalm 72: 1–4, NRSV).

As a nation we have a special responsibility to care for the most vulnerable members of society. All budget decisions and administrative procedures must be judged by their impact on children, low-income families, the elderly, people with disabilities and other vulnerable populations.

Whatever one's position on the war in Iraq or on the tax cuts, these policies are driving the deficit. Attempting to pay off the deficit by cutting programs that affect needy populations, when these programs did not lead to the deficit, is unjust.

Economic justice

''Woe to those who make unjust laws, to those who issue oppressive decrees, to deprive the poor of their rights and withhold justice from the oppressed of my people'' (Isaiah 10:1–2, NIV).

God has created a world of sufficiency for all; the problem is not the lack of natural and economic resources, but how they are shared, distributed and made accessible within society and throughout the world.

Our government should be a tool to correct inequalities, not a means of institutionalizing them. The federal budget should share the burdens of taxation, according to one's ability to pay, and distribute government resources fairly to create opportunity for all.

Endorsing organizations

National: American Baptist Churches USA; American Friends Service Committee; Bread for the World; Call to Renewal; Central Conference of American Rabbis; Church of the Brethren Witness/Washington Office; Church Women United; Conference of Major Superiors of Men; The Episcopal Church; Evangelical Lutheran Church in America; Friends Committee on National Legislation; Institute Justice Team—Sisters of Mercy of the Americas; Jesuit Conference USA; Jewish Council for Public Affairs.

Leadership Conference of Women Religious; Maryknoll Office for Global Concerns; Mennonite Central Committee U.S. Washington Office; National Advocacy Center of the Sisters of the Good Shepherd; National Council of Churches of Christ in the USA; NCCC Justice for Women Working Group; NETWORK, A National Catholic Social Justice Lobby; Pax Christi USA; Presbyterian Church (U.S.A.) Washington Office; Union for Reform Judaism; Unitarian Universalist Association of Congregations; United Church of Christ Justice & Witness Ministries; The United Methodist Church—General Board of Church and Society; Women of Reform Judaism.

State and Local: Arizona—Lutheran Advocacy Ministry in Arizona. California—Lutheran Office of Public Policy—California; Pacific Central West Region of Union for Reform Judaism; Sisters of the Good Shepherd, San Francisco. Colorado—Lutheran Advocacy Ministry—Colorado. Delaware—Lutheran Office on Public Policy, Delaware. Florida—Union for Reform Judaism—Southeast Council. Illinois—Lutheran Network for Justice Advocacy; Lutheran Social Services of Illinois; Protestants for the Common Good. Minnesota—Institute for Welcoming Resources; Minnesota Council of Churches. Missouri—Sisters of the Good Shepherd—St. Louis, MO.

New Jersey—Church and Society Committee, Sparta United Methodist Church (Sparta, NJ); The Crisis Ministry of Princeton and Trenton; Family Promise; Lutheran Office of Governmental Ministry in New Jersey; Union for Reform Judaism, New Jersey-West Hudson Valley Council. New Mexico—ELCA-Lutheran Office of Governmental Ministry-New Mexico. Ohio—Union for Reform Judaism, Northeast Lakes Council/Detroit Federation. Pennsylvania—Roots of Promise/Thomas Merton Center; Social Action Committee at the Lutheran Theological Seminary in Gettysburg. Washington—Washington Association of Churches; Lutheran Public Policy Office of Washington State. Wisconsin—Lutheran Office for Public Policy in Wisconsin.

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

Mr. PUTNAM. Mr. Speaker, perhaps in the gentleman's stack of letters that we are entering into the RECORD, he could find the thank you notes from the veterans who thank us for finally, after decades of inactivity under the previous leadership, acting on concurrent receipts giving veterans what they need; doubling funding for veterans in 10 years; a 4 percent increase next year over this.

We budget year to year, and the gentleman knows it. Every year this majority has come through for our veterans. Every year we have been there, and we will continue to be there for America's veterans.

Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. SESSIONS), my good friend from the Rules Committee and the Budget Committee.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman, my friend from Florida and the Rules Committee, Mr. PUTNAM, the chairman of our policy committee

here in the House Republican Conference.

Mr. Speaker, I rise today in strong support of the rule for this budget resolution, which strikes a delicate balance between fully funding our priorities and exercising restraint of spending.

Mr. Speaker, already we have heard the debate and the dialogue here. I have known this a long time. Every Member of Congress understands this: needs outpace resources. It has always been that way. That is why we have a Budget Committee. That is why we have Mr. PUTNAM here on the floor today and other Members who are going to say, golly, we could spend as much money as we really wanted if we could come to some resolution of how much was enough. But the fact of the matter is that the insatiable appetites that continue to be fed in this House and in this government for more and more and more spending will not be ever satisfied; so we have to strike that balance.

We know that we have had devastating challenges that have faced this country, terrorists attacks of 9/11, Hurricanes Katrina and Rita, and yet our economy has demonstrated strength and resiliency. It is Republicans who come to the floor of the House of Representatives in the majority and every year defend what we do. And, Mr. Speaker, I want to tell you that I am proud of what we did last year for this year and what we are doing proudly to make sure next year will work properly, we are doing this year.

This last year our economy grew at an impressive rate of 3.5 percent. The greatest, most vibrant economy that is in the world that we know today from a G–8 country. This was no accident, but it came as the direct result of Congress's planning, planning for growth and tax relief, planning for giving Americans more of their own money, and planning to make sure that we had investment that was made here in America.

Since comprehensive tax relief was passed in 2003, 5 million new jobs have been created. At just 4.8 percent, the unemployment rate remains at the historically low figure, below the averages of the 1970s, the 1980s, and the 1990s. This rapid economic growth has also generated rapid Federal tax growth.

We are pro-growth Republicans. We do not want to run a deficit. But we must make sure that we look at both sides of the equation, that is, growing the economy as well as being careful by what we spend.

Treasury figures show our booming tax receipts grew by 14.5 percent in 2005, the fastest pace in 25 years. However, on the flip side, Mr. Speaker, since 2001 our government has expanded in spending by 45 percent. We are saying with last year's budget this spending spree has got to end. And that is what we did last year for this year and what we are going to do this year for next year.

JIM NUSSLE, the chairman of the Budget Committee, has led this House to an important conclusion, and that is what Mr. PUTNAM is here selling to the Members today, and that is we are not about politics in this budget. It is about structure. It is about saying how much money we are going to make available and then we are going to let other important committees, our appropriators, be able to understand where the present needs are, and then we are going to give them the authority to go and spend the money based on priorities.

This is the right way to run the railroad, Mr. Speaker. This is the right way to do things. But we must have the responsibility by passing a responsible bill, or this House will fall to the whims of every single person who wants their own special project to be passed. Spending will be out of control.

So I urge my colleagues to recognize and understand that the process that the Budget Committee has been going through has been very important, and it has produced a winner. It has produced the ability that we have in a framework to put the needs and priorities into balance for this United States Congress.

Mr. Speaker, I am proud of what we have done. I am proud of what Mr. PUTNAM supports today. I urge my colleagues to support this rule and the budget.

Mr. MCGOVERN. Mr. Speaker, let me just respond to the gentleman from Texas, my colleague on the Rules Committee. He says he is proud of this budget. Quite frankly, I am ashamed that this budget is coming out of this Congress with the cuts that are contained in this budget that I think are going to hurt working families and also be devastating for our veterans.

I want to point out to my colleagues on the other side that in 1995 the VA treated 2.6 million people. Last year it was 5.4 million people. And that number is going to go up and up and up. And yet in this budget, we see over the next few years a $4 billion cut. That to me makes absolutely no sense. We know that the demand on the VA is going to become greater and greater, and yet we are deliberately shortchanging veterans health and veterans benefits. We know what the future is going to hold, but we are fudging the numbers here. I think that that is not only irresponsible but, Mr. Speaker, it is dishonest.

The gentleman from Texas talked about planning. Well, boy, the planning that the Republicans have done here has just led to such great success. We have the biggest deficits in the history of the United States of America. Boy, that is great planning. More of our debt is owned by foreign countries than at any other time in our history. I don't know too many people who feel good about that.

Your planning has done such a great job that, quite frankly, it is pushing our country towards bankruptcy.

And he talked about the insatiable appetite of people who want to spend money. Look, I am all for fiscal restraint. We want to pay as you go. We want to make sure that every new program that we talk about, every new revenue initiative that we talk about is paid for. That is the way families do it. That is not the case with Republicans.

But when you talk about insatiable appetite, I can't help but think of your energy bill, which provides these incredible tax breaks and subsidies to oil companies that have never made more profits than they are right now, that are gouging American taxpayers at the pump, and you are giving them billions of dollars. Talk about insatiable appetite. Or the drug companies that can't provide our senior citizens a decent cost for prescription drugs and you are sending more and more subsidies and tax breaks and liability protections to these industries that, quite frankly, need to respect our citizens more.

So that is the kind of insatiable appetite that has gotten us into this mess, and we have had enough of it. We need new priorities; and I hope that my colleagues, again, will turn down this budget.

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

Mr. PUTNAM. Mr. Speaker, I would remind my friend from Massachusetts in the conversation about insatiable appetites that nearly every amendment offered by the Democratic minority on the Budget Committee spent more money. There was no amendment offered by the Democratic minority that changed the Tax Code in any way. In previous years they had sought to raise taxes. They have learned that lesson, that it does not fly with small business men and women across the America, that it is not particularly popular, and it is terrible economic policy to raise taxes. So they dropped that. But nearly every amendment offered in the committee markup was to spend more money and to pay for it using the mythical potential of what is called the ''tax gap,'' which is the difference between taxes owed and taxes collected. That is money that may or may not appear based on an aggressive IRS. That was their pay-for to feed their insatiable appetite for more spending.

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

Mr. MCGOVERN. Mr. Speaker, let me just point out to the gentleman, in case he has not read it, the Democratic proposal actually balances the budget by 2012, which is something that the Republican budget does not do.

What we have a problem with is giving tax breaks to Donald Trump at a time when you are shortchanging veterans. We think those are misplaced priorities.

At this point I would like to yield 2 minutes to the gentleman from Florida (Mr. HASTINGS), my colleague on the Rules Committee.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my colleague from

Massachusetts on the Rules Committee for yielding.

I heard my colleague from Florida (Mr. PUTNAM) talk about it being terrible economic policy. I am curious, does that mean terrible economic policy to balance the budget?

I also heard you in your comments say that the Democrats' budget is mythical. Well, let me tell you what is not mythical. When you make bad deficits worse, that simply is not mythical. The Republican budget resolution has no plan to bring the budget back to balance and, in fact, makes the deficit $410 billion over 5 years, compared to current deficit estimates.

□ 1130

It calls for a mounting legacy of debt.

Since this administration took office, it has requested and the Congress has provided four increases in the statutory debt ceiling totaling $3 trillion. Under this budget as proposed by the Republicans, the statutory debt by the year 2011, footnote there, the baby boomers hit at 2009, the statutory debt will increase by another $2.3 trillion, for a total increase of $5.3 trillion. It will leave the statutory debt at a record level of $11.3 trillion. What part of that is mythical? What we are talking about is something that is going to destroy the economic base of this country.

This budget that the Democrats propose makes sure that this budget comes into balance. It does not cut, as does the Republican budget, funds for public health programs. It does not cut new money for transitional Medicaid assistance. The Republicans cut low-wage workers and vulnerable families. They cut nutrition assistance. They slash education, education, by $2.2 billion. They cut veterans care by $8.6 billion. It cuts budget functions that fund homeland security.

I am curious, what is the myth that you would perpetuate upon the public when we are about to go down the drain?

Mr. PUTNAM. Mr. Speaker, the myth is this: in your plan, you assume that the $200 billion tax gap will magically appear tomorrow. If we knew where the $200 billion was, we would find it now. You assume that the $200 billion in uncollected taxes are available to be collected and then be spent under your budget plan the day your proposal passes. It wouldn't be uncollected if we knew where it was. It wouldn't be uncollected if we could go get it. Somebody has to go hassle these people to pay their taxes.

That is the myth. Does it need to be done? Absolutely. Should we close it? Absolutely. But that is a crap shoot. You will not have 100 percent collections of all income taxes due by the day that your bill passes, if it were to pass tomorrow. That is the myth.

You point out that our deficit is different than the CBO baseline. You are correct. The CBO baseline assumes, and your budget assumes, that you will allow the tax reforms that passed in 2001 and 2003 to expire. So capital gains taxes go up; dividend taxes go up; taxes on middle-income brackets go up; the 10 percent bracket disappears; AMT relief, no action.

You allow those things to expire. The CBO assumes those things will expire. We assume they will stay in place because we believe that those are the drivers of the economic engine that is giving this country 4.8 percent unemployment, which is lower than the average of the 1970s, the 1980s and the 1990s. It is what allows this government to collect 15 percent more revenues, more money from the taxpayers this year than last year, even though the tax rate is lower.

That is the difference. That is the myth. That is the problem with the competing budgets as ours stacks up against yours.

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

Mr. McGOVERN. Mr. Speaker, let me just close by saying there are numerous reasons to oppose this budget. Education funding goes down, health care funding goes down, environmental protection money goes down, and I go on and on and on. But what particularly I find astounding is the way our veterans are being disrespected in this budget.

The gentleman mentioned before all these veterans groups that are thanking him for what they are doing. The fact of the matter is, I am hearing the opposite from every major veterans organization in this country. I have a letter here from the Disabled Veterans of America asking us to end the cycle of the constant cutting of benefits, that people right now are waiting in lines. And we have more veterans that are going to be produced as a result of this war in Iraq and Afghanistan.

I have been to Iraq, and I have seen those men and women serving our country. I have a disagreement with our policy, but they are doing an incredible job. And you on the majority are doing a disservice to these veterans by not providing the necessary funding not only to meet the needs of the veterans that currently exist, but you don't even account for the veterans, the thousands of veterans, that will be produced as a result of this war. It is wrong, it is immoral for us to pass a budget that doesn't respect our veterans.

Vote ''no'' on this budget. Vote ''yes'' for the Spratt substitute.

Mr. PUTNAM. Mr. Speaker, it has been a good debate. We have 4 more hours to go. We need to pass this rule.

The gentleman has grabbed the veterans issue by the horns, and appropriately so. We will stand by our veterans funding. It is a 4 percent increase in an era when the rest of the budget is assumed to be reduced by a tenth of a point.

This is a two-step process, and the gentleman knows it. The budget lays out the fences, the appropriations process decides what is spent within those fences. We have doubled spending per veteran, not spending on veterans, spending per veteran in the last 10 years. We have doubled spending on veterans medical care. These are issues that are hugely important.

I am proud of the way this debate has been conducted, because this budget lays out the competing visions for America, one that inspires economic growth through sensible tax policies, and one that wants to spend, spend, and spend some more based on the myth of the tax gap collections that would miraculously appear tomorrow under the Democrats' proposal.

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

The SPEAKER pro tempore (Mr. BONILLA). The question is on ordering the previous question.

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

Mr. McGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 226, nays 199, not voting 7, as follows:

[Roll No. 91]

YEAS—226

Aderholt	Chocola	Gingrey
Akin	Coble	Gohmert
Alexander	Cole (OK)	Goode
Bachus	Conaway	Goodlatte
Baker	Cubin	Granger
Barrett (SC)	Culberson	Graves
Bartlett (MD)	Davis (KY)	Green (WI)
Barton (TX)	Davis, Jo Ann	Gutknecht
Bass	Davis, Tom	Hall
Beauprez	Deal (GA)	Harris
Biggert	DeLay	Hart
Bilirakis	Dent	Hastings (WA)
Bishop (UT)	Diaz-Balart, L.	Hayworth
Blackburn	Diaz-Balart, M.	Hefley
Blunt	Doolittle	Hensarling
Boehlert	Drake	Herger
Boehner	Dreier	Hobson
Bonilla	Duncan	Hoekstra
Bonner	Ehlers	Hostettler
Bono	Emerson	Hulshof
Boozman	English (PA)	Hunter
Boustany	Everett	Hyde
Bradley (NH)	Feeney	Inglis (SC)
Brady (TX)	Ferguson	Issa
Brown (SC)	Fitzpatrick (PA)	Istook
Brown-Waite, Ginny	Flake	Jenkins
	Foley	Jindal
Burgess	Forbes	Johnson (CT)
Burton (IN)	Fortenberry	Johnson (IL)
Buyer	Fossella	Johnson, Sam
Calvert	Foxx	Jones (NC)
Camp (MI)	Franks (AZ)	Keller
Campbell (CA)	Frelinghuysen	Kelly
Cannon	Gallegly	Kennedy (MN)
Cantor	Garrett (NJ)	King (IA)
Capito	Gerlach	King (NY)
Carter	Gibbons	Kingston
Castle	Gilchrest	Kirk
Chabot	Gillmor	Kline

Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (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—199

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

NOT VOTING—7

Crenshaw
Evans
Hayes
Price (GA)
Smith (NJ)
Tanner
Watson

□ 1159

Messrs. McDERMOTT, RUPPERSBERGER, FORD and KENNEDY of Rhode Island changed their vote from ''yea'' to ''nay.''

Mr. LEWIS of California and Mr. HALL changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 196, not voting 11, as follows:

[Roll No. 92]

AYES—225

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
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)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson (IL)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (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)

NOES—196

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

NOT VOTING—11

Ackerman	Hayes	Smith (NJ)
Crenshaw	Latham	Tanner
Evans	Lewis (GA)	Watson
Gohmert	Price (GA)	

□ 1206

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LATHAM. Mr. Speaker, on rollcall No. 92. I was inadvertently detained. Had I been present, I would have voted "yes."

EXPRESSING SINCERE REGRET ABOUT ENCOUNTER WITH CAPITOL HILL POLICE

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

Ms. MCKINNEY. Mr. Speaker, I come before this body to personally express again my sincere regret about the encounter with the Capitol Hill Police.

I appreciate my colleagues who are standing with me, who love this institution and who love this country.

There should not have been any physical contact in this incident.

I have always supported law enforcement and will be voting for H. Res. 756 expressing my gratitude and appreciation for the professionalism and dedication of the men and women of the U.S. Capitol Police.

I am sorry that this misunderstanding happened at all, I regret its escalation, and I apologize.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 376, which the House is about to consider.

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

There was no objection.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2007

The SPEAKER pro tempore. Pursuant to House Resolution 766 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution, H. Con. Res. 376.

□ 1209

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 376) establishing the congressional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011, with Mr. TERRY in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. Pursuant to the rule, the concurrent resolution is considered read the first time.

General debate shall not exceed 4 hours, with 3 hours confined to the congressional budget, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, and 1 hour on the subject of economic goals and policies, equally divided and controlled by the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from New York (Mrs. MALONEY).

The gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from New York (Mrs. MALONEY) each will control 30 minutes on the subject of economic goals and policies.

The Chair recognizes the gentleman from New Jersey.

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

As you just indicated, the first hour of this budget debate has been set aside pursuant to the Humphrey-Hawkins section of the Budget Act. Under the rule, the Joint Economic Committee will have this hour evenly divided on two sides.

According to most neutral observers, including the Federal Reserve, and a consensus of private economists, the current economic expansion is quite healthy. That is good news. Indeed, if anything, there seems to be a little concern in most quarters that the economy may be growing too fast, a concern that I do not share.

The U.S. economy grew 4 percent in 2004 and advanced at a rate of about 3.5 percent in 2005. The growth rate in the first quarter of 2006 is expected to be very robust, probably over 4 percent, consistent with the trend of strong growth seen since 2003.

The improvement in economic growth is reflected in other economic figures as well. Let me name a few.

Since August of 2003, business payrolls have increased by 5 million jobs. The unemployment rate has declined to 4.8 percent. Consumer spending continues to grow. Homeownership has hit record highs. Household net worth has also reached a record high. Productivity growth continues at a healthy pace. Long-run inflation pressures appear to be contained. Long-term interest rates, including mortgage rates, are still relatively low, although somewhat higher than what they had been previously. The resilience and flexibility of the economy have overcome a number of serious shocks, most recently the hurricanes of last year. Equipment and software investment have been strong over this period. However, with somewhat higher mortgage rates, the housing sector is slowing, although it appears that a soft landing is most likely. It is clear that the Federal Reserve remains poised to keep inflation under control.

In a recent policy report to Congress, the Fed noted that the U.S. economy delivered a solid performance in 2005. Furthermore, the Fed observed that "the U.S. economy should continue to perform well in 2006 and 2007." The Fed, along with a number of private economists and government agencies, expects that economic growth in 2006 will be about 3.5 percent, still very healthy growth. This economic growth will continue to expand employment and further reduce unemployment.

In summary, overall economic conditions remain positive. The U.S. economy has displayed remarkable flexibility and resilience in dealing with the many shocks, including terrorist attacks and weather effects.

The administration forecast for economic growth in 2006 is comparable with those of the blue chip consensus and the Federal Reserve. With growth expected to be about 3.5 percent in 2006, the current economic situation is solid and the outlook remains favorable.

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

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

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

Mrs. MALONEY. Mr. Chairman, I am pleased to speak in the time reserved by the Budget Act for discussion of economic goals and policies and traditionally led by members of the Joint Economic Committee.

If you listen to the President and his supporters on the other side of the aisle, you get a very upbeat assessment of the American economy; but if you listen to the American people, you get a very different assessment.

□ 1215

The President likes to talk about how fast the economy is growing and how successful his policies have been in stimulating an economic recovery from the 2001 recession. But the American people are saying, what economic recovery, and when am I going to see the benefits from this President's economic policies in my take-home pay, in my pocket?

Mr. Chairman, we should listen to the American people and we should adopt economic policies that promote the economic well-being of all Americans, not just those at the very top of the economic ladder. The President's fiscal year 2007 budget and the House budget resolution do not do that.

Instead, they continue economic policies that have produced a legacy of deficits and debt, that leaves us unprepared to deal with the budget challenges posed by the retirement of the baby boom generation and that weakens the future standard of living of our children and grandchildren.

This administration has set a series of records, only they are the wrong kind of records. They have raised the debt ceiling four times. It is now over

$8 trillion. Every man, woman and child in America now owes at least $28,000 of that debt, and we have had the largest deficit and trade deficit in the history of this country.

This chart shows how the President inherited a budget situation with large surpluses, but we have ended up with a string of large deficits. Economic policy over the last 5 years has not served the interest of the typical American working family. The resilience of the American economy has allowed it to recover from the 2001 recession, but we are still experiencing the labor market effects of the most protracted job slump in decades.

Job creation has lagged far behind what is typical in a strong economic recovery. There is still evidence of hidden unemployment, and the benefits of productivity and productivity growth have been showing up in the bottom lines of companies rather than in the paychecks of American workers.

Finally, and very disturbingly, there is a growing gap between the ''haves'' and the ''have-nots'' in this country as income and earnings disparities have widened. This is a very troubling trend. Yes, workers have become more productive. They produce more and more in each hour that they work. But they have not been getting rewarded for their productivity.

Average hourly earnings have not kept up with inflation, and they barely kept up even before that. Median family income has failed to keep up with inflation every year that President Bush has held office. Those who are already well-to-do are doing very well in the Bush economy. But the typical, hard-working American family is struggling to make ends meet in the face of high costs for energy, health care, and a college education for their children.

This chart illustrates the problem very clearly. The red bar shows the growth in the inflation-adjusted usual weekly earnings of full-time wage and salaried workers under President Bush at different points in the earnings distribution. You have to be in the upper half of the distribution to have seen any gain. Earnings at the top have grown fastest relative to inflation and earnings at the bottom have fallen farthest behind inflation.

I would note the contrast with the last 5 years of the Clinton administration, which is the blue bars, when earning gains were strong and spread throughout the earnings distribution. They spread the wealth. They shared the wealth. The budget we are debating today does not address any of these problems. In fact, it makes matters worse.

An analysis by the Democratic staff of the Joint Economic Committee shows that budget cuts in programs that provide payments for individuals are concentrated among lower income families, while the tax cuts go overwhelmingly to those at the top of the income distribution. The blue bars on this chart show that more than a third of the cost for spending cuts go to families in the bottom 20 percent of the distribution, families that together have only 3 percent of aggregate income. Meanwhile, those at the top get nearly three-quarters of the benefits from the tax cuts in this budget, as shown by the red bars in this chart.

With policies that have turned a $5.6 trillion 10-year budget surplus into a deficit over those same 10 years of at least $2.7 trillion, this administration has turned us into a nation of debtors, relying on the rest of the world to finance our budget deficits and the rest of our excessive spending.

Last year, we had a current account trade deficit of over $805 billion, the largest in the history of this country, the largest in the world. That is the amount of money we had to borrow from the rest of the world to finance our trade deficit and international payment imbalance. Foreign governments are holding large quantities of our public debt, putting us at risk of a major international financial crisis if they should decide the benefits of holding dollars are no longer worth that risk.

Mr. Chairman, our future prosperity depends on increasing our national savings and making wise investments. It depends on being ready for the retirement of the baby boom generation and the pressure we know that will be put on the budget with their retirement. But how is the other side preparing us for that future? With more deficits and more debt, the largest in the history of our country.

They want to make the tax cuts that have gotten us into this mess permanent, and they have no realistic plan for controlling spending or bringing revenues into line with the amount we need to spend to defend the country and take care of the needs of our citizens. This is the wrong direction that we are going in. We need a better plan.

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

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from northwestern Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. I want to thank the gentleman for yielding, and I think the time has come, particularly after the last speech, for a reality check here.

What we have seen since the 1990s is that the key to balancing the budget is economic growth and pro-growth tax policies. That is what our budget resolution stands for and what our budget resolution promises to preserve. In the 1990s, when we balanced the budget, and I might add we balanced the budget because we had a Republican Congress committed to fiscal austerity, we were able, through controlling spending, to allow the growth in the economy to overcome a budget deficit that the other party, frankly, couldn't deal with when they were in the majority.

By putting in place pro-growth economic policies in 2003, this Congress laid the groundwork for an economic recovery which has generated unprecedented revenues and, in generating those revenues, has steadily brought down the deficit and brought it within reach of control.

Now, I will be the first to admit this budget document does not fully account for the cost of war. It doesn't account for the cost of some of our recent national disasters. Those have always been treated as one-time expenses, and appropriately so. But our underlying deficit, in my view, is being dealt with in this budget in the most direct and credible way, and that is through restraining spending and allowing us to maintain in place pro-growth tax policies.

Now, what the other side doesn't tell you, and what they are really hot for, is that they want to see a tax increase. They want to see us forced to raise tax rates above those contemplated in our 2003 tax policy. Our existing tax policy, as then Chairman Greenspan conceded, has been critical in growing the economy; growing the economy last year at a rate of 3.5 percent, the envy of the industrialized world; growing our economy in a way that allows us to find new revenues even as we create wealth and we create jobs.

Now, Mr. Chairman, I will be the first to concede that in congressional districts like mine in northwestern Pennsylvania we have seen the downside. We have seen an economy that has lagged behind the national economy. We have seen the effects of unfair trade. We have seen job losses that haven't fully been recovered, particularly in the manufacturing sector. But the solution is a growing economy.

And what this budget resolution promises is that we will be able to maintain the tax policies that have produced the growth even as we curb spending and show fiscal restraint. In the process we are in a position to set up this country to escape from the budget deficit, to lower national debt as a proportion of the national economy, and, over time, position ourselves to hand to the next generation a prosperous America.

This budget resolution is critical to the long-term economic health of our country, and it is based on a philosophy of pursuing pro-growth policies that allow us to generate the revenue that we need. The other side, by pushing us towards policies that would raise taxes and ultimately take more resources out of the economy, I think threatens that growth and threatens that recovery.

Ultimately, I believe, there is a clear contrast here, one in which I am very proud to stand on the side of growth and opportunity.

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

Mrs. MALONEY. Mr. Chairman, I yield to my distinguished colleague from the Joint Economic Committee and from the great State of New York, MAURICE HINCHEY, such time as he may consume.

Mr. HINCHEY. Mr. Chairman, I thank very much my colleague from the State of New York, our ranking Democrat on the Joint Economic Committee, for her leadership here and for yielding me this time.

This debate in which we are engaged in this afternoon is a critically important one for the future of the American economy. As my colleague Mrs. MALONEY pointed out just a few moments ago, we are currently facing the largest budget deficits in the history of our country. According to the budget resolution itself, this burgeoning budget deficit will grow by $372 billion just over the course of the next fiscal year. Many people regard that number as conservative.

Many people who are analyzing the economic circumstances that we are confronting as a result of the incompetent budget policies of the Republican Party here in the Congress estimate that this budget deficit can be substantially more than $400 billion. In any case, even if it is only $372 billion, that sets another record. Now, maybe they are proud of the record that they are setting, and that seems to be the case based upon what we have just heard.

In addition to the record budget deficit this year, we are also facing record debt. The national debt has now grown to more than $8 trillion, and the majority party here in the Congress very, very quietly, under cover, raised the debt ceiling to almost $9 trillion.

□ 1230

This majority party is the biggest borrow-and-spend operation that we have ever seen in the United States of America, totally and completely irresponsible in their approach to dealing with the American people's money. As a result of that, the economic circumstances that we are confronting are becoming increasingly difficult.

A major portion of their failures has been their approach to the tax system. We just heard my friend and colleague on the other side of the aisle say that the Democrats are in favor of a tax increase. That is completely fraudulent. It is another part of the propagandistic approach that the majority party has taken to dealing with these most significant issues in which we are presently engaged.

We are not in favor of tax increases; we are in favor of reducing the irresponsible tax reductions that the Republicans have engaged in over the course of the last 5 years. Those tax reductions have benefited primarily the wealthiest 1 percent of the population of America.

Let me give an example of that. If you are a person making $10 million a year, if that is what you made last year, $10 million, the effect of the tax cuts on your budget is very, very significant. When you factor in the deductions and investment approach, you find that your taxes have fallen by $1 million. Your taxes have fallen by $1 million if you are making $10 million a year. That is what they have done. They have cut taxes for the very wealthiest people, and they are increasing the budget deficit that is going to have to be paid back by the vast majority of working people in this country, this generation and future generations.

This is the borrow-and-spend approach to governance that the Republican Party in this House has put forward and which they continue to advance in the context of this budget resolution.

What has been the effect of all this on the average American? What we have seen is that wages and salaries of the working people of our country have risen at their lowest rate since 1981. And I am talking about over the last 5 years. They have risen at their lowest rate since 1981. When you look at what has been happening in the last 2 years, you find that wages and salaries have actually been in decline. People are seeing their wages and salaries, when you take into effect inflation, actually going down.

So if you are a wealthy person, the Republicans are taking very good care of you. If you are an average American working for wages and salaries, you are finding your situation in desperate shape. So this budget resolution is another failure on the part of the majority party in America. They are creating deeper deficits for us. They are putting us into deeper and deeper debt. Their approach to taxation has been for the rich and against the working class; and in an economy which is based upon demand, it is forcing that economy down, and we are seeing it broadly all across the American economy, losing manufacturing jobs at record rates. All of that is as a result of the economic policies that have been put forth by the majority party here in the House of Representatives.

So the point we are making right here now is once again we have a budget resolution on the floor of this House which is incompetent and irresponsible, which is going to mean higher taxation in the future for the average working families in our country while it cuts taxes for the wealthiest and most privileged and while it increases the national debt.

They talk about the economy growing. We have had an economy that has experienced the most stimulation, both monetary policy stimulation and fiscal policy stimulation, in the history of the country. The lowest interest rates and huge amounts of spending have increased the national debt. That is the situation we are confronting here today, and that is why this budget resolution needs to be defeated.

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

It seems like there must be an election coming to hear some of the rhetoric here on the floor which actually defies reality. Let me try and explain to those who are at least open-minded about the situation what has happened with our economy over the past 5 or 6 years.

We all remember during the late 1990s we had very robust growth in the stock market. Things were perking along at a rate that most economists at the time thought was an exuberant time when investments were being made for reasons other than perhaps good, solid rationale.

In the third quarter of 2000, the economy began to get soft and in the last quarter of 2000 it did even worse. As we look at the reasons for that, there were a number of economists who concluded different things. One thing became clear, and that was investment was not being made and that something needed to be done.

This chart to my left is a chart which shows fixed private, nonresidential investment, in other words, investment in things that would be productive in our economy. As we look at what happened as we began to move through 2001 and 2002, these bars that drop below the line show there was negative investment. People were not investing in productive things; and as a result of that, the economy was not doing well.

The administration proposed a fix, and that fix was to do things here in the House of Representatives and in the Senate and through the administration that would encourage the American investor to reengage in investing in productive things. And so in 2003 the House of Representatives and the Senate collectively, together, passed some tax cuts to encourage investment. And those tax cuts, which were temporary in nature which we continue to talk about making permanent, had the desired effect.

If we look at this chart and look at when the negative investment ended and positive investment started, it happens to be after those tax cuts went into effect. As a result of reducing the percentage of taxes paid on dividend gains and as a result of tax cuts on capital gains, we see beginning in 2003 and through 2004 and through 2005 and projected to continue by the Fed and by other blue chip economists and blue chip forecasts, we are expecting to see that growth continue through 2006 and 2007. As a matter of fact, we had 4 percent growth in 2004; 3.5 percent growth in 2005; and in the first quarter of 2006, we saw 4 percent growth continue. This is good news for not only the American investor; it is also good news for others in the workforce and in the economy.

Here is what happened to employees' payrolls during that period of time. Once again we see some lines that drop below the positive mark. We see some negative growth in nonfarm payrolls as we move through. And as we saw the 2003 tax cuts go into effect, once again we saw the economy rebound and we see employees in nonfarm payrolls begin to increase to much healthier levels than they had been during the 2000, 2001, 2002, and 2003 period of time when investments, productive investments, were not being made.

As we sought an answer and the administration proposed the tax cuts and the House and the Senate implemented the tax cuts, once again nonfarm payrolls and employees' payrolls began to grow, as demonstrated by this chart.

Finally, gross domestic product, which is how most economists measure growth in the economy, continues to be very good. Beginning in 2003, as our tax cuts went into effect, dividend tax cuts, the taxes on dividends were lowered, the taxes on capital gains were lowered. We see in 2003 and 2004 as we move across here, and as I said before in 2004, we had an average of 4 percent growth. In 2005, we had an average of 3.5 percent growth over the four quarters of that year.

The forecast for the first quarter of this year, which is in red, the first of the four lines, the actual forecast is 4.7 percent. I think that might be a little high. I think it might be closer to 4 percent. But that is healthy economic growth, and we continue to see the effect of the policies we have put into place. We expect that the growth may slow somewhat during the first, second, and third quarter; but we believe we will average 3.5 percent this year.

I might add one thing that I think is important for us to remember, and that is that the tax cuts, together with other policies, have produced this growth and we need to continue to support those policies as well. The Federal Reserve has been a huge part of this as well. While it is nice for the Congress to take credit with the implementation of the tax policy that we implemented, the Federal Reserve also deserves a lot of credit for what has happened here through the policies that have been brought about through something called ''inflation targeting.''

Today, inflation is very low. Inflation is around 2 percent; and it is around 2 percent because, in my opinion, the Federal Reserve has used this policy of inflation targeting as the cornerstone for Fed policy. As inflationary expectations, as we look to the future, interest rates have continued to be historically low. In spite of the fact there has been a little up-tick in interest rates because of Fed policy in the last year or so, we continue to see affordable interest rates and interest rates that influence investment and continue to provide the stimulus that we need for the kind of economic growth that we have seen since 2003.

Mr. Chairman, I just wanted to make these points. I think this is a very important background for us as we begin this budget debate.

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

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

Mr. Chairman, the gentleman mentioned the rhetoric coming from this side of the aisle; but we are not speaking rhetoric, we are speaking facts and figures and numbers do not lie.

The other side of the aisle raised the debt ceiling four different times under this administration so we now have a record debt of over $8 trillion. That is not rhetoric; that is a fact. If you break it down, each man, woman and child in America owes $28,000; and it is galloping upwards, the debt on our children and our grandchildren.

Another fact that is not rhetoric is we have the largest trade deficit in the history of our country, the largest in the history of the world; and other countries are financing our budget. We are shifting our wealth to other countries. It has been said if China invaded Taiwan, we would have to borrow money from China to defend Taiwan. That is not a good position to be in.

Mr. Chairman, the budget offered by the majority continues the failed economic policies of the Bush administration. The typical American family is still feeling the effects of the most protracted job slump in decades. Actually, it is the worst job slump since the 1930s. On top of that, wages and incomes are stagnating. There is a growing gap between the haves and the have-nots. This is a tremendously troubling trend in our country.

But this budget does not address any of those problems. It contains unfair spending cuts that disproportionately harm middle- and lower-income families to help pay for tax cuts that go overwhelmingly to those who are already very well off. Where is the fairness in this budget?

And this budget continues to add to our legacy of deficits and debt and has turned us into a Nation of debtors relying on the rest of the world to finance our budget and our deficits.

□ 1245

This is a very troubling trend in our country. We have never had it before. It leaves us unprepared to deal with the challenge posed by the retirement of the baby boom generation and weakens the future standard of living of our children and our grandchildren. I urge a ''no'' vote on this budget.

Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT), the distinguished ranking member on the Budget Committee. We thank him for his leadership on this and his leadership in so many areas.

Mr. SPRATT. Mr. Chairman, the administration has devoted a lot of energy to touting the successes of the economy, particularly with respect to the job statistics, as justification for the 2001 and 2003 tax cuts. But let's look at the record.

When President Clinton took office in January 1993, there were 109.7 million jobs in the national economy in the work force. When he left office in January of 2001, there were 132.5 million jobs. That means that during the 8 years of the Clinton administration, there was a gain of 22.8 million jobs. These were the jobs created during the Clinton administration at a time when we brought the budget to balance, making the bottom line of the budget every year better and better and better to the point where we had a surplus in 1998.

Now, compare that job gain, 22.8 billion to what has happened during the Bush administration. When President Bush took office in January 2001 there were 132.5 million jobs in the economy, according to the BLS. By January of 2006, 2 months ago, the economy had a total of 134.6 million jobs. That is an increase of 2.1 million jobs, versus 22 million jobs created during the Clinton administration. No comparison. Stark contrast.

What is even worse is the fact that the Bush administration has seen most of its job gains of more than 50 percent occur in the public sector, not in the private sector. The tax cuts that have led to the deficit did not generate the jobs that were proposed or projected in the private sector. Far from it. Growth has come in the public sector.

And this is worst of all. Job growth in the manufacturing sector under President Clinton grew by 315,000. Not impressive, but at least not a loss. Under President Bush the manufacturing sector has lost 2.9 million jobs. 2.9 million jobs over the last 5 years, an average of 48,000 jobs a month.

Now, when we say that the economic gains that appear from this GDP growth and other things that look positive, stock market, the Dow Jones are all doing well and are healthy vital signs, we are glad to see them. But they are not translating into the lives of the ordinary working Americans. This is why the loss of manufacturing jobs, the best paying jobs in our economy, particularly for blue collar Americans, this is why it has happened, because this is why the family median income in real terms adjusted for inflation has gone down almost every month since 2001.

So beneath the glitter and generalizations are some stark facts that don't really appear to support the claims the Bush administration has made. Namely, they have created just over 2 million jobs, whereas the Clinton administration created 22.8 million jobs during his time in office. And they have presided over a devastation in the number of manufacturing jobs, a loss of 2.9 million manufacturing jobs in our economy.

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

One additional way to look at our economy and to see how it compares with what we may have seen around the rest of the globe is to simply look at the statistics as to how our U.S. economy has performed as compared to some others. For example, when we look at real GDP growth from the first quarter of 2001 through the fourth quarter of 2005, the U.S. economy expanded at an average annualized rate over all of those times, even though it was slow during the earlier years, at 2.6 percent, and the United States ranked first among its peer group in the world in real GDP growth.

In terms of investments of fixed assets, from 2001 to 2005, growth investments in fixed assets as a percentage of GDP growth rose in Canada and the United States but fell in the European Union and Japan. And so once again, the United States was a leader in terms of investment and fixed assets.

In terms of industrial production from 2001 to 2005, through 2005, the United States industrial production increased by 7.1 percent, a very, very healthy picture. And I might add that this industrial production increased because of investments, because of investing in productive things, investment brought about by the budgetary policy and the tax policy of the Congress of the United States and the administration.

Employment and unemployment. From January 2001 through December 2005, the United States ranked second in employment growth in both absolute and in percentage terms. In the United States employment grew by 5,165,000 jobs, or 3.8 percent. Canada ranked first in percentage growth with 9.3 percent, while the European Union ranked 15, first in total increase of 5.7 million, which was actually 3.4 percent, far below the United States.

In December of 2005, the U.S. had an unemployment rate of 4.9 percent, the second lowest among its peer group. If we look at this chart next to me of unemployment rates, if you look at the unemployment rate in the European Union, it was 8.3 percent. If we look at the unemployment rate in Canada, it was 6.4 percent. And at the end of the year, same time frame, the unemployment rate in the United States was 4.8 percent.

Just interestingly enough, there is a member of the U.K. Parliament in town today, and I saw him early this morning and he said, I envy you. I said thank you, and why is that? He said, when I go to work at home and I earn an income for my family, 59 percent gets paid to the government. I envy us, too, because we have seen beyond the period of high taxes. We have seen beyond the period of producing an economic policy that in Europe provides today for an 8.3 percent unemployment rate or in Canada of a 6.4 percent unemployment rate. We are fortunate. But it is because of good policy. It is because of the policy of this administration and this Republican Congress that we have a 4.8 percent unemployment rate.

Labor productivity is up in our country as well, and that is one of the reasons for this great economic growth. From the first quarter of 2001 to the fourth quarter of 2005, labor productivity grew by 9.5 percent. That means that because of technology that we have invested in, smartly, and partly because of tax policy, we have made our workers more productive than at any time in our history and the most productive work force in the world.

I said a word a few minutes ago about price stability. Price stability is what it is today, lack of inflation, inflation of 2 percent or under, because of Fed policy. Chairman Bernanke told me earlier this week that he intends to continue policies that have price stability as the number one goal as inflation targeting continues, to keep our rate of inflation low and to keep interest rates low accordingly. Smart economic policy.

And so as we walk through the things that have occurred, partly because of the Congress and partly because of the Federal Reserve, we see that things in our country are doing well, particularly when compared to others.

On balance, the U.S. economy has outperformed its peer group and large developed economies in a number of key measures of economic well-being between 2001 and 2005, during the period that George W. Bush has been President.

Pro-growth tax policy and good monetary policy have contributed to the superior performance of the U.S. economy, and as my friend from the U.K. Parliament said today, yes, we are proud of this record.

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

Mrs. MALONEY. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. CUMMINGS), a member of the Joint Economic Committee.

Mr. CUMMINGS. Mr. Chairman, I rise to join my Democratic colleagues on the Joint Economic Committee in condemning the Republican leadership fiscal year 2007 budget before us today.

Since President Bush took office our Nation has experienced the greatest average annual decline in household income during any administration since 1960. Not surprisingly, more Americans live in poverty and more lack health insurance now than when Mr. Bush took office.

The economic choices our Nation has made have fallen particularly hard on African Americans. According to the United States Census Bureau in 2004, households headed by African Americans had the lowest median income of any racial group. Poverty among African Americans reached nearly 25 percent, while nearly 20 percent of African Americans lacked health insurance.

The United States Department of Labor reports that the unemployment rate among African Americans has risen 13 percent since President Bush took office, and stood at more than 9 percent in December 2005, which is more than twice the unemployment rate among white Americans.

Confronted with this situation, in which the potential of an entire generation of African Americans could be lost to rising poverty and joblessness, the House has presented us with a budget resolution that would cut $447 million from the amount needed just to maintain the current level of services provided to assist primarily low wage workers and vulnerable families, such as housing assistance for people with disabilities and the elderly, food programs that help low income elderly and mothers and children, job training programs that help the unemployed, and child care assistance.

Confronted with this situation in which 13 million American children live in poverty, including 9 million African American children, the House has presented us with a budget that will result in several hundred thousand low income working women and their children losing their health coverage through a failure to fill a funding shortfall in the States' Children Health Insurance Program.

The House has presented a budget resolution that would add $348 billion in fiscal year 2007 to our ballooning deficit to extend tax cuts totaling $228 billion that will continue to go primarily to the wealthy. In fact, according to the Tax Policy Center, during the years 2007 through 2016, 29 percent of the tax cuts that have been enacted in the individual income tax, the estate tax and the Alternative Minimum Tax since 2001, will go to the top 1 percent of earners while the bottom 60 percent of households will receive just 14 percent of tax cuts.

Mr. Chairman, the budget before us is simply unconscionable and the financial policies it continues are unsustainable.

I urge my colleagues to recognize our true priorities lay with our people and placing our country on a sound economic footing. I therefore urge my colleagues to join with me in rejecting this budget.

Mrs. MALONEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, more than any single piece of legislation we passed this year, the budget reflects our Nation's core values. Unfortunately, this budget values deficits over balanced budgets and tax cuts over the health and education of the American people.

This budget cuts more than $10 billion from critical domestic programs our constituents rely on every day. By eliminating 42 educational programs, the budget fails our children and wastes our opportunity to invest in their future.

It hurts low-income students' shot at the American dream by wiping out the GEAR–UP program that prepares them for college.

It threatens our future economic competitiveness by eliminating vocational programs to help our students gain skills in the global economy.

There is so much in this budget that is wrong this cannot actually represent the value of this Congress and the values of the American people because of what it does.

□ 1300

It cuts the budgets of 18 out of 19 institutes of the National Institutes of Health. It raises deductions and copays for veterans health care.

Mr. Chairman, there is so much wrong with this budget that one thing

it does, it continues the tax cuts, and that is why it is not the American values.

Let us help our children, our veterans, and our elderly without giving tax cuts.

Mr. Chairman, more than any single piece of legislation we pass this year, the budget reflects our Nation's core set of values.

Unfortunately, this budget values deficits over balanced budgets, and tax cuts over the health and education of the American people. This budget cuts more than $10 billion from critical domestic programs our constituents rely on every day.

By eliminating 42 education programs, the budget fails our children and wastes our opportunity to invest in their future. It hurts low-incomes students' shot at the American Dream by wiping out the GEAR–UP program that prepares them for college. It threatens our future economic competitiveness by eliminating the vocational education programs that help our students gain the skills to compete in a global economy.

This budget breaks our commitment to military retirees by increasing—and in some cases tripling—their out-of-pocket health care fees. It abandons our quest for health care research and discovery by cutting the budgets of 18 out of 19 institutes within the National Institutes of Health. It cuts programs aimed at preventing illness and disease while also slashing programs that train health professionals to treat these diseases.

As a country at war, there is no doubt that we have to make sacrifices to successfully implement the war on terror and equip our troops. But the funding cut from domestic programs in this budget does not go for war costs. In fact, war costs aren't even included after 2007.

The funding cuts also aren't being used to balance the budget. With this budget, this country will post a deficit of $348 billion for 2007—one of the largest deficits in our Nation's history.

Instead of funding war costs or paying down the deficit, the cuts in this budget are used for tax cuts; $228 billion in tax cuts for the wealthiest Americans when families are in need here at home, and troops are putting their lives on the line far from home.

Mr. Chairman, at best this budget is misguided. But the truth is, this budget is down right immoral, and I urge my colleagues to join me in opposition to it.

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Mr. Chairman, I come from a Midwest State, from Michigan, home of the auto industry. And while my district is relatively doing well, according to the unemployment figures that have been released, I can assure you that Michigan as a State is not doing well. There are several reasons for this, which the place here is not to debate. But the thing that I ask as a Member from Michigan is that we do not make it more difficult for the people of Michigan to right the ship and to begin our path to an economic renaissance.

Struggling pockets of poverty and struggling pockets in the manufacturing base in Michigan and the Midwest and other parts of this country can never be revitalized or returned to their prominence if we deviate from the economic path we are on today, because if the American economy goes back to a higher system of taxation, a system that then crushes entrepreneurial initiative and the individual genius of the American worker, States like Michigan will never recover.

We need to continue the economic expansion in this country. We need to continue to follow pro-growth policies, especially in the area of taxation. We do not give anything to anyone. We merely allow them to keep what they have earned so that they can then directly invest in the future of their children, of their community, and of the life of this country.

So, Mr. Chairman, I welcome this debate on the budget. I welcome the debate about the priorities. But I would encourage us to continue the path because of the several fundamental assumptions that the current policies that we, as the Republican majority, have adopted. I think they must continue because they are very prescient.

The first, and I reiterate, is that tax relief does not give anything to anyone. It allows people to keep the fruits of their hard work. That is not a gift. It is a recognition by government that people who generate wealth should be able to invest it for the betterment of themselves and their family and their community.

Secondly, history has proven to us that as the taxation rate continues to escalate, what happens then is money that is more productively invested into the life of the American community is then less productively spent when it is vicariously handled and invested, or spent, by the United States Government.

Thirdly, I would like to point out that when we talk about government, there are objections about Republican fiscal policies that government has to pay for things. The third root assumption, I think, that our economic policies follow, which must be continued, is that government pays for nothing; working people pay for everything.

So I would encourage us to remember that we live in a sovereign democracy, a democratic Republic where your private property is your private property until the government gets it through the consent of you, the governed. Government then holds your money in a pool, collectively in trust, to be expended on behalf of you and your fellow citizens.

So let us not forget that, as we discuss taxation policy, because when we are essentially asking to deviate from the tax policies of pro-growth that we have today where people keep what they earn, we are beginning to forget the fact that the United States Government does not create wealth, the United States Government does not pay, the United States Government is not the repository of property to be dispensed back to people.

The American people have private property rights, and they have the unalienable right to keep the fruits of their labor. Our policies reflect that, and I believe that the American economy, this entrepreneurial energy, has been unleashed because of these policies.

And I conclude by again reiterating my commitment and my hope that this collective Congress continue the path we are on so that States like mine can continue the path to recovery.

Mrs. MALONEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I thank my friend and colleague from New York for her leadership on this Joint Economic Committee.

As we have heard over the course of the period of this debate, we have had in the last 5 years huge amounts of economic stimulation in this economy. The amount of economic growth dropped off sharply when the Republican Party took control of both the executive and the legislative branches of government in 2001. With the cooperation of the Federal Reserve, huge amounts of monetary stimulation were injected into the economy, and they dropped the interest rates to zero. And this Congress engaged in a spending program which was enormous, huge amounts of spending coming out of these congressional resolutions, these budget resolutions and appropriations bills.

That kind of economic stimulation should have been very positive, but it was not. One of the reasons it was not is because it was done in a very irresponsible way. It was done by borrowing huge amounts of money, and that borrowing has created record amounts of debt for the American people, which they will have to pay back over the course of generations.

As we have heard, the national debt now exceeds $8 trillion, and the majority party has risen that level to almost $9 trillion. With that kind of economic stimulation, huge amounts of spending and very low interest rates, we would have had every reason to anticipate that unemployment would drop, that more and more people would be employed, that they would be employed progressively, that their wages would be increasing, and the economic circumstances for the American workers and for American families would have gone up, except that, as I pointed out, it was done so irresponsibly so that most of the benefits have gone to the wealthiest people in this country and little or no benefits have gone to the middle class.

So the effect has not been that we have cut unemployment and increased employment. We now have 1.2 million more people in America who are unemployed than there were 5 years ago.

Long-term unemployment is even worse: 1.4 million Americans are suffering long-term unemployment.

They have talked about job growth. Well, of course there has been some job growth. What has that job growth been? It has averaged about 38,000 jobs a month. Normally, even without that huge amount of stimulation, that huge amount of spending, normally what we have in America is job growth at the rate of 125,000 to 150,000 jobs a month. Job growth under their economic program has been down to 38,000. That is why we have more and more people unemployed, short term and long term.

Manufacturing jobs, the essence of our economy, the most important aspect of our economy, manufacturing jobs, have gone down by 2.9 million jobs since they have taken over both the executive and legislative branches of government. Real wages for working people in this country have not gone up as you would expect with that kind of huge amount of spending, but real wages have fallen in the past 2 years. In fact, in the last 2 years, they have gone down by nearly 1 percent after inflation for American families.

So the budget resolution that we are seeing today is consistent with the economic policies that the Republican Party has put forth over the last 5 years, which have been so devastating to the American economy, to American workers, and to American families. And that is the reason why this budget resolution must be defeated.

Mr. SAXTON. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Chairman, I appreciate that, and I appreciate the leadership of the gentleman from New Jersey.

Let me just say to the last speaker, nothing done for middle-income families? Consider that 5 million taxpayers have completely had their income tax liability removed. In fact, they pay no income tax liability to the Federal Government anymore after these pro-growth tax initiatives.

Mr. Chairman, I was listening to this debate, and I have to tell you, as someone who was an economist at the University of Missouri Columbia, I remember sitting in those, some would say, boring lectures. I was one of the few that actually enjoyed those lectures. But it used to be thought that if you had the unemployment rate in America certainly at 5 percent, it was considered to be full employment. We have a 4.8 percent unemployment rate. As has been rightly pointed out, inflation has been kept in check. We have homeownership at an almost all-time high. Consider the fundamental underpinnings of this economy.

And my friend from South Carolina, whom I have great respect for, I was listening to your discussion as well, and you acknowledged at least there has been some job creation; and you talked about the 8-year period of time under the previous administration, and we are at a 5-year point here as far as this administration. But consider what this President inherited. Certainly everyone can agree, when you put the partisanship aside, if you can, that the economy was slowing in the last 2 years of President Clinton's administration. Then you consider actually what happened as far as the tech bubble bursting, corporate scandals that rocked the confidence of the investor class, the shock that the economy took on September 11.

Clearly, we had the horrific human tragedy but, of course, the economic tragedy as well, plus trying to respond to Katrina and the multiple catastrophic events that we have attempted to do. When you consider we have weathered all of those storms, so to speak, and we have unemployment at 4.8 percent, inflation less than 3, homeownership and all this other positive economic news, and the fundamentals are there, I recognize again that the loyal opposition must be loyally opposed and to your political peril that you would talk up the economy. But I would just simply say that in this intensely partisan political time, at least give credit where credit is due.

I thank the gentleman for yielding.

Mr. SAXTON. Mr. Chairman, just to conclude this debate, it was not a Republican idea originally to stimulate economic growth by use of the tax policy. It was John Kennedy's idea. When Ronald Reagan was elected President, we Republicans all stuck our chests out and said what a wonderful idea. But it was John Kennedy, who, in his State of the Union speech after he was elected, said we cannot expect to continue to lead the economic world if we fail to set the economic pace at home. And he went on in his speech to detail the tax cut plan that he wanted to put in place. It was put in place and the economy grew. And Ronald Reagan did the same thing. A different plan, same concept. And George Bush I did the same thing, and George W. Bush has embarked upon the same thing.

Now, it has been suggested by the minority that somehow we can have tax cuts without cutting taxes of people who pay taxes. This chart to my left shows who pays taxes. As a matter of fact, the top 1 percent of the taxpayers pay 34 percent of the taxes. The top 50 percent of the taxpayers pay 96 percent of the taxes. And that means that about 4 percent of the personal income taxes that are paid in this country are paid by the bottom 50 percent of the wage earners. As Mr. HULSHOF just pointed out, many of those folks have been taken off the tax rolls altogether.

□ 1315

So the charge that people who earn more money get a larger share of the tax cut, I guess I would just ask this question: If you believe, as I do, that tax cuts stimulate economic growth, and if you are going to have tax cuts at all, then you have to cut taxes from the people who are paying them, and they are almost all in the upper half of the income brackets.

The CHAIRMAN. All time on this part of the debate has expired.

It is now in order to conduct general debate on the congressional budget. The gentleman from Missouri (Mr. HULSHOF) and the gentleman from South Carolina (Mr. SPRATT) each will control 90 minutes.

The Chair recognizes the gentleman from Missouri.

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

Mr. Chairman, today is a great day, a great day of opportunity for this House and really for the American people. I want to echo what was said during the previous debate, particularly by my good friend and colleague Mr. MCCOTTER from the State of Michigan.

I want to start by actually announcing a truism that certainly all of us, Republicans, Democrats, Independents, liberals and conservatives can agree with, at least I believe it to be a truism, and it would be simply summed up in two statements:

First of all, wealth and prosperity and economic opportunity do not come from government programs or increased Federal spending. Isn't that at least something we can begin to agree upon?

The second corollary that again I think is axiomatic that again surely all of us can agree with, is, secondly, the Federal Government cannot tax its way into prosperity.

So when you consider where we are, as we try to make these very difficult, tough budget choices, I believe that the budget that we have on the floor today should deserve bipartisan support. I don't expect it, but it should.

This fiscal year 2007 budget continues and furthers our plan to strengthen our Nation's most critical programs. It reforms the Federal Government. It spends the taxpayers' dollars wisely.

Again, I am certain that as we over the next couple of weeks go to visit with our constituents, those folks that are actually paying the bills, they simply want to be assured that they are getting a dollar's worth of value out of every dollar that they send to the Nation's Capital. This budget does that, and in fact it does it by focusing on a number of priorities.

We build upon our Nation's greatest strengths. We continue our successful pro-growth policies to ensure that our economy, that has been doing well, job creation that has been increasing, remains strong and that we continue that vibrant economy.

We also accommodate the administration's request to provide whatever is needed in the way of resources to support our troops, again something that I think both sides of the aisle will agree with. We have to continue to keep our Nation's defense and security the strongest in the world, especially at this very critical time.

But we will also continue our efforts at controlling spending across the board. We want to restrain the nonsecurity discretionary spending programs. We want to build on our progress to reform and find savings in

some of these mandatory programs that are on autopilot, if you will.

In addition to furthering those reforms to improve our Federal Government programs, it is time again to begin to reform the budget process itself to better reflect and address how Federal Government dollars are actually spent.

When we had our interesting markup last week in the Budget Committee, and I suspect as we heard that night, again, the loyal opposition is likely to provide a somewhat schizophrenic argument. On the one hand they are going to decry the fact that this budget does nothing as far as the Federal deficit and adds to the Federal debt. In other words, they are saying that this budget, we spend too much. And probably then in the second sentence, they will say ''and it doesn't invest enough in certain programs.''

In other words, our friends across the aisle will talk about that the budget spends too much and then it doesn't spend enough. Certainly I would say that covers all the bases.

We think that this is a responsible budget. It focuses on our priorities, our strengths. It keeps us on a pro-growth agenda to keep this economy growing, because as we realized back during the days of the 1990s, with the Democratic President and a Republican-led Congress, we were able to make some significant progress. But it wasn't just Congress. It was those hardworking men and women across the country, the laborers, the farmers, the manufacturers, the lumberyard dealers, the tool and die makers, those in the service industry, those folks that punch the clock every day, go to work, play by the rules, pay their taxes and simply want the best out of government that they deserve. We think this budget accomplishes that, and I urge its support.

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

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

Mr. Chairman, in describing the difference between Republicans and Democrats, between them and us, when it comes to the budget resolution for 2007, let me go straight to the bottom line: We have got a manifestly better bottom line.

The Democratic substitute returns the budget to balance in the year 2012. Building on our reputation for fiscal responsibility which we established in the 1990s during the Clinton administration, every year the bottom line of the budget got better and better and better until the year 1998 when we had a surplus and the year 2000 an unprecedented surplus of $236 billion. That was the year before the budget was handed over to President Bush, and it has gone downhill ever since.

So what is the difference between us on the bottom line? The Democratic budget resolution returns the budget to balance by the year 2012.

In the interim, our budget runs smaller deficits and racks up less debt. Not by a huge amount, but by a significant difference. The Democratic resolution also holds nondefense domestic discretionary spending to the level of current services over 5 years, showing that we can exercise spending control without devastating vital services and programs that people dearly depend upon.

The Republican resolution, as I said, never reaches balance and presents no plan or prospect of ever wiping out the deficit or reducing the debt.

The Republican budget resolution in fact would make the deficit worse by $410 billion over 5 years than would just a basic, current services treadwater budget.

OMB projects a deficit for this year, 2006, of $423 billion. House Republicans project a smaller deficit of $372 billion, and they project this deficit to decline to $348 billion in 2007, showing a bit of improvement. But these projections still mean that on the watch of President George Bush the five largest deficits in our country's history will occur. The five largest deficits in our country's history will occur on the watch and administration of President Bush.

To make room for the Bush administration's budget, four times Republicans in the House and Senate have raised the debt ceiling of the United States by $3.015 trillion. They have raised the debt ceiling by over $3 trillion between June of 2002 and March of 2006.

Under the Republican budget resolution, the statutory debt ceiling will increase by an additional $2.3 trillion by 2011. This means that debt ceiling increases from 2002 to 2011 will equal $6 trillion, and the statutory debt will stand at $11.3 trillion, more than doubled over the 10-year period 2002 to 2011, from $5.3 trillion when President Bush took office to 2011.

We can talk about budget in terms of fiscal policy, we can talk about it in terms of budget policy or just plain accounting issues, should we have accrual budgeting or cash budgeting, but here is the bottom line. This budget is a moral document, and the choices it makes, for whom it helps and whom it hurts, but, more importantly, in the debt it accumulates which we hand over to our children.

Are we going to be the only generation in recent American history which bequeaths to our children this dreadful legacy of debt, mountainous debt, $11.3 trillion by 2011? Today we will make the decision once again as to whether or not that is going to be the legacy we leave our children and grandchildren.

To discuss this further, I now yield 6 minutes to the gentleman from Tennessee (Mr. COOPER) and request when his time comes, he can use this time and allot it to the other Members of the House.

The CHAIRMAN. The gentleman is recognized for 6 minutes. During that time, he may yield to others while remaining on his feet.

Mr. COOPER. Mr. Chairman, I thank my friend from South Carolina for yielding. He is one of the great Members of Congress of our time, and this is a vitally important debate.

Our first speaker on our side talking about fiscal responsibility will be my good friend and colleague from Wisconsin (Mr. KIND), for 1 minute.

Mr. KIND. Mr. Chairman, I thank my good friend from Tennessee for yielding me this time, and I commend him for his leadership in trying to institute budget reforms and instill fiscal discipline in the budgeting process.

Listen, we are going to have a very vigorous debate over the next couple of days in regards to the priorities and the values of our Nation, as it should be. People are entitled to their own rhetoric, they are entitled to their own spin, their own opinion, their own ideology, but we are not entitled to our own facts, and the facts couldn't be more stark or more different in regards to the leadership on our budget under Democratic leadership versus the current administration.

As this chart demonstrates, it shows the trend line for budget deficits and budget surpluses, and this upward trend during the 1990s under the leadership of Bill Clinton and Democrats indicates pay-as-you-go rules as they existed for the administration and Congress which led to 4 years of budget surpluses when we were actually paying down the national debt.

This cliff, which this red line demonstrates under the Bush administration, is the administration and Congress operating without pay-as-you-go rules.

What is so hard to get here? We need to reinstate pay-as-you-go rules to bring back fiscal discipline and responsibility, as the gentleman from South Carolina indicated, for the sake of our children's future. Our budget alternative does that. Theirs doesn't.

We are going to continue this downward trend with deficit spending as long as we don't get back to the budget basics.

Mr. COOPER. Mr. Chairman, I thank my friend from Wisconsin.

The CHAIRMAN. The gentleman will suspend. The gentleman from Tennessee was recognized for 6 minutes, during which he may yield to others while remaining on his feet.

Mr. COOPER. I thank the Chair. I yield now 3 minutes to my friend and colleague and fellow Blue Dog, the gentleman from Tennessee (Mr. FORD).

The CHAIRMAN. A Member who does not control time, but who only is yielded time for debate, is free to yield to others while remaining on his feet. He may not reserve time. Although he may indicate to others his intent to reclaim the time after a certain point, he may not yield blocks of time.

Mr. FORD. Thank you, Mr. Chairman, for your admonishment there.

I thank my friend in leading our delegation, JIM COOPER here in the Congress, and thank him for one skill that he seems to have above many of us here. It is just called math. When you

were in younger grades, they called it math. When you got older, they added some more syllables, they called it arithmetic. But the rules were the same. You can't spend more than you have.

What has happened here over the last few years is really remarkable. I grew up around this place because my dad was in Congress for 22 years. He worked closely with Mr. SPRATT and a lot of people who are here now. I was a child, or growing up. I don't mean to date them at all, but I grew up around them and with them.

There was a time when the Republicans were perceived as the party that understood math and Democrats were the party that didn't understand math. Then we elected a President from a little State called Arkansas and he picked a little Senator from my State named Gore, and they came to Washington, as JIM COOPER and I know well, and they forced a different kind of approach on us. And that approach was simply balance the budget, get taxes down for most Americans, get investments going up and allow the private sector to do what it does best, which used to be the mantra of my friends to the right of me, literally and politically.

Wow, what a difference a few years makes once you get in power and you have all of that ability to spend money. Everything from pork spending, and I thank Mr. COOPER for his efforts on the committee for not embarrassing my friends on the right by forcing them to vote on that late in the evening about forcing us to include all of the pork projects, Mr. Chairman, before we voted on them and not allowing people to slide them into pieces of legislation late into the evening.

We have 16 agencies that you can't audit, or several agencies within our government that are not auditable. We have yet to ask, and there was a time when the Republicans would ask these things.

Here we are in 2006 and things have changed. The term ''flip-flop'' was used a lot 2 years ago. The flip-flop is here. We now find the men and women on this side raising these points and not my friends on the other side.

I would remind my friends about their great fiscal management. Eight years before 2000, Mr. Chairman, the U.S. economy added almost 23 million new jobs. That is 237,000 a month. Since 2000, job growth has slowed to a total of only 2.3 million jobs, or 38,000 a month. The normal retort is, well, the economy changed and we are at war. We are, but we have made no adjustments here at the Federal level when it comes to the government.

I will make one last point.

□ 1330

Since 2000, the number of Americans living in poverty has grown by 5.4 million people. When the last President was around, I remind you of the three things he did, he was a Democrat, Mr. NUSSLE: He abolished an entitlement program called welfare, he balanced a budget, and he created a surplus.

Now, as much as you may want to criticize him and us, math does not lie. And you all are faced with a predicament that I would hate to be in, and perhaps if I had to make the case you are making I would throw it all back on us and try to create funny numbers and talk about debt as the size of the GDP.

You cannot deny this. Bill Clinton abolished that entitlement program, he created a surplus, he balanced a budget. And, unfortunately, under your leadership, all of those things frankly have been abolished.

Mr. COOPER. Mr. Chairman, in the time remaining, I am a Blue Dog, I am cochair of the Blue Dogs. Every Blue Dog has a sign outside his or her office that lists the debt, $8.3 trillion, and each American's share of that debt.

It is very important that all Americans recognize the liabilities that this administration has added to our backs. Mr. SPRATT said earlier, $3 trillion of this have been added just in the last 4 or 5 years. It took America the first 204 years of its history to get $1 trillion in debt. Now we are doing it about every 18 months.

But don't take my word for it. Don't take the Blue Dogs' word. Look at a book just written by one of the most conservative Republican economists in America, Bruce Bartlett. It is called ''Imposter: How George W. Bush Bankrupted America and Betrayed the Reagan Legacy.'' Now, you might say, well, he is a disgruntled economist, although I would urge everybody who cares about our fiscal future to read this book.

Look at this one. This is from President George W. Bush's Department of Treasury, and they are so proud of this document that it was delivered to this body on Christmas Eve without a press release. In this document, you discover that the deficit last year was not the $319 billion that these gentlemen will admit to, it was $760 billion, over twice as large, and the unfunded liability for America approaches $46 trillion. And this is not according to a Democrat or a disgruntled Republican, this is according to the Secretary of Treasury of the United States.

So it is a vitally important debate, Mr. Chairman. We need fiscal sanity to return in this country.

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

Mr. Chairman, I am proud to be here as the chairman of the Budget Committee to propose and debate the budget resolution for this fiscal year 2007, the blueprint that will guide the Congress' spending and revenue decisions for the coming year.

It is not easy to write a budget ever. It is particularly challenging to write a budget when you have to deal with an economic recession, when you have to deal with the worst terrorist attack that has ever hit practically any nation, but particularly ours on our own shores. It is difficult to write one when you are at war, when you have a whole new priority of homeland security that was never even considered just 10 short years ago, or the largest natural disaster ever to affect the United States called Hurricane Katrina. It is never easy to write a budget, and it is particularly challenging to do that when those kinds of things hit you not just one at a time but all at one time.

Today we are going to hear a lot about politics. You know, there is this new movement around the country that I think is pretty important, and that is that we need new science and math education for our kids because we are falling behind, but I think we probably ought to add history to that, too.

I love how the Democrats come to the floor today, and this is modern history for Democrats. In 2001, George W. Bush took office, and look at the deficit we have today. Nothing happened in between. Of course, there have been 6 years that have occurred, and during those 6 years we had those things like an economic recession, like Hurricane Katrina, like 9/11, like a global war on terror, the need to deal with homeland security. And all of those priorities not only were cheerfully voted by both sides, but the national debt not only went up under all of those votes, but in fact the Democrats proposed even more spending to drive that debt even higher.

And probably the most humorous conversation was the one I just heard on welfare reform, how the President is the one who ushered in welfare reform, President Clinton? This is the same President Clinton who vetoed welfare reform twice, and in fact had to be dragged kicking and screaming to support the Republican-passed welfare reform, which was the first opportunity for us to reform entitlement spending and to deal with some huge challenges that gave us the first surpluses in history.

So this budget is always going to be a challenge to write, but it is particularly going to be challenging if all we are going to hear on the other side is complaints and politics, and not any serious proposals to deal with it.

Is this budget going to please everyone? No. You have just heard quite a few complaints about how this budget is not going to please Democrats, and I can certainly understand why. But this budget takes into account the conversations that we have heard from our constituents back home in particular, and I believe this is the budget that is the right budget and the plan to keep our country moving forward with a strong growing economy, with a secure homeland, to provide endless opportunities both today and tomorrow for our kids and our families. It is guided by what we think are our most important priorities and it is based on a clear set of principles: Strength, spending control, and reform. And let me just touch on these briefly.

First on strength. This budget will further build on our Nation's greatest strengths, which include our Nation's national defense and homeland security, and the robust growth of our Nation's economy and job markets as a result of the plans and proposals that we have passed on this floor over the last 5 years.

Spending control. This budget will continue our efforts to control spending across the board by further restraining the nonsecurity discretionary spending, and building on our progress from last year to reform government, achieve savings in mandatory entitlement programs.

In addition to those reforms, we also believe that it is time for us to reform the budget process and continue the work that has already been done. This budget will begin to reform the budget process by actually dealing with emergency spending.

And I will come back to all of these, but let me first touch on our strengths.

The economy. As I just noted, our underlying strength comes from the Nation's economy, and in the past 4 years, 5 years, it really has delivered. I mean, we have seen some wonderful things as a result of the American people being able to spend and invest and use their own resources. After adjusting for inflation, our economy has grown at a robust average of better than 3 percent a year since 2003. Nearly 5 million new jobs have been created in America as a result of this economy, and the unemployment rate has fallen to 4.8 percent, which not only is historically very low, but by many economists that is considered full employment. Even in the face of higher energy prices, which we are working to deal with, and the worst natural disaster on record, our economy has proven remarkably resilient and strong, growing, creating jobs, and increasing personal incomes.

Clearly, the real credit for the growth goes to the people who do the work in this country, who work and save and invest and create jobs and allow our economy to continue to grow. But we in Congress did support their efforts by lowering their tax burdens, and this budget continues that because we believe there should be no tax increases, as opposed to the Democrats who propose tax increases in their alternative budget. And we did this because of our fundamental belief that the people back home really do make better decisions about their daily lives, about their businesses, about their farms, about their families and communities than the Federal Government ever could make for them.

As a result of giving Americans more control over their money, we have seen more investment, more jobs, greater opportunities in our country, and as a further direct result of this growth from what Americans have done, revenue has come pouring into the Federal Treasury. In fact, last year we saw Federal revenues increase by almost 15 percent in one year.

Now, I realize we have got to stop and just highlight this because if you have been listening to the rhetoric on the other side, you will believe that the bane of all of our illnesses is because we have reduced taxes and that somehow tax cuts have caused this government to fall off its pedestal, when in fact reducing taxes has actually brought in 15 percent more revenue growth to our Federal Government, and it is because our economy works. When you are allowing people to keep their money and invest it on their own, it creates opportunities and jobs and business development, and as a result of that more people pay more taxes and that brings more revenue into the government.

In short, our economy has gone from recession just a few short years ago to a strong sustained period of growth, and to ensure that that growth and strength continues to be in an upward momentum our budget does not increase taxes.

Second is national security. This budget will also continue to provide whatever is needed to support our American troops and to ensure our Nation's defense remains the strongest in the world. We do not have a secret plan, as you will find in the Democratic alternative substitute, that basically says we are not going to fund the war after next year. It is kind of a secret plan to basically say one of two options. We are either going to bring all the troops home like the gentleman from Pennsylvania wants to do or we are not going to fund them so they are able to claim balance. They have basically put no more money, no support to our troops in the field over in Iraq and Afghanistan.

The President's budget, not including war funding, has requested an increase of 7 percent to ensure that our men and women have the opportunity to support and defend our Nation and our budget will accommodate that request. We will also, as we have for the past two budgets, place $50 billion in reserve to fund those wars in Iraq and Afghanistan. And we know that it is going to take a commitment in years to come and we plan to support that commitment, not claim balance and not have some secret plan that is either going to underfund it or bring them home before their job is done.

But even as we provide those resources, we also believe that the administration needs to get the message that we need a full accounting of how this money is being spent and what the implications are for the future. Particularly in the area of defense, we have got to do a better job to ensure that every dollar that we invest and that we put into this critical area is hitting its intended target. It makes our country safer. I cannot think of any activity that deserves more diligent oversight than our national defense.

For homeland security we will provide whatever is needed to ensure our homeland at the border, in our country, in our cities, in our rural areas, whatever is needed. The President has proposed 3.8 percent of an increase and our budget accommodates that request. But just as with defense, we have got to do a better job in this new Department of Homeland Security to make sure these monies are being spent wisely and are actually working to make our Nation more secure.

The second big principle on which we write this budget is controlling spending. Let's start with what we call ''discretionary spending.'' With the necessary shift of our Nation's priorities to provide for these areas of, after 9/11 as an example, we have come to employ kind of a shorthand to effectively divide this discretionary spending into two categories. Let me do that for people who are watching.

We have security spending, which involves our national defense and our homeland security, and what we call ''nonsecurity,'' which is everything else. That is where you will find education, veterans, agriculture, the environment, et cetera. So you have security and nonsecurity. And as most of my colleagues will detail in this debate, we increased our security appropriations funding at a truly incredible rate over the past few years to deal with the challenges that our Nation has needed in regard to security.

But that said, when we decided that our Nation's security was our highest priority, it also meant that everything else needed work and that everything else must come after, although many seem to regularly forget the Federal Government simply does not have an infinite supply of money, nor should it. So when we decide to increase spending in one area, you have got to determine how to pay for it and how to reduce spending in other areas. That is what budgeting is all about.

Last year we held our nonsecurity spending to a freeze tighter than the previous year's 1.3 percent growth and certainly a marked improvement over the previous 5-year average of 6.3 percent. This year the administration has asked for a freeze, according to CBO's estimate, for all the nondefense, nonsecurity spending in our budget. We will assume that freeze is for nonsecurity spending. We believe that our security must come first or none of these other programs will matter much.

That said, it is important to note that while our budget sets an overall number, it is the Appropriations Committee who determines how that money is allocated. Clearly there are high priority programs that receive and should receive increases. But in order to provide those increases, they have to have offsetting reductions and eliminations of other programs, and we know the Appropriations Committee can do this and will do this. Last year alone they eliminated somewhere near 110 specific programs in order to ensure that we fund those programs that are higher priorities.

Now, let's get to where the real rubber is going to hit the road with this budget and where it needs to hit the road.

□ 1345

This is the funding that is truly out of control.

Our biggest challenge in Federal budgeting is the problem of mandatory, automatic, entitlement spending. That is now two-thirds of the budget, and two-thirds of the budget needs some attention. Well, we provide the attention while the Democrats, you can hear the crickets. They do not even look at it. There is no reform in their budget for the mandatory programs. Just do not worry about two-thirds of the budget. We are only going to talk about one-third, they say.

We need to work on reforming these programs. They are important to the people back home. They are not always doing the job they need to do. We need to constantly reform and weed the garden to make sure that garden can continue to grow and make sure that we can eliminate the waste, fraud, and abuse in those programs.

Currently, our mandatory spending is growing at 5.5 percent a year. That is faster than our economy is growing. It is faster than inflation, and it is certainly faster than any of our means to be able to sustain it.

To put it another way, if our budget were balanced right now today, our entitlements would drive it right back into deficit; and so we have got to deal with these challenges which, of course, are highlighted probably most dramatically because there are 78 million baby boomers who are beginning to turn 60 this year, and medical costs are skyrocketing, and there is a steady decline in the number of workers for each retiree.

The problem only gets worse. So we have got to address this. We have got to acknowledge on both sides of the aisle that ignoring this problem, offering no solution on how to fix it, and fighting against those who are trying to help is not going to benefit any one person, is not going to benefit any group. Certainly it is not going to be able to give us the opportunity to be able to deal with these programs in the future.

Just throwing more money at programs, my goodness, you would think somebody would get real, get a more creative budget than this just to throw more money at things and assume that they are actually going to work. We need to reform these programs.

Last year, for the first time in nearly a decade, we took the first step to reform some of these largest programs. We saved $40 billion in the process. We allowed better delivery of these programs to the people they were intended for.

This year's budget will continue to build on those savings by yet again reforming the mandatory programs and establishing that we should, on an annual basis, reform government, even if it is a small amount.

I know people around here say why are you bothering with $6.8 billion. Well, that may be small to some of you, but it is not small to the taxpayers who have to pay the bills around here. This budget will continue to build on those savings by, again, reforming mandatory programs and establishing this annual process.

Finally, let me talk about reform, which this budget is based on. To some extent, we are still learning lessons from Hurricane Katrina. We should continue to always learn the lessons; but one of them that became, I think, very clear is that if we do not control spending, if we do not get good control of spending, it becomes very difficult to manage unforeseen events that inevitably face us.

One certainly could have foreseen that we were going to have a hurricane. We have them every year. We have them every year that I have been in Congress; but no one, no one, could have foreseen the devastation that has occurred as a result of Hurricane Katrina, and no one would have expected it to be built into anybody's budget. We did not build it into ours. The President did not build it into his. Certainly the Democrats did not build it into theirs. In fact, this year they build no money into their budget for emergencies.

Now, wait a minute. I realize this may surprise you. It was in all the papers. We had a disaster last year. We had an emergency. We had a hurricane. Not just a little one, but a big one. Why do we not at least plan for the little ones? Let us at least plan for the disasters that we know are coming.

Mr. FORD. We have the same amount of emergency spending that you have, Mr. Chairman.

Mr. NUSSLE. Mr. Chairman, I believe I have the time, and I have not yielded.

The CHAIRMAN. The gentleman from Iowa has not yielded.

PARLIAMENTARY INQUIRY

Mr. FORD. Parliamentary inquiry. Who signed the welfare reform bill that was passed last century?

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. NUSSLE. No, I do not.

The CHAIRMAN. The gentleman from Iowa has the floor.

Mr. NUSSLE. Mr. Chairman, I appreciate that.

So while we are continuing to learn the lessons, Congress needs to plan for it. Congress needs to plan for these emergencies, and our budget does that. This year, not only will we build in a reform of our mandatory programs and further restrain our nonsecurity discretionary spending, but we need to reform the budget process as well to reflect the actual spending that is currently spent outside of that normal budget process, and it is called emergency spending, for many natural disasters where appropriate spending is certainly necessary.

In addition to emergency reforms contained in this budget, we will continue the process of reforming the budget and reforming the budget process and how we make spending decisions throughout this year. We need to tackle earmarks. We need to tackle the sunsetting of programs that have outlasted their usefulness. We need to deal with line-item veto, and we will do this throughout this year.

Let me just end by saying this. I do not think I need to remind anybody about the massive challenges and changes that our Nation has endured these past few years or the myriad of challenges that lie ahead. We have had enormous challenges in writing the budget. I do not shy away from any of them. I know it would be easy for somebody to just punt.

Well, we decided we were going to meet each one of those challenges and deal with them, and every single year we have had a plan. Finally, this year, the Democrats rushed to the floor with a plan and suggest that they finally now have an idea on how they are going to balance the budget. We will take a look at that a little bit later.

But we have had a plan every year, and our plan has worked, and we have been able to manage our deficits and our debt and our taxes and our economy and deal with so many important priorities in an appropriate way. We have kept our country going when many people, after some of these disasters, said our economy was going to collapse, that we were not going to be as powerful as we were in the past; but because of the leadership we have provided, much of which started in these blueprints, we believe we have been able to keep our country growing and growing strong.

We have seen how the Nation's most fundamental priorities have shifted dramatically, some by circumstance, some by choice, but they have shifted; and we have managed through the process as best as we could.

For the past three budgets, after recovering from the initial shock of 9/11, we have set a bold plan to shore up and strengthen our defense and homeland security, to get and keep our economy growing strong and creating jobs and controlling spending and continuing the process of reform and reducing the deficit, and the deficit has reduced.

We followed that plan, and adjusting it to last year, making a down payment on the immense new hurricane spending. We have made real progress.

But last year's hurricane served as a stark reminder that controlling the budget does not just happen one day out of the year. It is a long-term, step-by-step commitment that takes resolve. It takes more than one person to do it. It takes particularly in extraordinary circumstances a plan, and that is what we present today, our plan for fiscal year 2007.

We need to pass it. We need to stick to it. We need to enforce it. Certainly if there are challenges, we need to adjust to it, but we need a plan. We need

to work the plan. We need to enforce the plan, and we need to pass the plan today.

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

Mr. SPRATT. Mr. Chairman, I yield myself 2 minutes.

I said earlier that this is an excellent opportunity to show the difference between Democrats and Republicans. This document does that; but with respect to national defense, function 050, there is no difference, because to the dollar we have provided the same amount of funding as the Republican resolution. There is no difference.

On the other hand, with respect to education, there is an enormous difference because the Republican budget resolution cuts education by $45 billion over 5 years below what we call the level of current service, staying where we are. Last year, for the first time in 17 years, the President requested less for education in 2006 than was appropriated in 2005; and this year, he asked for an even larger reduction, $2.2 billion less in 2007 than appropriated for 2006, and these cuts come on top of big cuts, crippling cuts in federally guaranteed student loans.

To discuss further the impact and consequences of these enormous cuts in education, which our resolution does not provide for—we fully restore education to current services, fully restore the cuts they would make—is RON KIND of Wisconsin, a member of the Education Committee, and I yield him 6 minutes for that purpose.

Mr. KIND. Mr. Chairman, I want to thank my good friend from South Carolina for the leadership he has provided on the Budget Committee, and we do want to take a moment to talk about the priorities of our country, especially when it comes to the investment of the future of our country, and that is the education of our children.

Mr. Chairman, our country is going to face two of the greatest challenges in the history of our Nation in this century. One is securing our Nation against the global threat and the global capability of international terrorism, but, secondly, it is our ability to remain the most innovative and creative Nation in the world. That requires an investment in our children and the quality of education that they are exposed to.

It is something that we do in our budget alternative, and we do it by operating under pay-as-you-go rules that will restore us to balance again by 2012, but by maintaining that important investment in our children's education.

Their budget punts, in fact, their numbers track the President's recommended budget, which calls for the elimination of 42 education programs in our country, including vocational education, gone; Perkins loans, gone; Safe and Drug Free Schools, eliminated; education technology and Even Start, eliminated, in what the President is calling for in the budget.

We can do a better job with our alternative, and we would encourage our colleagues to support it.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), a real champion of our children and to education in this country.

Ms. DELAURO. Mr. Chairman, this budget contains massive deficits for our children and unaffordable tax cuts for the wealthiest Americans at the expense of middle-class families. Particularly damaging are the cuts to critical services in education, workforce development, health, veterans services, and environmental protection.

It fails to include an additional $7 billion so that in fact we can fund education and health and the other services in the same way that the Senate, by a vote of 73–27, voted a few weeks ago, funding for the Community Services Block Grant, Low-Income Heating Assistance, National Institutes of Health and Pell Grants, programs that touch virtually every community health center, hospital, school district, and employment center in the Nation.

Last week, I proposed an amendment that would restore this $7 billion when the Budget Committee met. It was rejected by this Republican majority on a party-line vote, and what we are left with are cuts that would cut cancer research by $40 million.

We tell our kids today, you need to have a post-secondary degree; you no longer have the luxury of just having a high school diploma because we exist in a global economy. What they will do is to eliminate more than 40 education programs, all Federal vocational and technical education programs. They freeze the Pell Grant.

Education has been about opportunity. They will deny the opportunity of our youngsters to be able to get a college education.

That is what this budget does. These are Republican priorities. They are not the American priorities. It is a misguided and it is an immoral budget, and we ought to support the Spratt substitute.

Mr. KIND. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY), a real leader on the Education Committee and a champion for our children throughout the country.

Ms. WOOLSEY. Mr. Chairman, we need to put sanity back into the Nation's fiscal policies, and this Republican budget just does not do that. In fact, we continue with their policies to fill the pockets of the defense contractors while leaving only pennies for nearly every other priority of this country.

That is why I offered an amendment to the budget that would trim $60 billion in waste from the Pentagon budget, not a single penny, by the way, from the wars in Iraq and Afghanistan, and put these savings to work on behalf of the people and programs that truly strengthen America.

□ 1400

By cutting outdated and unused weapon systems that were designed to fight the Cold War, relics that have no place in today's modern military, we could invest in our national priorities, like education. We could be rebuilding and modernizing our public schools, or we could be making up for the President and the Republican Congress's $55 billion of underfunding for No Child Left Behind.

The savings would also be spread to homeland security, cutting the deficit, a skilled and educated workforce, healthy children, less dependence on fossil fuels, better fire departments, scientific progress, and less debt. That is what makes America strong and safe.

Enough is enough, Mr. Chairman. It is time we invested in our kids and their education, not in Cold War relics. Vote against the Republican budget.

Mr. KIND. Mr. Chairman, I yield such time as she may consume to a real leader on education and workforce development issues, the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Chairman, I rise to reject the borrow and spend policies included in the Republican budget, a budget that fails to balance the Federal checkbook, ignores our obligations to Americans, and heaps debt on our children and grandchildren at the rate of $1 million a minute.

Mr. Chairman, our budget, the Democratic alternative, would balance the Nation's budget by 2012 through fiscal discipline, something the Republicans refuse to do. And in contrast to the Republican budget, we would make the important investments in homeland security, health care, and services for our veterans.

Specifically on education, we would restore what the Republican budget does not do. The Democratic budget would in fact invest in educating our children. It would meet our Federal obligations under No Child Left Behind and under special education, and it would not pass along these costs to our local and State governments. It would help young adults be able to get the advanced education needed to have the skills and the technology to be able to compete in the 21st century.

We should reject the Republican budget and support the Democratic alternative.

Mr. NUSSLE. Mr. Chairman, I yield 2½ minutes to the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, this budget with regard to the funding of VA is derived from what I call the crucible of hard lessons. I chose to leave the Veterans' Affairs Committee to examine the budget modeling issues for the VA.

A budget shortfall was exposed last summer. VA Secretary Nicholson and OMB, to their credit, stepped up to the

plate, taking accountability for a flawed budgetary process. Their improved use of timely data, methodology, and balanced policy expectations are reflected in the President's budget request for the VA.

The budget before us today reflects our priorities: To care for veterans who need us most, those hurt and disabled by their military service, those with special needs and the indigent; to ensure a seamless transition from military to civilian life, and to provide veterans with economic opportunity to live full and complete lives.

The veterans spending has increased from $48 billion in 2001 to approximately $70 billion this year. At a time of tough budget choices, when in most Federal spending we see few, if any, increases, veterans spending will rise next year by 12 percent. With the Nation at war, this is altogether fitting.

We have heard the rhetoric that describes an increase as a cut, but truly this budget continues a decade-long record of leadership under this majority. I refer here to the chart that shows the historic increases, from the $17.6 billion in 1995 to now $33.8 billion for discretionary spending alone. This is a far cry from the flat-lined budgets that we were receiving during the Clinton years.

We have increased the access to quality care, with more than a million veterans using the VA than they did 5 years ago. But challenges remain. The VA must decrease its claims backlog with regard to benefits claims, which exceeds around 800,000. Centralizing the VA's information technology structure is very important. You can't just measure compassion by the dollar. It is how we look at the operations of government. And centralizing the VA's information technology could save an estimated $1.2 billion over 5 years, according to testimony by Gartner, the consultant.

Also, to achieve a seamless transition to our new veterans in the VA, VA and DOD must fully share in the electronic medical records. This is extremely important and there is good progress in this area.

I want to continue to work with the chairman of the Budget Committee on issues of modernizing the GI bill, which we have discussed, and also the issue with regard to the estimate that the administration used with regard to collections. It is an issue I will work with the chairman on as we go to conference with the Senate and, hopefully, we can get that worked out.

I want to applaud the chairman's efforts on behalf of America's veterans. This is a good budget.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, with respect to veterans' health care there is also a big difference. The President's budget funds veterans' health care at $12.5 billion below the Democratic Alternative over 5 years, and on top of that the President calls for veterans to be assessed a $250 fee to enroll for care at a VA Hospital.

In the markup in our committee, House Republicans raised funding for 2007 by $2.6 billion above current services. But from 2008 through 2011, the Republican budget resolution cuts veterans' health care by $8.6 billion less than what CBO estimates is needed to maintain current services. By contrast our resolution, the Democratic resolution, maintains funding every year at the CBO level of current services from 2008 through 2011.

Here to discuss further the impact of the two budgets upon veterans' health care is a Member who knows all about this. He is the ranking member of the appropriations subcommittee with jurisdiction on this matter.

Mr. Chairman, I yield 6 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I have had the privilege of representing over 40,000 Army soldiers who fought in Iraq. I have seen firsthand their sacrifices and the sacrifices their children and spouses have made on behalf of our country. That is why I believe we have a moral obligation to support our veterans and our military retirees, and we should support them not just with our words but with our deeds.

It is the right thing to do, because our veterans have kept their promise to defend our country and we should keep our promise to provide health care for them. And it is the smart thing to do, because if we break our promises to our veterans and military retirees we will never recruit the best and brightest of the younger generation to fight our war on terrorism.

That is exactly why I am adamantly opposing this budget. While on the issue of veterans it has a 1-year fig leaf plus-up of VA health care, for which I am grateful and supportive, the fact is that this budget resolution would cut present services for veterans' health care by over $5 billion over the next 5 years. That is right, this budget resolution would cut veterans' health care services during a time of war. If that is not immoral, I do not know what is.

The fact is that it is even worse than that, because the Congressional Budget Office baseline assumes there is no net increase in the number of veterans going into the VA health care system every year. So if you build in 100,000-plus additional veterans we have had in that system each year, the cut is even deeper than $5 billion to veterans' health care during a time of war.

Let us talk about military retirees, men and women who have served our country in uniform, gone into harm's way, served in the military more than 20 years, many of them over 30 years. What does this budget do to them? It puts in effect a tax on military retirees' health care. For retired military officers this would amount to nearly a $1,000 a year retiree health care tax, and for enlisted retirees a $500 a year tax on the military retiree health care premiums.

Does it ask Members of Congress to triple our health care premiums? No. Does it ask members of the President's cabinet to triple their health care premiums? No. What this budget resolution does say is that those of you who have served our country for 20 or 30 years in the military, you are going to have to suck up the burden. You are going to have to pay for the cost of this Republican budget.

I don't think that is fair, and I don't think the American people will think it is fair. I certainly know the Military Officers Association of America, the Disabled Veterans Association, and numerous veterans organizations have said this is not fair.

Let me just quote Joe Violante, the Legislative Director of Disabled American Veterans, on this proposal. ''Providing needed medical care to military retirees is a continuing cost of national defense and is our Nation's moral obligation. No condition that military retirees be forced from a benefit they were promised is acceptable, especially in these times.''

What did the Budget Committee do? On a party line vote they voted down my amendment that would have said no to the administration's proposal to triple these military retirees' health care premiums over the next 2 years. We could have said ''no'' to that unfair burden, but my Republican colleagues on the committee voted against my amendment. By doing so, they assume the President's extra revenue from those health care premium increases and put that into their budget.

Cutting veterans' health care by over $5 billion in the next 5 years during a time of war, putting a tax on health care premiums for military retirees is no way to show respect for our military or to strengthen America. That is why we should say ''no'' to this budget resolution.

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

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. FOLEY). The gentleman from Texas may not reserve time. The remaining 2 minutes are yielded back to the gentleman from South Carolina.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to a distinguished member of our committee, the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I would like to talk a little about the role of government in a growing economy.

To my way of thinking, that role is to just basically get out of the way. A growing economy is one in which the Tax Code is in a circumstance where it is not an overt burden on it. Not to say that our current Tax Code is perfect, by any stretch of the imagination, but these low tax rates and these tax concepts we put in place in 2001 and 2003 have in no small part added to the growing economy that we currently have.

We don't want to talk today about the regulatory burdens and interference that families and businesses have from government, but those should be counted in the cost as well and get those out of the way.

When you put the pro-growth policies in place that we have had, you get some startling results. We have 17 straight quarters of growth, as measured by the GDP. We have 5 million new jobs that have been created. Unemployment across the Nation is at 4.8 percent, which many think is full employment. Actually, in District 11, which I represent, the unemployment rate is zero, for anyone who wants a job. And a record number of Americans are working today. A record number of Americans are working and paying taxes.

A little aside on the importance of a job, I spent a lot of time in west Texas working on United Way issues and other social service issues, and it has been my experience that when a family has a job that family is better off. That family is able to provide for itself, to make its own decisions about how it wants to conduct its life, and when those individual families are better off then the neighborhoods are better off and the communities are better off as well. So 5 million jobs should not go unnoticed as a startling number in a growing economy.

In conclusion, I think we see that the pro-growth tax policies we have put in place have created record revenues. We will collect more money this year than in any other year in our Nation's history, collecting and growing it in the correct way, more taxpayers paying tax rates at a lower number.

What we have is a spending problem and not a revenue problem. This budget addresses discretionary spending in a modest way, and it also addresses the mandatory spending in an even more modest way. But they are steps in the right direction, and this new mandatory spending will be the first time ever we have done it twice in a row, and I urge my colleagues to support this budget resolution.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. For clarification, the gentleman from Texas (Mr. EDWARDS) had 2 minutes remaining of his 6 minutes. As he may not reserve time, the Chair presumed that it was yielded back to the gentleman from South Carolina.

Mr. SPRATT. The gentleman has 2 minutes remaining on his original allocation of time?

The Acting CHAIRMAN. It has returned to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, I yield the gentleman from Texas back his 2 remaining minutes.

The Acting CHAIRMAN. The gentleman from Texas (Mr. EDWARDS) is now recognized for 2 minutes.

Mr. EDWARDS. Mr. Chairman, let me just say that cutting health care for veterans during a time of war by over $5 billion compared to present services and putting nearly a $1,000 a year military health care tax on military retirees' premiums is not a way to say thank you to our servicemen and women who have risked their lives to defend our country.

And if that weren't insulting enough, to add insult to injury, this budget resolution would say to those people that are making $1 million this year in dividend income you don't have to give up one dime of your $220,000 tax cut. That makes a mockery of the principle of shared sacrifice during a time of war.

Military retirees' health care premiums. Let's say ''no'' to stopping the tripling of those premiums. Let's allow the administration to go through with its proposal to triple those health care premiums, to veterans' health care services over 5 years, and it is in the budget. If you look at the numbers, over a $5 billion cut in present services to veterans. That is okay, but let's not ask those people making $1 million a year in dividend income to give up one dime of their $220,000 tax cut. That is more money than a private serving in Iraq will make over the next decade. The American people understand tough times. And in tough times, they ask for fairness and they ask for shared sacrifice.

□ 1415

This budget resolution is an insult to the American principle of shared sacrifice during time of war, and that is why we should vote this budget resolution down.

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

I cannot find anything of what the gentleman from Texas just said in the budget. I am still looking. None of those policies exist. All of that is just kind of created out of whole cloth. I have looked through it. There is no tax on veterans. My goodness, what kind of rhetoric is that, taxes on veterans. My goodness. Not in here. You cannot find it. I defy you to find it. I don't see a tax on veterans.

Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN) and a member of the committee.

Mr. RYUN of Kansas. Mr. Chairman, there is nothing in this budget process that creates greater priority than what we do as a Nation. When it comes to this budget, Congress has no higher priority than providing for our national defense.

This Congress remains unwavering in support for our troops, both here and abroad. After 9/11, we spent quickly to rebuild New York and the Pentagon. We spent deliberately to enforce our Nation's defenses to prosecute the war on terrorism. Over the past 4 years, the budget for the Department of Defense has grown by $22 billion, or roughly 6.3 percent per year. This figure excludes the money we have committed to fight the war in Iraq and Afghanistan, which is an additional $317 billion if we assume the most recent supplemental.

So when you add DOD's base budget with the additional funding for the war, the defense budget has increased by an amazing 70 percent since 2002. So, clearly, this Congress has had no higher budget priority than providing for the security of this country, and that is the way it should be.

Even prior to 9/11 and the war on terrorism, the need for a military transformation was evident. So, now, DOD and our Nation as a whole must confront the challenges of waging a very unconventional war, even in the midst of massive transformation.

One of the challenges we confront here today is to provide funding for our country's safety. This budget fully accommodates the President's request for the Defense Department, which increases funding to $439.8 billion in discretionary spending, an increase of 7 percent.

We will also see, as we have in the past two budgets, we have included a $50 billion placeholder for the ongoing operations in Afghanistan and Iraq. That is probably not the right figure, and as we go through the year we will probably write another one; but it is a reasonable place to start and help provide for those fighting for our freedom overseas.

Now, as I said a moment ago, there is no higher priority in this budget than providing whatever is needed to protect and defend our Nation. That said, all the taxpayer dollars should be spent wisely with proper planning and oversight. I urge my colleagues to support the budget for fiscal year 2007.

Mr. NUSSLE. Mr. Chairman, I yield to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure, for a unanimous consent.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, first let me thank Mr. NUSSLE and Mr. SPRATT, especially in the realm of transportation.

Mr. Chairman, I want to take this opportunity to thank Budget Committee Chairman NUSSLE and ranking member SPRATT for their assistance during last year's Surface Transportation Reauthorization.

The budget title of the Safe, Accountable, Flexible and Effective Transportation Equity Act, a Legacy for Users (SAFETEA LU) contains the vitally important funding Firewalls for the Federal Highway, Transit, and Highway Safety Programs for fiscal years 2005 through 2009.

My committee is grateful for the Budget Committee's recognition of these important guarantees and their codification in the Balanced Budget and Emergency Deficit Control Act.

I understand that the budget resolution incorporates certain assumptions for Function 400 Transportation Activities.

First, all mandatory funding is assumed to meet the Congressional Budget Office's baseline.

This is good news for the portions of our Highway, Highway Safety, Transit, and Aviation programs that are funded out of the Highway Trust Fund or the Aviation Trust Fund—it means that the authorized levels are assumed under the budget resolution.

However, discretionary budget authority is assumed for these programs at the administration's fiscal year 2007 budget request levels. This is not very good news for transportation programs.

The President's budget request for surface transportation programs is almost completely consistent with the funding levels in SAFETEA LU, with only one major exception.

The 2007 funding level for the Federal Transit Administration is $100 million lower than what was authorized in due to the Administration's failure to fully fund the ''Small Starts'' program. If the fiscal year 2007 appropriations bill fails to restore this $100 million shortfall, that bill will be subject to the house rule XXI point of order against a bill or conference report that would cause obligation limitations to be below the guaranteed level set forth in section 8303 of SAFETEA LU.

Unfortunately, the administration's budget request does not make a similar commitment to meeting our Nation's aviation infrastructure investment needs.

Under the President's budget, aviation capital programs would receive $5.25 billion, which is $1.6 billion, or 23 percent, less than the level guaranteed by the Vision 100—Century of Aviation Reauthorization Act. This reduction is extremely shortsighted, and will only serve to accelerate the impending crisis of congestion and delays in our Nation's aviation system.

Unless we make the necessary investments in our airport and air traffic control infrastructure, delays will increase significantly as air travel continues to increase.

To ensure that our aviation system remains safe, reliable, efficient, and able to accommodate the increased number of passengers anticipated in the near future, the transportation and infrastructure committee recommended in its fiscal year 2007 views and estimates that Aviation Capital Programs be funded at least at the $6.81 billion level guaranteed by Vision 100.

The administration's budget request cuts funding for Amtrak from $1.3 billion in 2006 to $900 million in 2007.

Over the years, proposed cuts in Amtrak funding have been repeatedly rejected by Congress.

If the budget resolution assumes just $900 million for Amtrak, but Amtrak funds are subsequently restored during the appropriations process, other important programs will have to be cut in order to make up the difference.

If the budget resolution assumes the President's budget request levels for the portions of these three programs that are funded with discretionary budget authority from the general fund, it could have a very negative effect on all the agencies and programs that are funded under the Transportation, Treasury, HUD, The Judiciary, District of Columbia, and Independent Agencies Appropriations bill.

I am gravely concerned that the underlying assumptions in this legislation could force a painful choice among programs that are vitally important to the continuing economic well-being of our country.

I sincerely hope that, when the appropriations committee makes funding allocations among its 11 subcommittees, the discretionary budget authority allocation to the Transportation-Treasury subcommittee reflects the full authorized levels for these transportation programs.

This is not only for the sake of the Federal Highway, Aviation, Transit and Rail programs, but also to reduce the painful funding constraint on other domestic discretionary programs that receive funding under that subcommittee's annual appropriations bill.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute.

I would say to the chairman of the Transportation Committee, we do better by transportation than your colleagues on that side of the aisle.

Mr. Chairman, I yield 1 minute to the gentleman from Texas to respond.

Mr. EDWARDS. Mr. Chairman, to respond to Chairman NUSSLE's comments on veterans cuts in this program, I just point out, and his silence perhaps answers my question, it is in the budget. The veterans cuts in present services will be over $5 billion over the next 5 years. It is right here if you would like to see the printout.

Secondly, the chairman knows we voted for a Republican amendment to say ''no'' to the $250 enrollment fee for veterans getting the VA system, but yet you voted on a party-line vote against my amendment to say ''no'' to a thousand dollar increase per year for military retirees health care cost for their premiums. So I would like to ask the chairman in his time to explain what a devastating cut $5 billion in present services would be to the 5 million American veterans who depend on the VA system. I do not know who came up with that proposed cut, but I think it is mean spirited and wrong and will hurt military morale and will not serve our country well. I would hate to put my name on a bill that will cut veterans health care during a time of war.

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

I have to put on my glasses, these numbers are so small. I have to tell you, on page 63, I have it right here: veterans goes from $71.9 billion to $74.6 billion. $71.9 billion to $74.6 billion. I am trying to think now, mathematically that sounds like an increase. Maybe I am missing something, but 71 to 74. Let's see, that's a bigger number; 74, bigger, not a cut. That is an increase.

Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. BONNER), a distinguished member of the committee.

Mr. BONNER. Mr. Chairman, it is early in the debate but one thing is clear: our friends on the other side of the aisle seem to want to have their cake and eat it, too. They want to blame the majority for the national debt and the rising cost of Federal spending, but the only solution they seem to offer is more spending or more taxes.

Increased spending or increased taxes. How can either of those two solutions be the right prescription for getting our fiscal house in order? There is no better example of the challenges we are facing than the need to secure our homeland. And as you know, in the aftermath of the terrorist attacks on September 11, our administration and this Congress responded in a bipartisan way to create a centralized agency to coordinate our Nation's homeland security efforts. But creating an entirely new agency, particularly following September 11, was no easy task. At that time, the organization of the Department of Homeland Security marked the largest single agency opening in nearly four decades, dating back on the creation of the Department of Energy.

It also required the reshuffling of 180,000 employees and the transfer of some 22 Federal agencies from one area of government control to another. A department of this size and scope certainly needs a sufficient level of funding to carry out its goals and objectives; and, initially, $50 billion was set aside just for this purpose.

The overall fiscal year 2006 budget for the Department of Homeland Security, including nonhomeland defense spending, totaled $40.3 billion. President Bush requested in his fiscal year 2007 budget $42.7 billion, an increase of $2.4 billion or 5.8 percent. Overall spending in the homeland security component of DHS has increased from $10.7 billion in fiscal year 2001 to $25.7 billion in fiscal year 2006, or an average of 19 percent increase per year.

Mr. Chairman, while we have made substantial progress in getting DHS up and running, I think it is very fair to say that this Department, while securing our Nation's homeland, is not yet where it needs to be or where it must be. Needless to say, however, this budget moves us on the right path.

At the outset I said that our friends on the other side were looking to have their cake and eat it, too. I went to the House cafeteria to find a piece of cake I could bring to use as an illustration. The only cake I could find was a slice of angel food cake. Now angel food cake tastes good, it sounds good; but it is squishy in the middle, just like their budget proposal.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS) to respond further to the gentleman from Iowa.

Mr. EDWARDS. Mr. Chairman, when Mr. NUSSLE, the chairman of the committee, talked about the VA budget line, what he didn't do is tell the full story. The full story is if you take out the mandatory spending in that VA budget level, what you end up with is going from VA discretionary spending, which covers VA health care, from $36.9 billion in 2007 to $34.4 billion in 2011. That is just not a cut after inflation; that is a cut before you take into account inflation.

So the bottom line is that this budget as proposed will require a massive cut in VA medical services during time

of war. That is not right for our veterans; and he can show all of the charts he wants to about the past, but he knows that you take out the mandatory spending, you are cutting VA discretionary spending. And to try to hide that fact is creative at best and dishonest at worst.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA), a member of the committee.

Mr. CHOCOLA. Mr. Chairman, I would like to thank the gentleman for yielding me this time and thank him for his leadership and service here in Congress in bringing this budget to the floor.

I rise in support of the budget. I would like to point out, really, a historic aspect to this budget. For the first time I am aware of, we are actually budgeting for emergencies.

Most families understand that it is important and prudent to set aside money for a rainy day. Even some States budget for emergencies in their annual budgets. Congress, however, rarely if ever budgets for emergencies, despite the fact that we spend taxpayer dollars on emergencies every single year.

I am afraid this is not just an oversight; it is a back door means to exceed our resolution every year because after allocating all of the available resources, somehow Members can find unforeseen emergency needs that require us to break the budget many times without justification. But in this year's resolution, we are actually starting to clean up that process by bringing transparency and accountability to the process.

We are setting aside an emergency reserve fund for natural disasters and budgeting money we know we are going to spend. Any emergency spending that exceeds the reserve would have to be brought back to the Budget Committee for clearance. It ensures that the committees work the way they are supposed to work. The Appropriations Committee can allocate the resources against competing priorities, and the Budget Committee can set limits on spending and ensure that those limits are enforced.

Mr. Chairman, budgeting for emergencies will help expedite the delivery of funds for those people in need, it will deter breaking the limits of the budget with routine spending, and provides a more honest presentation of the Federal budget to the American people.

I support this budget, I support this provision, and I encourage my colleagues to do the same.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in the area of health care, there is a major difference between us. Some 6 or 7 years ago we got together on a bipartisan basis and agreed that every year we would try to increase the budget of the NIH such that over 5 years it would be doubled.

We achieved that goal, and now every year the Bush administration is marching us right back down the hill. This year in their budget submission over 5 years they have proposed short-funding public health and medical research programs at a level of $18 billion below current services. The programs at risk range from the National Institutes of Health to the Centers for Disease Control to graduate medical education at children's hospitals to rural health. The Democratic budget resolution, by contrast, spares these programs from deep cuts and restores them, fully funding them to the level of current services.

Mr. Chairman, I yield 8 minutes to the gentleman from Michigan (Mr. DINGELL), the dean of the House and the ranking member of the Energy and Commerce Committee, to discuss further the impact of these cuts and ask that he be allowed to yield the time that is granted him.

The Acting CHAIRMAN (Mr. FOLEY). The gentleman is recognized for 8 minutes.

The gentleman is reminded that any time yielded, he will have to remain on his feet.

Mr. DINGELL. Mr. Chairman, I thank my good friend and distinguished colleague who has done such a fine job on the Budget Committee.

We are talking about the Republican budget, and it does not address two pressing health care problems of peculiar and special importance to our people, amongst the other things that it does wrong.

First, thanks to this Republican Congress, new part D of the Medicare program is complicated, impossible to navigate, and the benefits confusing, indeed. And they vary from plan to plan. Plans can even change the drugs they cover after seniors have signed up, bait and switch, if you please. But seniors cannot change plans for a year, while the HMO can do so.

All too often this confusion has resulted in seniors leaving pharmacies without their medication or paying more than they should for their medications. Pharmacists are going broke because of nonpayment or late payment by Medicare. These problems and many of the others which infest part D are in no way corrected by this budget. They are not even giving seniors enough time to sign up; and as a result, these seniors will have to pay a 7 percent penalty for the rest of their lives for this Medicare part D.

Our Democratic substitute would allow seniors until the end of the year to identify and sign up for a plan that meets their needs. It also enables citizens to know that HMOs and private-plan bureaucrats are not going to be able to continue bait and switch, stopping coverage for drugs that a senior's doctor has prescribed and that were covered when the senior signed up.

Second, the Republican budget does not even try to protect the most vital relationship the senior has, that which they have with their doctor.

□ 1430

Even though doctors in Medicare are facing deep cuts in their payments, the Republican budget does nothing to stop this.

Not paying adequately for physician service is going to undermine our entire health care and Medicare program. The Democratic substitute would not permit that to happen. It is another reason for voting with us.

Republicans are content to permit traditional Medicare to erode, while steering unneeded billions of dollars to their HMO and insurance company cronies. Democrats want to protect Medicare as we know it and to spend the money to help seniors and those with disabilities, not to shower it unneeded upon greedy health maintenance organizations and others who deserve no assistance.

I yield 2 minutes to the gentlewoman from South Dakota (Ms. HERSETH), my distinguished colleague and friend.

Ms. HERSETH. Mr. Chairman, I thank the gentleman from Michigan for his leadership, as well as the gentleman from South Carolina for his.

As I travel throughout the State of South Dakota, the number one issue my constituents raise with me is health care. For thousands of families in my State and millions across the country, health care is their top priority. But this budget not only fails to make health care a national priority, it makes the crisis worse.

This budget ignores the 46 million Americans without health insurance, and it actually eliminates the transitional Medicaid assistance program that encourages families to leave welfare for the workforce. This budget actually punishes families trying to create a better future by choosing work over welfare.

The budget cuts funding for health research at the NIH and disease prevention at CDC. It eliminates the National Children's Study to improve the health and well-being of children, the kind of common sense research that will pay dividends in the future. We ask the American people to recognize the cost savings that comes with prevention, but this budget fails to make disease prevention and the research that leads to cures a priority.

This budget cuts Urban Indian Health Centers which serve Native Americans across the country, including in a number of communities in South Dakota. And as has already been noted, it cuts funding for veterans health care by $6 billion over the next 5 years, and it shifts the burden of health care costs for our troops and their families from a grateful nation to the very families with loved ones serving in Iraq and Afghanistan.

And this budget is particularly hard on seniors. As Mr. DINGELL already noted, by allowing a cut to physicians under Medicare it will make it harder for millions of seniors to find quality health care services, particularly in already underserved areas.

And for the millions of seniors struggling to navigate the Medicare drug benefit bureaucracy, this budget does absolutely nothing to solve that problem. For seniors forced to deal with the poor planning and implementation of CMS and the private drug plans, this budget does nothing for them or the community pharmacists who have shouldered most of the burden.

Congress can do better. We owe it to the American people to do better, and I urge my colleagues to demand that the committee either bring us a new budget, one that makes health care a national priority or, better yet, support the Democratic substitute, which does just that.

Mr. DINGELL. I yield 2 minutes to the distinguished gentlewoman from California (Mrs. CAPPS), my dear friend.

Mrs. CAPPS. Mr. Chairman, frankly, I am getting really tired of hearing proponents of this budget argue that drastic cuts to health care are a result of difficult choices.

It is quite apparent that the choice being made is a simple one, further tax breaks for the wealthy instead of real investment into the health care needs of our Nation, the most urgent needs, as our colleague from South Dakota expressed, in her State, and also in mine, the most urgent need that our constituents want us to address in their time of need at home.

At such a time of remarkable breakthroughs, for example, in medical research, it is appalling that this budget cuts 18 of the 19 institutes of the National Institutes of Health. Again, proponents of this budget will argue that in the late 1990s we doubled NIH's budget, and it is a good thing we did. But that just shows how little is understood about scientific research, how much they are minimizing our country's need for true investment.

If this budget passes, the NIH will have 13 percent less funding than it did in 2003. That will mean that we will take giant steps backward in our efforts to eliminate cancer deaths by 2015, a doable goal if we were to stay on track with NIH. It means that our efforts will be hampered to combat the number one killer in this country, heart disease. It means that our ability to remain globally competitive in the development of new treatments is threatened.

Not only is our health research infrastructure under attack by this budget, so are our health professionals. Funding for title VII health professional training is eliminated in this budget. Despite our nursing shortage crisis, funding for nurse workforce training programs is actually less today than it was 30 years ago.

Mr. Chairman, our national security is very much dependent upon our ability to sustain a healthy and viable work force to respond to emergency situations. This budget ignores those needs. So I urge my colleagues to oppose this illogical and immoral budget.

The Acting CHAIRMAN. The gentleman from Michigan has 1 minute remaining.

Mr. DINGELL. Mr. Chairman, I yield that back with great gratitude and appreciation to my distinguished friend from South Carolina.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART), a member of the committee.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, the Budget Committee chairman today, we have heard it, has mentioned a number of times something that is captured in this budget, reducing waste, fraud and abuse. Now, our friends from the Democratic side also have a consistent theme, spend more money regardless if a lot of it is wasted.

But you see, Mr. Chairman, billions of dollars are lost each year to waste, fraud and abuse in the Federal Government. Not only does waste, fraud and abuse steal from the American taxpayers, Mr. Chairman, it also burdens those who rely on the government for their services.

Unfortunately, our friends on the other side of the aisle, they are consistent in, again, spend more money, without measuring efficiency or effectiveness of the programs. It is evident, obviously, that some on the far left measure success of government programs by the level of spending, not on results. Again, just spend more of the taxpayers' money, no matter what.

We cannot excuse programs that, through waste, fraud and abuse, are cheating the taxpayers out of billions of dollars of their hard-earned money. We owe it to the people that sent us here to Washington to ensure that their hard-earned tax dollars are protected through good oversight, performance evaluations and sensible funding decisions.

While the far left is endlessly attempting to increase taxes without any form of accountability and spend more money, I urge you to support the Republican budget that helps make our government programs more efficient, reducing waste, fraud and abuse, while funding our Nation's priorities.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, budgets are moral documents, and one measure of a budget is how it treats the least among us. The House Republican budget resolution severely weakens the safety net for the least among us, cutting income security programs by some $14.9 billion over 5 years below the level of current services.

Among the programs cut, actually totally eliminated, would be the Commodities Supplemental Food Program, which provides nutritious food to 420,000 elderly people every month and to 50,000 mothers. HOPE VI would be eliminated for repairing and refurbishing public housing. Supportive housing for the disabled would be slashed by 50 percent, housing for the elderly cut by 26 percent, and, in addition, $4 billion in reconciled spending cuts that are directed to the Ways and Means committee, implying cuts in the Earned Income Tax Credit, TANF, SSI, unemployment insurance, these programs within their jurisdiction.

Here to discuss further the implications and consequences for families and communities is the senior member from New York (Mr. RANGEL), the ranking member of the Ways and Means Committee, to whom I yield 8 minutes.

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

Mr. RANGEL. Mr. Chairman, let me first thank Mr. NUSSLE and the Republican leadership for bringing up an important bill and allowing us to discuss it during the daytime hours. It is so unusual that I just wonder when the vote is going to take place, but I do hope it is in time for America to see how we work.

Also, I want to thank Mr. NUSSLE for giving me the opportunity to explain some of the language that he has been using, because when he talks about entitlements there are so many people that get angry and they have to be against entitlements, too. They have to really be angry with America spending such a large amount of our budget on entitlements. But it is strange, they talk about entitlements and we talk about people in need. They talk about entitlements, we talk about the Social Security system that has lasted this country and given so much self-esteem and pride for our older people, those who became disabled, and things that we like to do.

Don't cry. Don't just bring us these doggone private accounts. Don't send it to commissions. Bring it on the floor. Take it to the American people. Ask the older people and their kids and their grandkids, how do you measure self-esteem and dignity?

Entitlements. What does it mean? Who are the least among us? Is it the poor? And if you are poor and you are sick, is it asking too much in this great country of riches to say you are entitled to health care? And if you are older, and you want to get a prescription drug, is it wrong for you to be outraged because we believe that they are entitled?

Or how about a kid from the neighborhood? Most of us here came from families that never got a college education. Were we entitled to an education? No. We were lucky we were able to get it. But I think that now that our Nation is at war, a war that we shouldn't be in, I think that our Nation is at war in terms of competition with foreign countries, that our people should be entitled to educations. They should be entitled to compete. They should be entitled to self-esteem, and every American should have an education and a decent place to live and health care.

But no, we can't afford it. We can't afford it, one, because $400 billion for

Iraq. We can afford it for them. Oh, they will be entitled to decent health and decent housing and anything else, and we are not going to leave there until they get it, and they will have the victory and we will have the deficit.

And so what I am saying is that let's not talk entitlements. If you really want to kill the education programs, the health programs for the aged and for the young, let's call it what it is. It is called Social Security. Say it with me. Social Security. It is called Medicaid. It is called Medicare. And these are programs for the disadvantaged.

Now, if you can't afford it because you have some friends that are in the highest income, and I have not received one letter from any of them, and I don't think those from the rural areas, there aren't too many of them there either. They may be included on the contributors list, but they haven't called and asked for this tax cut. They haven't called and asked for it.

But the people that are out there when we get back home during this work period, they will thank us for fighting to save what they think, what they used to be entitled to.

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

The Acting CHAIRMAN. The gentleman yields back the time to the gentleman from South Carolina.

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

Mr. SPRATT. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the outstanding gentleman from Washington (Mr. MCDERMOTT), a member of the Ways and Means Committee.

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

Mr. MCDERMOTT. Mr. Chairman, when I read through this budget, they are back again, folks. They are back again.

Just a few months ago the Republicans called a final vote on the budget bill that slashed funding for child support enforcement, foster care, student loans and health care coverage for low income families. Today, the nightmare continues. They are back again doing the same thing within 3 months.

□ 1445

Republicans propose another round of pain for Americans already suffering. The committee on which I serve is required by the Congress to cut $4 billion from the budget. Now, it will come out of my subcommittee, the one I am the ranking member on, because that is where the children are and that is where the weak and the old and the sick are. They are not going to take it away from the taxpayers. They are going to take it away for the poor and the weak.

When the Republicans send the high-income earners to the trough for more tax cuts, they will starve the Federal programs to help the poor.

I know it is Lent; so I am sure this is a faith-based initiative we have here, and the Republicans certainly understand the idea of sacrifice. This budget sacrifices one-third of the Social Services Block Grant, which funds assistance for abused kids, child care for working families, and vital services for the disabled and the seniors in this country. I asked the Rules Committee to allow an amendment to restore these cuts, but the Republicans said no. Mr. Chairman, why will you not allow this House to actually consider the effects of slashing programs to help the sick and the poor?

Now, I know some key Republicans have left, but the fix is still in in this joint. The Republican Congress will rubber-stamp the Bush agenda and provide for those who need it least. It is Lent, and the Republican majority is ready to sacrifice common sense, common decency, and common dreams.

The Republicans' budget sacrifices morality and a balanced budget for tax holidays for the rich, for the 1 percent. The party of the 1 percent is in charge in this House. Only the 1 percent at the top matters.

They're back, Mr. Chairman, and the Republican budget is no apparition. It is a real assault.

There is an irony that maybe some of you out on this floor may not think about, but some Members are running for higher office in State-level jobs. Some of those people are cutting the very programs that they, if they win their election in November, will have to go out and deal with the problems. If you are running for a State governorship or any kind of State office, think very carefully about how you stab yourself, because you are going to meet this when you get there after the election.

Mr. RANGEL. Mr. Chairman, I yield the balance of my time to the distinguished member of the Ways and Means Committee from Massachusetts, Mr. NEAL, who serves on our committee as well as the Budget Committee.

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Chairman, I want to thank Mr. RANGEL for yielding me the time.

But let us clear something up immediately. Let us not demean the intelligence of the American people when we hear waste, fraud, and abuse. Where has the spending gone? They are bragging on one hand about increasing military spending by 70 percent. Seventy percent for the military. We are fighting two wars, Iraq and Afghanistan. Have we forgotten about that? What about Katrina? Have we forgotten about Katrina? What about their prescription drug bill? Now, which of those qualifies for waste, fraud, and abuse? That is where the money has gone. The problem we have today in this House is their tax cuts that, by the way, went to the top 1 percent of the wage earners in America. The millionaires were taken care of with their largesse.

This budget takes the word ''compassionate'' out of ''compassionate conservatism.''

The Republicans would have the country believe that the budget cuts do not have any impact on Americans. There is not a family in America that will not be harmed by this budget. The President's budget was bad enough. I was honored as a Democrat to present the President's budget at the budget meeting. Do you know why? Because not one Republican would present the President's budget. The result, 39–0, we knocked down the President's budget.

But let us talk about what this budget does. It calls for freezing child care funding. It will eliminate a program that provides food for 420,000 poor elderly people, 50,000 poor mothers and their kids. It even ordered a 50 percent cut in housing assistance for people with disabilities. Their budget before us today takes an additional $100 million in cuts beyond what the President's budget proposed.

At a time when we ought to be concerned about families in America, this budget turns its back on those people. This budget is the polar opposite. Instead of throwing doors open for the American people, they offer less vocational training, fewer small business loans, less financial aid for colleges, less support for our veterans.

This budget lacks vision.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a member of the committee.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, as you know, I was absent from this House for 16 years, and I came back longing for some familiarity, but also hoping for some change. But as Yogi Berra said, when we have these budget debates, it is deja vu all over again. The same words I heard 18 years ago from the other side of the aisle still prevail: ''weaken,'' ''starve,'' ''slash,'' ''stab,'' ''kill,'' ''attack,'' ''assault,'' ''inflict pain.'' So I looked at the budget to see how much less it is than when I left here 18 years ago. It is so much larger now it is unbelievable.

When we had the head of the OMB, now soon to be the new chief of staff at the White House, appear before us, he said that if we do not start to control entitlements, mandatory spending, by the time my children are ready to retire, we will have no ability, he said, to spend anything on discretionary spending including the military. Think of that. We have come to a position now where the burgeoning of the entitlement programs is such that in another generation what the Constitution calls our first obligation, common defense, we will have no money for it. Now, how can this budget be so terrible? How can it be stifling?

When I left here before, if we had just frozen spending for a year, receipts would have caught up with spending. Now we are in a position that it would take 3 years of a freeze to catch up. This budget is not slashing, cutting. We are doing a little bit of trimming. Many Americans do not think we are doing enough.

And the whole idea on the other side is all we have to do is tax more. Look at what these tax policies have given us. We have a robust economy. We have lower unemployment rates. Our rates of unemployment now are below what economists told us when I was here before we could ever sustain. They talked about 6 percent unemployment being full employment. Now we are below 5 percent.

We should not sacrifice jobs on the mantra of increasing taxes, as my friends on the other side would have us believe.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the President sent us a budget that was woefully deficient when it came to homeland security, which is a pressing concern for all of us. The Republican budget, I will give them credit, to some extent corrects that woeful deficiency by $11 billion. But over 5 years that funding level for homeland security, a pressing, critical domestic need, is still $6 billion below current services.

We restore homeland security at least to the level of current services. Thus we would be funding programs that are critically needed to deal with what most of this House recognizes is a tremendous deficiency, namely, seaport security, which pales in comparison to what we have done for airport security; and it is one of the reasons for the outcry over the Dubai ports deal.

Mr. Chairman, I now yield 6 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member of the Homeland Security Committee, to discuss the consequences and the differences between our budget and theirs when it comes to homeland security.

Mr. THOMPSON of Mississippi. Mr. Chairman, today I rise in strong opposition to the fiscal year 2007 House budget resolution, a resolution that shortchanges our critical homeland security programs.

The funding provided under this measure leaves dangerous gaps in our Nation's border, ports, mass transit, aviation, and critical infrastructure security. It also fails to address the preparedness and response deficiencies laid bare by Hurricane Katrina.

When Katrina struck the gulf coast, it was a frightening wakeup call to our Nation that we could not handle a response to a major incident, regardless of whether it was a terrorist attack or natural disaster. Regrettably, the House budget resolution, like the President's budget request, continues a 4-year trend of underfunding the Department of Homeland Security and homeland security programs across the Federal Government.

The most egregious cuts and eliminations are to programs that assist our local and State officials in preparing for and responding to emergencies. The budget slashes first responder funding by $570 million. The Local Law Enforcement Terrorism Prevention Program is completely eliminated. Communities across the Nation have come to rely on the program to help with information sharing among local law enforcement agencies as well as counterterrorism and security planning.

Like the President's budget, this budget unjustifiably cuts critical firefighter grant programs. The SAFER Act firefighter hiring program is eliminated. The FIRE Act grant program is cut by 50 percent. Together these programs are critical to ensuring that our local fire departments can recruit and retain firefighters and give them the tools they need to respond to emergencies and disasters. These programs should be increased, Mr. Chairman, not decimated.

Another grant program that is slashed under the budget is the Emergency Management Performance grants. This program is the singular Federal program for State and local all-hazards preparedness and readiness. Communities use this money to develop disaster plans, sheltering strategies, and evacuation routes.

In 2004, even before the name ''Katrina'' became synonymous with misery and loss, NEMA reported that this program faced a $260 million shortfall. Just 2 days ago, expert hurricane forecasters told America to prepare for another bad hurricane season. They predicted that the east coast chances of being hit this year had doubled to more than 60 percent. Yet here we are today considering a budget that slashes Emergency Management Performance grants. I hope the forecasters are wrong; but if they are right, Mr. Chairman, I for one do not want to be standing here 6 months from now if New Jersey, Long Island, or some other populated east coast center is hit, saying we could have done something.

Not only does this budget shortchange our communities, Mr. Chairman, but it also turns its back on them when it comes to covering the cost of keeping dangerous and criminal aliens incarcerated. The President's budget calls for the elimination of the State Criminal Alien Assistance Program. This resolution before us today does nothing to remedy that. With all the President's tough talk on border security, you would think that he would want to at least keep the most violent and dangerous illegal immigrants off our streets. Instead, this budget cuts the one program dedicated to helping our local cops and sheriffs put behind bars those who are breaking laws. Even Republicans last year disagreed with the President and joined Democrats in approving $405 million for the SCAAP program.

What has changed this year? They no longer want the criminals off the streets?

The budget also ignores the wakeup calls that came in 2004 and 2005 when terrorists executed coordinated rush hour train and bus bombings in Madrid and London. The budget does not provide dedicated funds to close known gaps in rail and mass transit systems to protect 14 million Americans, who use nearly 6,000 public transportation systems each day.

Under this budget, State and local transit agencies, which have already spent $2 billion to enhance security and emergency preparedness since 9/11 attacks, continue to be left largely to fend for themselves.

We are shortchanging the Coast Guard in this budget. That agency, which did the right thing in Hurricane Katrina, is using ships from the Vietnam era. In using these Vietnam-era ships, we put our Coast Guard at risk. This budget will ensure one thing: that the Coast Guard with need a lot of bubblegum, bailing wire, and buckets to stay afloat if it is approved.

Speaking of maritime security, this budget does little to ensure that ports can make the physical security improvements they need for high-risk containers coming to America.

I call on my colleagues to reject this budget for these reasons. Congress should no longer ignore the fact that homeland security begins at home, in our communities, towns, and in our cities. Let us do the right thing by the American people. Let us put a budget together that protects our Nation.

□ 1500

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the very distinguished chairman of the Education Committee, my friend from California (Mr. MCKEON).

Mr. MCKEON. Mr. Chairman, I rise in support of the fiscal year 2007 budget, and I would like to thank Budget Committee Chairman NUSSLE for his hard work and leadership, as well as the work of his committee and staff, in putting together this blueprint. This budget maintains our commitment to funding our national priorities while exercising fiscal restraint on behalf of American taxpayers. I think that is the thing that they should be doing.

This commitment is one that the Education and Workforce Committee has taken and continues to take seriously. As part of the last budget process, we placed our student loan and pension insurance programs on a more solid financial foundation. We expanded benefits for those attending college and saved taxpayers billions of dollars in the process. Just like last year, we fully intend to be key players once again.

My colleagues know that there is no higher priority for the Education and Workforce Committee than our Nation's students. In this Congress alone, this House has passed legislation to reform our early childhood education

programs, expand college access, and strengthen our job training and vocational education systems. These reforms have been backed in recent years by an equally impressive record of funding for our Nation's education priorities.

As you can see in this chart, over the past decade Federal education funding has increased by about 150 percent. Breaking these numbers down further, funding for No Child Left Behind has increased by one-third since it became law a few years ago, Pell Grants are funded at an all-time high, and Federal aid to low-income schools is consistently high as well. Those who claim that we are shortchanging any of these programs may have rhetoric on their side, but they do not have reality on their side. The reality is our education priorities are well-funded, and this budget continues that practice.

But we also must not lose sight of the fact that today's students are tomorrow's taxpayers, and it is unfair to leave them with exploding budget deficits. That is why this budget's ability to balance priorities and restraint is so important.

Mr. Chairman, American taxpayers have a right to know that our top priorities are well funded, but they also have the right to expect a return on their massive annual investment in Federal programs. This budget strikes a responsible balance between the two, and I urge my colleagues to support it.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I rise in strong opposition to this Republican budget which, of course, continues to take our country in the wrong direction. Not only does the Republican budget make harmful cuts to critical services for working families, it fails to live up to really any standard of morality.

By eliminating programs like HOPE VI and the Community Services Block Grant, and by slashing education training and social services funding, the Republican budget really is an all-out assault on millions of hard-working Americans.

Further, the issue of economic security which, of course, does not exist in this budget, economic security is really a critical component of national security, and the Republican budget even fails to adequately support homeland security priorities.

I represent one of the largest ports in the country, and I know firsthand how important port and container security is. Though the Port of Oakland achieved the ability to screen all cargo coming through last year, how many other ports are adequately funded to do this? Economic security and homeland security are put on the back burner in this budget, and that is simply unacceptable.

So I urge my colleagues to reject this budget resolution, because it is not a budget that we should be supporting.

Mr. SPRATT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the Democratic budget resolution, I want to emphasize again; is exactly the same when it comes to dollar funding for national defense-national security, function 050. We are at the very same level, exactly the same as the House Republican resolution. That includes the $50 billion they provide toward the cost of operations in 2007 in Iraq and Afghanistan.

Our resolution also funds foreign affairs, function 150, a bit above the House Republicans, but below the Senate and below the President's request.

Though the funding levels are the same, the Democratic budget resolution calls for a better distribution of the defense budget. The Democratic budget resolution calls for, among other things, forgoing higher TRICARE fees on retirees under the age of 65, as the President and Pentagon have requested; not granting that request; increasing pay and reenlistment bonuses, badly needed to ensure recruitment and retention; increasing family support center funding, badly needed for troops who are deploying now, some for their third tour of duty, leaving their families behind; funding cooperative threat reduction and nonproliferation at higher levels; funding the Army National Guard at 350,000 troops, not 17,000 less than that; ensuring $115,000 in death gratuities, funded retroactively to May 5, 2005; funding free life insurance in combat zones at $400,000.

Then, to pay for these things, funding missile defense at a substantial, but lower, level, among other things; de-emphasizing space-based interceptors; funding transformational, next-generation satellite development, being pushed along a fast track, at a substantial, but lower, level; and, finally, implementing the financial management recommendations that the General Accounting Office has made in order to make the Pentagon and the Department of Defense more efficient, particularly in the acquisitions.

Mr. Chairman, I yield 6 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking and long-time member of the House Armed Services Committee, here to discuss the budget for national defense.

Mr. SKELTON. Mr. Chairman, I need to share with the Members of this body the testimony we received at our Armed Services Committee hearing just yesterday. David Walker, the Comptroller General of the United States, told us we face a large and growing structural deficit. He testified as follows: ''Continuing on this path will gradually erode, if not suddenly damage, our economy, our standards of living, and ultimately our national security.''

Mr. Chairman, we have been warned. That is why I rise today in support of the Democratic alternative budget.

The Spratt alternative begins to put us on a sane fiscal path which will protect our national security. Furthermore, it provides funding for our critical national security needs that were left out of the President's and the majority's budgets.

The Spratt alternative would fully fund the end strength, the number of people, in the National Guard. If one supports the National Guard, one should vote for the Spratt alternative.

It reverses the cut to the Cooperative Threat Reduction Program. If one supports keeping weapons of mass destruction out of the hands of terrorists, one should vote for the Spratt alternative.

It rejects the TRICARE fee increases proposed by the President. If you oppose tripling the fees charged to military retirees, one should vote for the Spratt amendment.

It increases funding for family support centers. If one supports military families when mom or dad is deployed overseas, one should vote for the Spratt alternative.

It provides $400,000 of life insurance to servicemembers going into combat. If one supports taking care of our troops when they pay the ultimate price, one should vote for the Spratt alternative.

It increases funding for pay raises and reenlistment bonuses. If one supports rewarding our troops with higher pay, one should vote for the Spratt alternative.

Like the base bill, the Spratt alternative will extend the enhanced death gratuity to those families who were previously left out after September 11.

Mr. Chairman, in summary, I view voting for the Democratic alternative being offered by Mr. SPRATT as crucial to supporting our national security, and I hope that each of our colleagues who supports defense will vote with me and for the Spratt Democratic alternative.

Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, there are many reasons that the Spratt substitute is a superior alternative to the base bill, but I think among the most important reasons is the basic credibility and honesty of the Spratt alternative when it comes to the foreign entanglement issues our country finds itself faced with today.

The base bill essentially assumes that the conflict in Iraq will wind down very precipitously and require almost no resources in the coming fiscal years. I hope that is true, but I think it is wildly imprudent and recklessly irresponsible to build a budget on that assumption.

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

Mr. ANDREWS. I yield to the gentleman from Iowa.

Mr. NUSSLE. Does the gentlemen know that the Spratt alternative does the exact same thing?

Mr. ANDREWS. Mr. Chairman, reclaiming my time, I also know that the Spratt alternative, by forgoing the reckless tax cuts of the majority's version, gives us the flexibility and resources to meet our true obligations in Iraq and Afghanistan.

Mr. NUSSLE. But is the money in there in this ''reckless'' plan the gentleman was suggesting?

Mr. ANDREWS. Reclaiming my time, the Spratt alternative, frankly, leaves room for the supplementals that would be necessary, because it does not opt for fiscally reckless tax cuts that have put the country in a position where it is borrowing $25 for every $100 that it spends.

It is true, as the chairman points out, that the Spratt alternative doesn't lay out the true costs of this adventure in Iraq. But it is also true that the supplementals that are inevitably coming, inevitably, that there are resources for those supplementals because of what Mr. SPRATT has done, and there are not resources beyond simply expanding the deficit because of what the majority has done.

Whether one agrees with the policy in Iraq or disagrees with the policy in Iraq, the reality is we have to pay for it. To put on the floor a budget that doesn't pay for it and then takes up resources that could be used in a supplemental and soaks them up for the majority's worship at the altar of tax cuts for the wealthy, I think is irresponsibility beyond compare.

There are a lot of debates one can have about the question of Iraq, but the debate we cannot have is whether we have to pay for what we are doing. The majority has put us in a position where we will only pay for it by borrowing money. Mr. SPRATT has put us in a position where we can follow a more rational path.

I urge adoption of the Spratt alternative.

Mr. NUSSLE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me just say to start with, I cannot let that go. In this body we have had bipartisanship with regard to national defense for quite a long time, and I hope that continues. But the irresponsibility of the statement that was just made has got to be called on the carpet.

The Spratt alternative, everyone has a right to come to the floor with an alternative, and I have enormous respect for the gentleman from South Carolina. We are friends. We work together on budgets. He has the full right to come here. But don't come to the floor and tell us that we have an irresponsible plan, when your plan has the same numbers, number one; and, what is more, fills whatever gap you were just talking about with something called the ''tax gap,'' which is a $290 billion pipe dream that somehow you are going to collect money on past taxes from people who didn't pay them.

□ 1515

Good luck. I would like to see you try. But that is how you fill the hole, I would say to the gentleman from New Jersey. And what is more, and I will bet it is in your press release already, you claim balance by supporting the Spratt substitute.

There is only one way you can claim balance, only one way. Do you know what that is? The way you claim balance is if you spend no more money on Afghanistan, no more money on Iraq, no more money supporting troops in the field, no more money for body armor, no more money for any benefits to those troops that are serving us so well over there in the Gulf.

So for you to come to the floor, when we have bipartisanship on national defense 99.9 percent of the time around here, for you to come here and for you to suggest somehow that it is reckless for us to put that in our plan when you not only put it in the plan but then somehow claim balance, there is only one of two ways: You either have some secret plan to bring the troops home immediately, similar to evidently what was proposed by the gentleman from Pennsylvania here not that long ago, or you intend to have no money for those troops in Afghanistan and Iraq.

Now, my guess is that is not true, and my guess is I just went over the line. My guess is that is not what the gentleman intends, and my guess is that when the bill comes to the floor and when the very distinguished gentleman from Missouri, the Democrat ranking member and when the very distinguished gentleman from California, the chairman of the full Committee on National Defense and Armed Services comes to the floor, that that will not be the case whatsoever.

But for you to increase the rhetoric down here about some irresponsible defense plan is irresponsible.

I hope we can put that partisanship back in the bottle, because it ought to end at the shore when our men and women are fighting in harm's way, and I hope that the gentleman will check that rhetoric next time he comes to the floor, because we can have disagreements over a lot of things, but when the numbers are the same for the same reason because we have the same passion and concern about our men and women, please, I would ask the gentleman not to heighten the rhetoric so he can put out a press release.

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

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS) to respond.

Mr. ANDREWS. Mr. Chairman, perhaps instead of the rhetoric that the gentleman from Iowa ought to check is the rhetoric that refuses to ever consider scaling back the size of the sacred cow tax cut to meet the honest obligations that this government has to those men and women that he invoked just a minute ago.

The reality is there will be at least one supplemental on this floor; the reality is it is not accounted for in the underlying resolution; and the reality is that, as far as I can see from their past behavior, the majority would not even consider scaling back the size or scope of the tax cut in order to finance that supplemental.

Now, I would be thrilled to hear the chairman correct any of those three assumptions, but I assume that they are accurate. Or, Mr. Chairman, I would yield to you. Are any of my three assumptions inaccurate?

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

Mr. ANDREWS. I yield to the gentleman from Iowa.

Mr. NUSSLE. Yes, they are. In fact, we put into the budget an emergency reserve fund for the purpose of funding that war, the same way Mr. SPRATT does, the exact same amount.

Mr. ANDREWS. Reclaiming my time, is that amount sufficient to meet the supplemental need, do you think? Apparently not.

The Acting CHAIRMAN (Mr. GILLMOR). The time of the gentleman has expired.

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

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I had intended to keep my remarks along the lines of the housing and community development concerns that I have as ranking member of the Subcommittee on Housing and Community Affairs, but I cannot sit here and witness what I just heard from the opposite side of the aisle without joining with my colleagues and certainly calling the Republican budget resolution irresponsible. And certainly we support the tax alternative, the Spratt alternative, the Democratic alternative, because not only do we have a more responsible alternative, we have said over and over again to the opposite side of the aisle, while the President of the United States has been spending like a drunken sailor, that you cannot, you cannot wage this war, you cannot spend the money that has been spent on the military and have the kind of deep tax cuts that he has imposed upon this Nation, over $2 trillion since 2001. And to add to that, the President of the United States promised us that we would get money from the pumping of the oil in Iraq, we would use that money to help rehabilitate, to rebuild Iraq. But instead they cannot account for $9 billion unaccounted for, and about $2 billion of that was stolen by Halliburton, and so to challenge us about responsibility is laughable.

As a matter of fact, when we take a look at this budget, aside from the disaster that has been caused by these tax cuts, we find that this budget is cutting the most vulnerable people in our society. When I look at the fact that persons with disabilities are going to be cut 50 percent in the housing budget, when I look at the fact that the elderly will be cut by 25 percent, then who are they to call us irresponsible?

Mr. Chairman, there is a housing crisis in the United States of America, and not simply because of Katrina and Rita. Those trailers down there under this administration are sitting, they remain empty, the public housing units have not been rehabilitated. We are confronted with a real catastrophe here.

Further, there is not a single metropolitan area where extremely low income families can be assured of finding a modest two-bedroom rental home that is affordable, and there are literally millions of people who are homeless.

I am also concerned about the $736 million in cuts this budget makes to Community Development Block Grant program. CDBG is an indispensable program to communities across the Nation for housing, neighborhood improvements, and public services. My own State of California will lose $119.7 million and Los Angeles County would lose $41.1 million in CDBG funding, especially if these cuts are enacted. And I want to tell you, little towns all over America depend on these.

Mr. NUSSLE. Mr. Chairman, I yield myself 1 minute.

First and foremost, we added $1.3 billion back into the budget for that very purpose on CDBG. So the gentlewoman is mistaken on that point.

Plus, I am glad the gentlewoman is at least one of the Members who have been willing to come here and be honest about her lack of support for the war and what that means for the budget priorities. If you do not support the war and you do not support the funding, it makes it clear why you would not put it in there and then claim balance.

We are not trying to pretend to anybody that there are not going to be expenses in the outyears. We just do not know what they are. And nobody on either side knows what they are going to be. The Pentagon does not even know what they are going to be. We hope that they are minimal, but we have at least put the funding in the budget to demonstrate that.

The difference is that in this alternative I think we are starting to see the glimmer of what the plan is really about, and that is a secret plan to bring the troops home, do it immediately, not fund in the outyears, claim balance, and as a result not support what we are doing.

That is fine if that is what you want to do. I am glad you are at least being honest about that and that is exactly what is being planned in this budget. By not putting the money in there, by claiming balance, it is clear that there will be no more money for the war in Afghanistan and the war on terror after this budget year.

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

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

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

Mr. PRICE of North Carolina. Mr. Chairman, in relation to Chairman NUSSLE's last offering, let me just repeat once again: the defense numbers in the two budget resolutions are equal.

In other respects, however, the Republican budget gives us the worst of two worlds. It takes us over the cliff fiscally, and yet it underfunds key domestic priorities.

You would like to think that if we are going into $400-plus billion worth of additional debt, at least we are getting adequate funding for our domestic needs. But we are getting neither fiscal responsibility nor an adequate addressing of our needs for investment.

The premise of the Republican budget as submitted by the President and as presented by our Republican friends seems to be that this country is going broke because we are doing too much cancer research. We are going broke because we have too many after school programs. We are going broke because we are opening up too much affordable housing. It simply is not true. To scapegoat these sorts of domestic expenditures is deceptive and reprehensible.

There are many reasons for the fiscal mess that we are in, starting with the President's tax cuts targeting the wealthiest Americans, defense and security spending above projected levels, a sluggish and sporadic economic recovery, and the expansion of health care entitlement costs. The one item not on the list is domestic discretionary spending, which is very close to projected levels. Yet that is the item that is being squeezed in this budget as though that were the culprit in our fiscal meltdown.

I am happy to say that our Democratic alternative balances the budget sooner and addresses these pressing domestic needs.

Mr. Chairman, our Federal budget, like our household budget, is a statement about our priorities, about what we most care about.

We ought to care about our obligation to future generations, to avoid placing a debt on them. We also have an obligation articulated in James' epistle in the scriptures. ''Suppose a brother or sister is without clothes and daily food. If one of you says to him, 'Go, I wish you well, keep warm and well fed,' but does nothing about his physical needs, what good is it?''

Mr. Chairman, we must take these dual obligations seriously: An obligation to be fiscally responsible, to avoid loading a burden on future generations, and at the same time to meet the needs of our communities, to open up opportunity, to be fair, to bring home the promise of American life.

Surely there is no better indication of what we really care about and what we aspire to for this country than the Federal budget that we enact each year. It is not just abstract numbers; it reveals what kinds of stewards we wish to be.

The Democratic alternative shows us the way past the President's ''worst-of-both-worlds'' budget, and I urge colleagues to give this alternative open-minded consideration and support.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in this budget the function for natural resources and the environment is not as large as defense, or some of the other functions, but it is important for the future of our country. In the function it funds, the natural resources and the environment, our Republican colleagues again match their President dollar for dollar.

For 2007 the Republican budget provides $28 billion in discretionary funding for a range of programs. That is $2 billion less than this year's level, $3 billion less than current services. Here are some of the cuts: Corps of Engineers cut $596 million, Environmental Protection Agency cut $304 million, Clean Water State Revolving Fund cut by $199 million, Land and Water Conservation Fund cut $42 million down to $86 million, the National Parks Service cut $102 million, State and private forestry cut $35 million to $244 million.

Our resolution, the Democratic resolution, restores all of those cuts and brings the budget for natural resources and the environment back to current services.

Mr. Chairman, I yield 8 minutes to the gentleman from West Virginia (Mr. RAHALL) to discuss the consequences of the cuts that the Republican resolution would make.

Mr. RAHALL. Mr. Chairman, I thank the distinguished ranking member of the Budget Committee for yielding me time.

Mr. Chairman, I do rise in strong opposition to this budget resolution for all the reasons that have already been said today, that will continue to be said this evening, that will be said all day tomorrow and into tomorrow night until the majority can get the necessary votes on their side of the aisle to jam it down our throats.

□ 1530

I want to highlight the negative impacts of the President's budget, as endorsed by this resolution, on the environmental and natural resources.

The President's budget for fiscal year 2007 provides funding for environmental programs which is 6.7 percent below the enacted level in fiscal year 2006.

That amounts to nearly a 10 percent cut below the level necessary to maintain current services at the EPA, the Department of the Interior, and other resource management agencies.

And to add insult to injury, these cuts would come on top of the previous years of stagnant funding under this administration for these vital domestic programs.

I also serve on the Transportation Committee, and let me briefly highlight one of the impacts of this budget on the EPA. Across the Nation, there is

a vast array of unmet clean water and safe drinking water infrastructure needs here in America. Yet the President's budget for the Clean Water State Revolving Fund calls for a 22.4 percent cut from the 2006 enacted level. If enacted, that would represent nearly a 50 percent decrease since 2004.

Whether it is in my district in southern West Virginia or any other Member's district in this country, it is obvious that we need to do more to ensure clean water and improve public health. Yet this budget disregards those obligations to the American people and falsely says, in effect, Mission Accomplished.

The inadequacies of the President's budget are equally detrimental to the programs administered by the Department of the Interior and other agencies under the jurisdiction of the Committee on Resources.

The vast majority of Americans treasure our national parks, national forests, national wildlife refuges and public lands. Along with the oceans, Great Lakes and inland waterways, they not only provide habitat for fish and wildlife, but they are economic engines as well for adjacent cities and communities.

Yet this constricted budget not only neglects to improve and enhance this vast array of vital resources and national assets; it fails to even maintain the status quo. For example, the administration is so desperate for revenue gimmicks that it has resorted to proposing to sell off our national forests and public lands in order to fund rural schools.

Instead of selling public lands to special interests, what Congress should be doing is increasing funding for critical programs such as the popular Land and Water Conservation Fund.

The administration proposes to effectively dismantle the stateside grant program and provide only $91 million, the lowest amount in more than 30 years, for Federal land acquisition under the Land and Water Conservation Fund.

In effect, this would deprive State and local governments of badly needed funding for local parks and recreation and would further undercut efforts to acquire new lands to enhance our national parks, forests, and wildlife refuges.

Ironically, the Land and Water Conservation Fund has an unspent surplus on the books in the Treasury of over $14 billion, and the authorized annual spending limit is $900 million.

The purpose of the fund is to dedicate a small fraction of the enormous revenues generated by drilling offshore on the Outer Continental Shelf to the conservation of our resources. Yet this flawed budget, to put it politely, breaks that promise to the American people and disregards the conservation needs of this Nation.

Mr. Chairman, in the budget reconciliation legislation last year, the Republican majority on the Committee on Resources proposed to expand drilling in Federal waters offshore coastal States. That proposal, along with other controversial measures to open up ANWR and sell off public lands to mining companies, were all stripped from the legislation prior to enactment. Fortunately, perhaps in light of that experience, the Budget Committee has not included any instructions to Resources in this resolution.

But there are legislative proposals pending before the Resources Committee that would seek to undercut the offshore oil and gas drilling moratoria restrictions and expand drilling off the coast of Florida and elsewhere. In fact, these proposals would seek to offer incentives to approve States to approve drilling based on sharing of revenues which would otherwise accrue to the Federal Treasury and to the Land and Water Conservation Fund.

But before Congress proceeds to consider opening wide swaths of protected coastal waters to the oil and gas industry, we should carefully evaluate the budgetary aspects of the current drilling in the Gulf of Mexico and elsewhere.

The failure to adequately appropriate the current Land and Water Conservation Fund surplus is one problem with the current system, but the broader problem is a failure to collect the Treasury's fair share of the value of the oil and gas produced on public lands and offshore.

At a time of high prices and record oil and gas company profit, it is an outrage, let me repeat, simply an outrage that companies are avoiding paying the 12 to 16 percent royalty on oil and gas that they extract from public lands and waters. In part, the underpayments are an administrative problem as the agencies have failed to aggressively audit the industry; but Congress also shares the blame for enacting unwarranted royalty relief, first in 1995 and again in 2005, in the Energy Policy Act.

Of all the industries seeking relief from their obligations to pay for the privilege of profiting from the extraction of publicly owned resources, I can think of none less deserving than the oil and gas industry in the current high price and record profit environment in which they thrive. Yet it is this politically powerful industry that the Congress has favored time and again with unwarranted subsidies.

According to an investigation by the New York Times and a recent GAO draft report, the costs of royalty relief to the Treasury are staggering. Over the next 5 years, the cost to the Federal Government will be at least $7 billion in lost revenues and more than $28 billion if the industry is successful in a pending legal challenge.

And GAO estimates that the losses to the Treasury could range over the next 25 years from at least $20 billion to as much as $80 billion, depending on the outcome of industry litigation.

Mr. Chairman, if the Republican majority were serious about the deficit, it would put a halt to the royalty relief outrage, but this budget resolution is the worst of both worlds. It does nothing to improve the collection of revenues from the extraction of resources on public lands and at the same time it puts a fiscal squeeze on funding vital environmental programs that cannot effectively function if cut further.

Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. BAIRD), a valued member of our Resources Committee.

Mr. BAIRD. I thank the gentleman.

I just briefly want to put something that average Americans can see firsthand in this budget. Like me, most Americans love our national parks, but this budget would cut $102 million from the national parks budget.

Parks are not only a cherished national treasure; they are a source of great local economies for communities surrounding and inside the parks, supporting more than 248,000 jobs and providing annual revenues of nearly $12 billion.

But the Park Service's annual backlog of operating deficit is $600 million, and the maintenance backlog is now over $6 billion, and the cuts will only make that worse.

When Americans travel to their parks and are unable to find rangers to take their kids on nature walks, when trails are unpaved, when roads are in disrepair, it is the budget and appropriation processes like this that make that happen.

I urge my colleagues to defeat this budget and fully fund our national parks and to eliminate over time backlogs in maintenance that we have there now.

Mr. RAHALL. Mr. Chairman, I appreciate the gentleman from Washington's comments, a very important member of the Budget Committee, although we wish you were on the Resources Committee.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. GARRETT), a distinguished member of the committee.

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the chairman of the Budget Committee, and I come to the floor today to speak to a very important issue, and that is the issue of port security.

I have been listening to the debate, and much of the debate is on the positive impacts that this budget will have on the economy and on the family budget, which is where the focus should always be in our lives here and not so much on the Federal budget. The positive impact that this budget will mean is it will have more money in the family budget, more money that the families have to decide where they want to spend it, as opposed to where Washington wants to spend it.

But let me suggest, as secure as a family can be in their economic situation, that truly is of no moment if they are not secure at home and in their business from a physical point of view,

if we do not have strong homeland security in all that we do, if economic security does not rise to that merit of importance. That is why I support what we have done in this House and in this Chamber and in this conference and in this budget with regard to homeland security and with regard to border security as well.

When it comes to the overall perspective of homeland security, look at what we are doing in this budget. While other aspects maybe have been frozen, as far as spending on homeland security, we are seeing a 3.8 percent increase in spending; and that is as it should be because we are setting the priority in the right manner.

Now, I do represent the Fifth Congressional District of the State of New Jersey, the nice part of New Jersey, the very top of it, from river to river, from the Hudson River to the Delaware River. My district is one that lives in the shadows of the Twin Towers and 9/11. Mine is a district that overlooks the Hudson River. Mine is a district that overlooks that river with two significant ports, Port of Newark and Port of Elizabeth.

So anything that occurs with regard to homeland security is of paramount interest to my security. Anything that occurs with regard to our ports obviously is of paramount interest in my district as well, whether it is the fact that the people in my district work at those ports or that the containers come through our district. What happens there is important.

What happens overall to our security is important in my district. What happens overall to security of our borders is important, but the ports are the gateway into this country; and for that reason, we have to do everything we can to make sure they are secure. This budget does do that.

As I say, a 3.8 percent increase in homeland security, plus specifically on ports, we are seeing the Container Port Security program, that is the CPS program, has grown from $61 million in fiscal year 2004 to $137 million in fiscal year 2006.

What does that mean? That means an average annual increase of 49.9 percent, almost a 50 percent annual increase, in port security, appropriately setting where the priorities should be.

Really, Mr. Chairman, that comes down to what we are talking about here. What this budget does do is set priorities. It sets priorities in what is important, economic security, homeland security; and I congratulate the chairman for setting the appropriate points.

Mr. NUSSLE. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina (Mr. MCHENRY), a very distinguished member of the committee.

Mr. MCHENRY. Mr. Chairman, I thank the chairman.

I want to commend the Budget Committee Chairman, JIM NUSSLE, on his hard work in crafting a strong document that puts our priorities in line and in order for the coming fiscal year and lays us on course to reduce the deficit by cutting it in half over the course of 5 years.

Mr. Chairman, I quote the ranking Democrat on the House Budget Committee: A budget is a statement of moral choices, and this budget makes the wrong choices, cutting education, Medicare, and Medicaid and barely funding the bold initiatives that the President set out in his State of the Union address. Its greatest moral flaw is it that it leaves our children a legacy of debt and even heavier burden to bear as the baby boomers begin to retire.

It is wonderful rhetoric, high and mighty rhetoric, indeed befitting of maybe this day and this budget debate that we have, but I think it is disingenuous in terms of what we try to do here on the Republican budget that we are trying to pass, that we have crafted in our committee.

I want to tell you about what we are doing in terms of discretionary, nonsecurity spending. As we well know, we are fighting the war on terror. We are trying to fund our homeland security and our defense. It is the necessary and proper thing for a great Nation to do to defend itself. But what do we do in nonsecurity spending? We hold it to a near freeze. That is not a cut. It is a near freeze. That is about zero growth in nonsecurity discretionary spending. I think that is a good thing, especially when we have priorities that we have to meet in terms of defending ourselves from enemies around the world. It is better than the previous year's 1.3 percent growth in this area, and it is better than the 5-year previous average of about 6.3 percent growth.

So that helps us reduce the deficit and come closer to balance, which is what we should be all about.

The Democrats, through the rhetoric that I mentioned outlining the gentleman from South Carolina's quotes, talk about moral choices. Well, they have moral choices outlined and what they are going to submit for their Democrat budget. And what do we have there? Well, certainly it is the old liberal trick, a tax and spend and spend and tax. That is a moral choice. They want to take more from every American's pocketbook and spend it here in Washington, D.C., in the name of government. I think that is wrong, but let us see what they do.

Total outlays over the next 5 years, $139 billion. More in spending with the Democrat alternative. But look at this, what do they do? How do they spend that money? There are zero increases for defense, veterans benefits or for science, which they actually cut.

And I will tell you something, let us look at their moral choices. They do not want to fund research, but they talk about it. They scream about it on the House floor, the Republicans are cutting needed health care services and research. That is wrong and that is wrong rhetoric. It is not even correct in terms of the facts on it.

What are they doing for defense? They are not spending more than Republicans. They are not spending it wisely either.

Beyond that, you have certain Members that come out here and scream that we are not doing enough for veterans benefits. Let us look at what we have done. We have doubled veterans benefit over the last 10 years. That is a good thing, and this is a necessary thing for a great Nation to do. What does their budget alternative do? Nothing for veterans.

□ 1545

Mr. SPRATT. The gentleman is absolutely wrong. I have sat here and listened to his misconstruction of my budget for as long as I am going to take it. He is absolutely, dead-set wrong. He doesn't know what he is talking about.

Mr. MCHENRY. You can use some of your time, Mr. SPRATT.

The Acting CHAIRMAN (Mr. GILLMOR). The gentleman from North Carolina controls the time.

Mr. MCHENRY. Like I said, Mr. Chairman, you can't teach an old liberal new tricks. It is all about tax and spend.

The CHAIRMAN. The gentleman's time has expired.

Mr. SPRATT. I am not even going to deign to respond to that. You got my responses so wrong, I don't know where to start. We provide exactly the same amount of money for defense. We just had that debate out here. You weren't on the floor. But I am turning to other topics worthy of debate.

Mr. Chairman, I now yield 3½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I hope the gentleman from North Carolina stays on the floor.

You know, I am dismayed because this is the first time in a long time that this branch has upped the President's ante. This budget, the scheme that you defend, might be the only budget proposal in the world which actually manages to be worse than the President's original budget. I want to congratulate you. And that is exactly why the American people have no confidence in your ability to govern any longer.

This 5-year budget scheme will only exacerbate the current regressive tax policies which tax income at a higher rate than assets. You talk about productivity in the last 5 years? Yes, productivity has increased by 8 percent, and wages are flat, flat, flat. Income from work from average Americans can easily be taxed at twice the marginal rate as the income from wealth from millionaires.

You sit there and you stand there and you defend those millionaire tax cuts. Donald Trump is taxed less on all of his investments than Barry the accountant is taxed on his middle income wages.

I am a member of Homeland Security, Mr. Chairman, and let me tell you

something, I just heard this budget defended in terms of port security when we know that CBO says that all three major programs are underfunded and the goods that are coming into this country are not screened or examined properly. We had a meeting on it yesterday in case you missed the news.

The reckless tax policies of this budget will only continue to balloon our national debt, which currently stands at over $8 trillion. And they stand and defend this, these austere conservatives. This budget scheme will add an additional $2.3 trillion in debt over 5 years. And by the way, there is no scientific evidence, none whatsoever, that documents any essential relationship between the tax cuts you have defended to those making over $200,000 and the improvement in the economy. Nada, nothing, zero. And yet you keep on referring to this great economy. Why don't the American people feel this great economy? Why do just you feel this great economy?

In total, extending the President's tax cuts for the wealthy will cost $196 billion over only 5 years and $2.5 trillion over 10 years, the end result of which is fiscal madness; that a millionaire gets a tax cut of over $150,000 a year while middle income taxpayers only get a few hundred dollars.

We support those tax cuts to the middle income and to those who are the working poor. We support increasing the strength of the EITC, the Earned Income Tax Credit, which your President Ronald Reagan put together and this President has tried to zero out. You don't want to help people working.

You don't want people to work. You want to harp about public assistance. We want to keep people at work. The Earned Income Tax Credit has not increased, and you should be ashamed of yourselves what you have done to the middle class and what you have done to the poor and burdened their children for generations to come.

I thank the chairman for his courtesy.

Mr. NUSSLE. Mr. Chairman, I yield myself 1 minute.

I am sure I misunderstood what the gentleman just said. You mean to tell me he supports tax cuts? My goodness. He supports cutting taxes for people? I can't believe my ears. At a time of deficits? At a time of national debt? At a time where we are not meeting our obligations the gentleman is supporting cutting taxes?

My goodness. There is not a scientific scintilla of evidence that cutting taxes is right, he says, but yet he supports cutting taxes? My, my goodness. Why would the gentleman be supporting cutting taxes for people at this desperate time in American history? There must be a reason.

Mr. PASCRELL. Will the gentleman yield?

The Acting CHAIRMAN. The gentleman from Iowa controls the time.

Mr. PASCRELL. Can I respond, Mr. Chairman, since he is referring to me?

Mr. NUSSLE. I believe I have the time, Mr. Chairman.

The CHAIRMAN. The time belongs to the gentleman from Iowa.

Mr. NUSSLE. I just am shocked. There is no scientific evidence, Mr. Chairman, but we are understanding that the gentleman, and that there might even be in the Democratic substitute tax cuts? Why would we do such a thing when there is no science, when we have desperate times, when we have deficits? Why would we do that?

Mr. PASCRELL. Will the gentleman yield?

The CHAIRMAN. The gentleman's time has expired.

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

I hope my colleagues understood what I was trying to point out, and that is it seems very convenient for Members to come to the floor and decry the irresponsibility of tax cuts and yet propose them themselves. Isn't that interesting? Oh, but they are targeted, the gentleman will say. They are targeted. They are targeted for the exact right one person they want to target it for.

Our tax cuts reduce taxes for every taxpayer in America. We didn't pick and choose the winners. We didn't decide who was appropriate and who wasn't appropriate. Every taxpayer in America, every taxpayer in America got tax relief under this plan, and it is working because, as the gentleman fails to understand, last year alone there was a 15 percent increase in revenue.

Because there is scientific data to show that when you allow people to spend their own money, as opposed to having to come crawling to you to have a little bit of it back for the dignity that they seek from a big government; when they make those decisions for themselves, they make better decisions, and the economy grows and it expands.

We have had 18 quarters of economic growth and expansion with 5 million new jobs created. There is your proof, and that is the reason why the gentleman comes down now and says, yeah, I am kind of for those tax cuts; kind of like them now. I don't want them for everybody, I will pick and choose who I want. I have decided who the winners and losers in America are going to be because I can make that decision. I am smart enough to do that.

Well, on this side of the aisle, we believe everybody in America is a winner. Every taxpayer deserves that kind of respect, and that is the reason why we reduce taxes for every American. Every American is a winner in our vision of America.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Chairman, I certainly want to thank the gentleman for yielding. I wish to associate myself with his comments and his remarks. I certainly want to commend him for his remarkable leadership on the budget.

Mr. Chairman, what an interesting debate that we have witnessed today, really a fascinating exchange here on the floor today. And let me say that the Budget Committee has certainly performed its very difficult duty I think extraordinarily well. Is the budget we are going to vote on absolutely perfect? Probably not. But is it a step in the right direction, a huge step in the right direction? Absolutely, yes.

I find the Democrats' rhetoric today really difficult to understand. Been following the debate today. I do find it very difficult to understand. First of all, they don't support the budget because the deficit is too large. But yet they also don't support the budget because we don't spend enough. So which is it? Not sure you can have it both ways.

And what would their answer be? Well, bigger government, that is for sure. That would be part of their answer. And dramatically higher taxes. That is for certain as well. And do you think that families who are struggling to pay for education or child care or home heating bills or gasoline can afford a tax hike? Do you think that seniors who are living on a fixed income can afford a tax increase?

Well now, they say they only want to raise taxes only on the rich. We have just heard that rhetoric. But if past experience means anything at all, the Democrats' idea of rich is anybody who gets a paycheck. Absolutely anybody who gets a paycheck is rich, in their views. Or anyone who is getting a Social Security check. Because we can all remember that the last time the Democrats had control of this House they actually raised taxes on seniors' Social Security. Yes, that is right. If you are getting a Social Security check, the Democrats think that you are rich and they want to raise your taxes.

Well, Mr. Chairman, we absolutely have to get spending under control, and this budget is a start but we do need to do more. The American people are demanding it. We have to keep taxes low because hard-working families simply cannot afford a tax increase. And I would urge my colleagues to support the budget resolution and to reject the tax and spend alternative of the Democrats.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, it is appropriate on this floor that we all be entitled to our own opinions, but it is not right that we should all be entitled to our own set of facts. The facts are that if this budget passes it will be 5 straight years of the largest deficits in American history.

Do you know in the last 5 years we have raised the Federal debt limit four times? It is now over $9 trillion. What does that mean to the average American? It means that every American owes $28,110 of that debt. That means

that every child born in America today starts off their life owing $28,110. That is a fact, but it is not fair.

And it is not fair that we continue to cut revenue that this country needs to invest in its physical and its human infrastructure. This budget includes another $228 billion of tax cuts that go overwhelmingly to the people who need it the least. And yet, we have got 13 million children in America living in poverty today; we have got over 43 million Americans without any health insurance. And yet look at the priorities in this budget: You reward those who need help the least and ignore those who need help the most. That is not fair. That is not American. That is why this budget shouldn't pass.

Mr. NUSSLE. Mr. Chairman, at this time I yield 3 minutes to a distinguished member of the committee, the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Chairman, let me start out by thanking the chairman for the leadership he has exhibited for so long on this budget, and certainly wish you well in your future endeavors.

I would like to return the discussion to the veterans discretionary portion of the budget and thank both Mr. NUSSLE and Mr. SPRATT for their bipartisan support of my amendment which increased the overall budget authority by $800 million in this year's budget so that we could make sure to send an extremely strong message that as a committee, on a bipartisan basis, we do not support the proposed drug copayment fee increase or the proposed enrollment fees.

To go back to some of the numbers over the years, because they are very illustrative of the significant increases that veterans health care has experienced over the years, last year's appropriated dollar level was $33.6 billion. This year, under the budget authority that Chairman NUSSLE established with my amendment, we move that up to $36.9 billion, which, by my calculation, is a 9.8 percent increase in 1 year's spending alone. This is a significant increase.

Well, beyond just the veterans health care portion of the budget, let us talk about some of the other things that have happened over the last several years. In the veterans health care portion of the budget, this year we recognized that our troops are coming home from Iraq, many of whom have post-traumatic stress disorders, and so 10 percent of the budget authority and the spending that the VA does on health care is related to this very significant issue that is affecting so many of our Nation's veterans.

The health care facilities, which we have all visited as Members of Congress, are among the best in our country, and that is because over the last several years we have almost doubled the amount of discretionary money that is going into the veterans health care system.

□ 1600

Not only have we nearly doubled the amount of money, but we have doubled the number of veterans that are being treated by the VA center from roughly 2.5 million a decade ago to 5 million today. That is increased by 1 million veterans in the last 4 years alone. And this year, as I noted, we are moving from $33.6 billion to $36.9 billion, an increase of almost 10 percent and we do so without increasing the drug copayment fee or the enrollment fee.

But beyond just the discretionary portion of the Veterans Administration budget, we have done an awful lot of other things over the last several years that are indeed noteworthy. We have more than doubled the GI education benefit that veterans are entitled to since 1995.

We recently increased the death benefit to $100,000 and increased the SGLI benefit to $400,000. Since 2001, the VA Home Loan Guarantee Program has increased by 67 percent. We have dramatically expanded the number of national cemeteries and their capacity.

We have increased back to the appropriate level of 55 percent benefits for surviving spouses. It had been 35 percent, and over the next 5 years and actually phased in by April 2008 it will go back to the promised level of 55 percent.

Lastly, the whole issue of concurrent receipts, that being when a military officer, somebody who has served our country for 20 years, has a disability as a result of their military service, they were the only Federal employees unable to collect both their disability which they received as a result of that military service and their retirement pay which they have earned. We have over the next 10 years, will phase in that benefit for those who have a disability of 55 percent or greater. This is indeed an extraordinary record.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Chairman, this has been one of those periodic weeks where a lot of people in the country turn on the television and they look at this institution and they wonder if we live in another world.

They see us, or at least one of us, going down the hallway giving high-fives the day after announcing the end of a career in disgrace, they hear us obsessing on all kinds of things that do not matter to the American people, and then they hear this budget debate. And they hear the gentleman from Iowa (Chairman NUSSLE), for whom I have a great deal of respect, announce that under his budget everyone in America is a winner.

They must wonder if we live in the same world because I wonder if the 13.5 million American families on Medicaid who have to pay more money under last year's budget, and more money under this year's budget to go to the doctor, really think they are winners.

I wonder if the veterans who have served our country who are looking at cuts in years 2 through 5 under Mr. NUSSLE's budget think they are winners.

I wonder if the Guard and Reservists who still will not get a fully funded TRICARE program think they are winners.

I wonder if the 45 million uninsured that Mr. MORAN talked about think they are winners.

I wonder if the 13.5 million children living in poverty think they are winners.

The reality is under this budget proposed by the chairman's mark, some people win under this budget: people who have already been winning and who have been winning for a very long time. People who need a little bit of generosity and have counted on a little bit of help from this city are not winners at all.

I remember the first year I stood in this Chamber as a relatively new Member when the President of the United States stood in the well and gave his State of the Union. The one thing I remember this President saying is this President and this Congress will not leave for other generations and for other Congresses, I wonder as the President stood here it occurred to him that all these problems that plague this country involving the old, the sick, the poor and the young, did he mean for us to leave those problems for another Congress and another generation, because the budget of Mr. NUSSLE does that. It leaves all of these problems unaddressed by the richest country in the world, and I think it makes this budget so fundamentally wrong.

Mr. NUSSLE. Mr. Chairman, I yield myself 2 minutes just to compliment the gentleman on his turn of phrase. There isn't anybody in the body who does it better, and I have enormous respect for him as well.

But let me suggest that it is an attitude about who are winners. I certainly understand as the gentleman knows very profoundly that there are people who struggle in America. No question.

But if you have an attitude about them being successful, about them being able to be successful and being able to be winners without crawling to you, without crawling to me, without having to crawl to anyone or be dependent on any government or any government check, that is a different attitude than the one I hear so often from colleagues who come here saying that the only way they will ever survive is if government is there, and that is not how our country was founded, as the gentleman knows better than anyone. That is exactly why we believe everyone in this country is a winner.

Let me also suggest to the gentlemen that when the President spoke from that well saying he would not pass off to a new generation the challenges of this generation, that speech was given approximately 8 months before September 11, 2001. In those 8 months before and in the 5 years since, we have learned a lot, haven't we.

I would suggest that we are working hard together, often in a bipartisan way, to ensure that we do not leave terrorism to the next generation, to ensure that we do not leave Katrinas to the next generation, and to ensure that we leave prosperity in our economy to future generations.

Certainly there are short-term challenges and there are short-term deficits that we need to deal with. But to suggest that the President somehow woke up today with the same challenges he woke up with the day he made that speech is either trying to not be honest about history or forgetting it, or trying to suggest that it did not happen, and I don't believe the gentleman would suggest that one way or another.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), who is not a member of the committee.

Mrs. BLACKBURN. Mr. Chairman, I just love this debate. I love this day of the year when we come to the floor and we talk about our budget and we go before the American people to talk about the priorities that we have, what we see as being important to this Nation, where we place our hopes and where we place our dreams and where we think about opportunity.

Another great thing about this day is that this is the day when big spenders don't have anywhere to hide.

You know, as my colleague from Michigan said, they cannot have it both ways. We have now watched liberal Members come down here, and this budget is too fiscally conservative. They say we are not spending enough. We have to spend more. And then they say you are spending too much.

If you were a parent, you would go pull out a copy of ''Goldilocks and the 3 Bears'' and start reading, because nothing is ever going to suit them.

I know people back home are looking at this debate, and they are probably scratching their heads because the Democrats say it is too conservative, it does not spend enough. So let's cut through the rhetoric and look at what we have got. What they want, what it really means is that they want to pretend to support spending reductions while they turn around and they call for more spending. For big spending.

Their stance really doesn't make any sense; but what it does do is prevent them from having to take a stand for spending restraint. Did they choose to vote with us for the Deficit Reduction Act? No, they did not. They chose not to vote for reducing the deficit.

This budget will continue to hold the line on spending. It will continue to find savings in mandatory spending. We all know this government spends too much. That is why we have a huge, enormous bureaucracy in this town that the other side has built as a monument to themselves. After 40 years of control, 40 years of growing a big old budget, 40 years of trying to continue to fund it, and they are still making the same tired, worn-out arguments. They cannot have it both ways. We are either for reducing spending and getting this under control, or we are for growing it.

We can make some reductions in spending. We can freeze some things, hold the line, and that is what we are doing. As I said, they chose not to support the Deficit Reduction Act. They chose not to support across-the-board cuts. And because of that, they have chosen not to be leaders in this issue. So they ought to decide whether they are for more spending or less spending before they come down here to the floor and certainly before they go home.

Mr. SPRATT. Mr. Chairman, I would simply inform the lady that we voted for the full budget act that put the budget in balance in 1998 for the first time in 30 years and then again in the year 2000, put it in surplus by $236 billion.

Mr. Chairman, I yield 2½ minutes to the gentleman from South Carolina (Mr. CLYBURN), chairman of the Democratic Caucus.

Mr. CLYBURN. Mr. Chairman, I thank the gentleman for yielding me this time, and let me begin by yielding to the gentleman from Alabama.

Mr. DAVIS of Alabama. Mr. Chairman, I thank my friend from South Carolina, and I would say to Mr. NUSSLE, you could have had 35 or 40 of us on this side of the aisle if you had done one thing, if you had combined some of these cuts with some retreat on these tax cuts, not getting rid of them all together, not getting rid of them in their whole, but simply pulling some of them back for the wealthiest Americans. You could have had 35 or 40 of us. You left it on the table, and it is one of the last things you could have done in your chairmanship.

Mr. CLYBURN. Mr. Chairman, I thank Mr. SPRATT for the tremendous work he has done on this budget.

Franklin Delano Roosevelt in his second inaugural address said: ''The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little.''

This is a significant test of our Nation's values, and it is a test that the Republican budget fails. Let us just skip the rhetoric and read the bill. The Republican budget increases the budget deficit, and it explodes our debt. It cuts port security and funds for first responders. It cuts education, cuts health care, and cuts veterans programs. In fact, this budget puts a squeeze on working Americans, and all in exchange for more tax cuts for the wealthiest few.

Democrats offer a clear alternative and new directions. Our budget that Mr. SPRATT is putting forward will balance the national budget by the year 2012. It rejects the harmful cuts that Republicans have put forward, and it creates a $150 billion reserve for middle-class tax cuts.

Democrats believe that a stronger America begins at home. It starts with budget priorities that secure families and our borders, strengthens our Nation, and gives hope to those who inherit the products of our labors.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, thank you for allowing me to be part of this historic debate.

I want to thank you, Mr. NUSSLE, and commend you for including the ''sense of Congress'' in the bill that revenues collected through closing the ''tax gap'' should be applied to the deficit and for debt reduction.

The tax gap is the difference between the total amount of Federal taxes owed versus the total amount of Federal taxes actually collected. The tax gap is caused by unlawful tax evasion when individuals and businesses fail to report income or fail to file a tax return or report information which is false.

In 1988, the IRS estimated that this figure was $105 billion. A recent estimate puts the gross tax gap at approximately $300 billion. The budget before us today assumes a fiscal year 2007 deficit of $348 billion. Mr. Chairman, the answer to balancing our budget is eliminating this tax gap and not increasing the taxes on hardworking Americans.

Does the Federal Government spend too much? In many ways we do. Do we always get value for our dollar? Sadly, no, we don't always.

But again, I thank Chairman NUSSLE for putting together a budget that holds the line on discretionary spending growth. But instead of increasing taxes on hardworking Americans or adding new taxes to hardworking Americans, we should concentrate on collecting taxes already owed under the current tax system.

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Mr. Chairman, one final note. The mere tripling of the tax gap between 1988 and today shows that the Tax Code has become much too complex and susceptible to tax evasion. This shows a need for simplifying the Tax Code and for fundamental tax reforms.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chairman, he who oppresses the poor shows contempt for their Maker, but whoever is kind to the needy honors God. Words from Proverbs.

Mr. Chairman, the Republican budget is unfair to the neediest and most vulnerable Americans. In addition to being unfair, the Republican budget is also immoral. Through its cuts to CDC, NIH and veterans health care programs, this budget ignores the health care crisis that our Nation faces today.

Mr. Chairman, the Republican budget is not only unfair and immoral, it is also unreasonable. Pell grants and public school programs get no new funding.

Assisting our neediest and most vulnerable Americans is not a choice, it is

a moral obligation. By reducing funding for public housing and food stamps, the Republican budgets falls short of this moral obligation.

The Republican budget is unfair, immoral and unreasonable. Both the Democratic and the CBC alternative budgets provide a better way, a more excellent way to help all of our people. I urge all of my colleagues to vote ''yes'' on the Democratic and CBC alternatives, to vote ''no'' on the Republican budget resolution.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. BONNER), a member of the committee.

Mr. BONNER. Mr. Chairman, since I was over here a few minutes ago speaking about what this budget does to protect our homeland security, Mr. Chairman, I went back to my office and turned on the TV and listened to some of the comments, and so I came back over to thank you, thank you for having the patience of Job and the wisdom of Solomon, because you would have to have both to know the difference between some of the allegations and distortions that have come out from our friends on the other side. And they are our friends. They love this country like we do. They just see things in a slightly different way in their view of America versus the facts and reality that this budget is helping to set the record straight.

One program in particular, Mr. Chairman, I also want to thank you for listening, is the Community Development Block Grants. Several weeks ago the mayors of America, the county commissioners and other community leaders came to this body and said, this is a program that works. It allows the Federal tax dollar to go to communities and put the money where it works for the people that live in these communities, that pay those taxes that allow us the privilege of working up here.

And so whereas there had been a proposal to make cuts last year and this year in the budget, your budget, our budget, the budget we passed last year and the budget hopefully we will pass this week not only takes those cuts and puts them aside, but restores additional funding. Last year it was $1.1 billion more, and this year under your mark, Mr. Chairman, it is $1.3 billion more to a program that we know has great merit in the cities and counties throughout this country.

So really I just came back over, Mr. Chairman, to say thank you. Thanks for listening to us as you have. This will be your last year to chair this process. But the legacy you leave behind is one that makes all of us who have worked with you proud, and I know it especially makes the people of Iowa very proud of the work you have done. Thank you very much.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the distinguished lady 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. Chairman, the last time the American people had chicken feathers it was President Hoover who promised a chicken in every pot, and his economic policies collapsed.

Today I tell you that the resolution and budget that is offered by the outgoing chairman and the Republican Party is collapsing on the American people. Republicans increased the debt limit by $3 trillion, families without hope, women and children without hope, and a tax cut that breaks the backs of all Americans.

What this budget does, it cuts affordable housing, it cuts higher education, Medicare, and for the veterans who are coming home injured from the war in Iraq there is no light at the end of the tunnel. There is no door open for them.

And so I ask my colleagues to support the Democratic substitute and the CBC alternative budget because you know, in fact, we are not worried about an America who is willing to help those who are in need. We believe that is a good America. I am sorry to say that Republicans believe that those Americans are un-American.

A $3 trillion debt. You know that this budget is a bunch of chicken feathers.

Mr. Chairman, I rise today to join many other colleagues of mine in expressing disappointment in this budget resolution.

What we have under consideration today is a budget that forgets the American people in the name of supposedly American ''values.'' How can we say to our children, to our elderly mothers and fathers, to our neighbors, to those who reach out to us as Members of Congress to secure and protect their rights under the constitution—how can we say to them that we are engrossing a budget that cuts their healthcare, their education, their livelihoods, and resources to their communities? What do I tell my constituents when they call to say that their safety net has shrunk?

I fiercely believe that Congress must speak on behalf of those who most desperately need a voice. I speak today not only as a Member of Congress, but as an American woman on my own behalf. This budget ignores many of my concerns, and the concerns of American women.

There are 20 million women in this country who struggle to make a living, who struggle to find adequate health care, who struggle to raise their children into upstanding citizens, who struggle to either attain education for themselves or educate their children.

Our country is a great nation among nations, and although we must be more informed, measured, and wise in how we pursue our foreign policy, we are also committed to bringing stability to many regions and countries around the world. However, we should not pursue our foreign policy ambitions at the expense of our families and communities. One does not substitute the other.

ECONOMY AND WELFARE

Nearly 70 percent of adult food stamp recipients are women, and the budget we are now considering would leave 300,000 women vulnerable to a loss of their food stamps. Food stamps are not handouts—food stamps are economic exchange for staples such as bread, and milk, and eggs. What message are we sending when we cut the assistance our most needy population receives to purchase food?

The Commodity Supplemental Food Program, which provides nutritious food packages to low-income seniors and pregnant women, infants and children, has been identified as one of many programs to be completely eliminated.

The President's budget cuts $6.3 billion in Social Security benefits over 10 years by eliminating the survivor benefits safety net for women and children. This benefit can make the difference between subsistence and destitution, and it is heartbreaking that Congress could even consider pocketing funds rightly earned and needed by our constituents and their families.

The budget also completely eliminates the Women's Educational Equity Act, which has funded hundreds of programs to expose girls to careers from which they have traditionally been excluded. The Women's Educational Equity Act was introduced in Congress by Representative Patsy T. Mink in 1973 as a complement to the proposed equal rights amendment, ERA, and to title IX. This program, which only received $3 million this year, provides educational materials to help schools comply with title IX, research and information to help schools promote equality between boys and girls, and technical assistance.

HEALTHCARE

Unfortunately, Medicare will also suffer under this budget, getting slashed by $36 billion over 5 years and $105 billion over 10 years. It is a fact that over 56 percent of Medicare recipients are female, and many of these women have very limited means of income to support themselves. Medicare is supposed to be the crutch for the elderly, even though we do not yet have a plan to address their primary concerns: chronic illness and long-term care. And yet this budget continues the misguided policy of dissolving this crucial program.

We are also looking at a proposal that consists of gross Medicaid cuts, including both legislative and regulatory cuts, of $17 billion over 5 years and $42 billion over 10 years. On top of the deep Medicaid cuts that Congress enacted in 2005, Republicans are willing to stifle State programs that help children get healthcare. It sounds heartless, and I have not heard a convincing argument to the contrary.

The administration's budget would increase funding for abstinence education programs by $89.5 million for a total of $204 million in fiscal year 2007. I agree that the most effective way to prevent the transfer of STDs and the occurrence of pregnancy is abstinence. However, time and again, it is proven that abstinence education is not effective, and that the emphasis needs to be on birth control and safe sexual practices. Just this week, the GAO criticized the Bush AIDS/HIV program in Africa for diverting needed funds and focus—in fact, U.S. coordinating officers actually stated that the abstinence focus undermined previous education efforts and confused communities. Abstinence is a fine message in some cases, but must not be the primary message, and must be supported by factual and clear information.

EDUCATION

For a President who insists that he cares so much about education at every level and for every child, it is a strange thing to realize that the Republican 2007 budget resolution cuts spending on education by 29 percent.

The Bush budget freezes Head Start funding at this year's level, meaning that 19,000 children will have to be cut from Head Start next year. Similarly, the budget cuts Even Start, a program targeted to combat low literacy, to encourage family supported programs, and help children with limited English proficiency. We have strong indications that these programs give underprivileged children access and exposure that helps them succeed in school a year or two later. Perhaps if this program had ever been fully funded, we would know definitively that this program has the potential to launch every child toward educational and life-long success. It is a shame that the President is more interested in Scantron fill-in-the-bubble standardized tests rather than a nurturing and effective education.

Over the past several years, Congress has slipped backward in its commitment to fully fund IDEA, from a high of 18.6 percent in fiscal year 2005 to the proposed level of 17 percent in President Bush's fiscal year 2007 budget proposal instead of the promised 40 percent. Under the budget, IDEA would receive $10.7 billion, a $1.2 billion decrease below fiscal year 2006. Of that amount, $380.8 million would be available for preschool grants and $436.4 million would be available for grants for infants and families.

Funding for vocational education programs would be eliminated under the fiscal year 2007 budget. Congress allocated $1.31 billion for vocational education in fiscal year 2006. The unfulfilled promises are countless, and each more self-defeating than the last.

At 4-year public universities, tuition and fees increased by 7 percent this past year and 57 percent since President Bush took office. About 40 percent of African-American students and 30 percent of Hispanic students depend on Pell grants, compared to 23 percent of all students. Two-thirds of Perkins loan recipients are from families with annual incomes of $40,000 or less.

Yet, the Perkins loans took a hit on the Republicans' fiscal year 2007 budget resolution and would recall $664 million from Federal Perkins loan funds from nearly 1,800 colleges in 2007. As a result, 463,000 college students would lose a key part of their financial aid.

Six years ago President Bush promised to increase the maximum Pell scholarship for all college freshmen to $5,100. Unfortunately, this budget is now the fourth time that the President and Republicans in Congress have frozen the maximum Pell grant. About 40 percent of African-American students and 30 percent of Hispanic students depend on Pell grants, compared to 23 percent of all students. These numbers indicate the need and the demand for assistance to achieve a higher education and a greater chance at lasting success.

I share the fear and concern that every Member of Congress and every American citizen feels in regards to defending our homeland, but what kind of homeland are we defending? What do we want it to be? Each of these programs is designed to enrich our society and fulfill our obligations as a civilized nation to our citizens.

Even the youngest school-children are sensitive to dishonesty, and by breaking our word and cutting funding to mandated programs, we are teaching our children to distrust their government. We need them to grow into the upstanding citizens we know each of them has the potential to be.

We want our Nation to be educated, confident, capable, internationally competitive, and safe. This budget undermines each of these. I ask, urge, cajole, and demand that we reconsider this budget, that we remember who our greatest priority is—the American people.

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

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Ladies and gentlemen, Mr. Chairman, what are the priorities of the Republican majority? This is the greatest deficit in the history of the United States. How are they going to pay for the tax cuts? They are going to borrow the money from India and China to pay for tax cuts.

What is the difference between Democrats and Republicans? Democrats say middle class and working class people can use tax cuts. But in a time of war, the greatest deficit in our history, the richest people in the country don't need tax cuts. If you have $1 million a year income or $10 million a year income you don't need your tax cuts.

The gentleman says everybody should have them. But in a time of scarcity, when you cut funds for veterans, you cut funds for kids going to college, you cut funds for people with children with disabilities, you don't continue to give the money away to the richest people in the country.

That is the difference between Democrats and Republicans.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, it is time the American people got a refund because what they are getting out of this Congress they didn't pay for.

In every war, from Lincoln with the land grant colleges, Kennedy during the Cold War, who built literally NASA and put a man on the Moon, to Roosevelt, who thought of during World War II the GI Bill of Rights, every President in the middle of a war has thought about how to bring home the peace and invest in our future. It is only this President with this Congress, in the middle of the war, who cuts education while Americans are trying to get their kids to school, who cuts health care while we face skyrocketing costs in health care, who cuts the police program while cities are facing a shortage of police.

It is only this President in the history of his predecessors who stands on their shoulders and does exactly the opposite with this budget. It cuts back our investments in the future of America in a time of war where every President prior to him thought of America post that war and invested in its future, putting a man on the Moon, a GI Bill of Rights, an Atlantic to Pacific railroad system, at every point in our history.

President Kennedy said that leadership is about priorities. To govern is to choose. The majority has made its choices, and their priorities are clear for all to see. Now it is up to the American people to demand change.

This budget by the Republican majority is a status quo budget that says, if you liked the last 6 years of working harder, making less, costing more for education, costing more for health care, costing more for your retirement, then vote for this budget. It maintains the status quo.

It is time for new priorities. It is time for a change.

The Acting CHAIRMAN (Mr. BISHOP of Utah). Does the gentleman from Iowa have further speakers?

Mr. NUSSLE. Mr. Chairman, I have no further speakers, and we are prepared to close. I believe I have the right to close the general debate, and we are prepared to close debate at this point.

The Acting CHAIRMAN. The gentleman from South Carolina has 30 seconds.

Mr. SPRATT. Mr. Chairman, I will use those to say one thing that I haven't said, and that is, in reading this entire resolution which we offer, you will find four separate reserve funds for the improvement of health care. For example, we provide a reserve fund to cover an increase in Medicare payments to physicians to avoid a cut, a sustainable growth rate cut of 4.6 percent. We say that if you can bargain down the price of prescription drugs, you can put the savings in a reserve fund and use it to improve coverage under Medicare for prescription drugs, closing the donut hole, for example. So I would commend that to everybody's attention. There is a real difference between our budget resolution and theirs, and I ask support for ours.

Mr. NUSSLE. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman and colleagues, this is always a challenging debate because what, unfortunately, is not part of the discussion, in the debate back home in particular, is that numbers very rarely demonstrate results; that when you talk about a budget, when you hold up a document which, it is interesting, I have heard so much debate today about we are cutting this, we are cutting that, we are slashing, we are eliminating, all sorts of things.

The budget of the United States basically is 43 legislative pages long, and you can't find those in here because what the budget does is it sets a framework, is all the budget does. It sets a framework, no different than what families do around their kitchen tables every day. They set a framework, a budget. And then as the bills come in, they apply those bills to that framework and determine whether they are over, whether they are under, what

they can afford, what they can't afford, if there is an emergency what they are able to borrow, how much they are going to be able to invest in their kids' college or whatever it might be. Those are budgets, and we have no different course of budget right here.

It is a framework. Within that framework many decisions will be made this year, decisions about education, decisions about homeland security, decisions about national defense, decisions about what we are going to do in order to meet many needs, many challenges, some choices, some circumstances that we know will rise this year and years to come.

We have decided that in order to write this budget we had to anchor it to some pretty important principles, and that is what we tried to do.

First, what are our strengths? As a nation, the most important strength we have is our people. I mean, that is what this is about. Those are the three first words of our Constitution, ''We, the people,'' not government, not bureaucracy, not government programs, not entitlements, not any of that, but ''We, the people.'' That is what is the strength.

And our people, I will tell you what, when you allow, when you unleash them, when you empower them, when you give them the incentive of American ingenuity to go out and do things, I have got to tell you, it is unbelievable to watch.

In my own home State, you see farmers produce the food for the world. You see that in so many places around our country. You see small businesses, I am sure in the gentleman from South Carolina's district, my friend, create jobs and opportunities and services and manufactured goods that not only supply the United States but supply the world. And when you unlock the economy, when you allow people to make those investments for themselves, I will tell you what, it is a wonderful thing to watch. And that is something beautiful about our country that has really been the reason why we are the economic wonder of the world, why we are the economic leader of the world.

There is no question that there are other places around the world that would love to be like the United States when it came to our ability to invent, our ability to create, our ability to serve so many people, not only here in the United States but around the world. But if we don't continue to build on that strength, it could very well be lost, and that is the reason why as part of this budget plan we continue the work to grow the economy, because that is number one.

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The second item that this is built on is our military strength, our strength of power, our strength of being able to defend freedom here in this country and around the world. And there is no question that there will be differences of opinion on every side about this conflict or that conflict, but there is bipartisan agreement always on the fact that our United States military is number one. It needs to stay number one. When we put a man or a woman in uniform and ask them to go away from their family or their community, we make sure and we ensure and we do everything we can within budgets like this and like the budget that Mr. SPRATT is presenting and like all budgets, we ensure that they have the best, that they can be the fastest, they can be the strongest. And certainly there are going to be differences of opinion of exactly how that can be accomplished; but the goal is the same, and our budget accomplishes that.

We also believe that we need to defend our Nation differently than we ever have before. I understand that there are some people who come to the floor who think it is pretty easy to write a budget. Just do this, just do that. Try to do it after 9/11. Try to do it after wars in Afghanistan and Iraq and the global war on terror. Try to do it after Katrina. Try to do it when 13 million people are crossing our borders unchecked.

We have enormous challenges with regard to homeland security. We meet those challenges as part of this budget. Will there be differences of opinion in priority of how to meet those challenges within the rest of the process that we will engage in this year? Yes, of course, and there should. But we ought to also limit that spending and say this is how much we are going to dedicate to that, and, again, our proposals are similar.

But in addition to that, we also know that the government can overstep its bounds. It can spend too much. And just like every year, we hear about pork barrel spending. We hear about earmarks. We hear about those special projects. Part of the reason that we have those is when we have unlimited funds to spend, people get pretty creative on how to spend it. Either as a constituent coming from Iowa or as constituents from around the country, I have never had a constituent come into my office and say, Jim, this project I am about to show you is not worthy of funding. In fact, they never tell me that we are spending just enough. They almost always say we would like a little bit more.

So what a budget does is it says there is the top line; that is the most we can spend. And while there are certainly worthy projects that we need to fund this year, there are also projects that need oversight, scrutiny, need to be reformed, need to be changed, need to be put off until next year, or here is a word that we rarely say particularly in an election year: How about ''no,'' we are not going to fund that; it is a crazy idea. And to look them in the eye and be able to tell them that is certainly a difficult job, but it is one that we have to do. By setting that top line on spending, we accomplish that. Again, this is what this budget does.

Finally, let me say that we do one more thing that we believe is very important, and it is a lesson that I learned one of my first years here in Congress during the great Mississippi flood of 1993. But, unfortunately, I and every one of my colleagues have relearned it almost year after year after year, and that is, regardless of what we have put in these budgets, there are unforeseen circumstances that will occur whether we like it or not. It could be an earthquake. It could be a flood. It could be the biggest hurricane in our history hitting almost a direct hit on one of our most cherished cities.

No matter what we put in this budget, we may have a war. We may have a terrorist attack. We may have things happen that are outside of our control. But we know that they are probably out there and that they are lurking, and so what we have put into this budget is not only a fund in an emergency way to deal with that war, but, also, for the first time we have set money aside recognizing that we may have that earthquake, we may have that flood, we may have the tornadoes like we had this last weekend, and we had darn well better set some money aside for that rainy day, just like that family sitting around that kitchen table saves just a little bit to deal with what might be a leaky roof or a refrigerator that goes on the fritz.

We have got to deal with those problems, and I believe this budget accomplishes that. And it does so in a way that recognizes what I tried to say in this debate. We believe in those people that we represent. We want them to be winners. We know there are challenges. We know there are people who need our help regardless of their ability to help themselves. And even though that is certainly the compassion of this country, we ought to respect the fact that dignity does not start with a government check. Dignity does not start by somebody crawling to a Federal agency and saying please help me. That is not dignity in America. Dignity does not start with a government check or with a big government bureaucracy.

Dignity starts by recognizing our personal freedom granted to us by our Creator, not granted to us by a government bureaucracy or granted to us by the United States Congress. We fought a revolution over the fact that we are free and that our dignity starts in our heart because it is given to us by God, not by government, not by anybody else. And for us to continue to perpetuate the myth that the only way to distribute compassion in this country is by handing out freedom or handing out government or handing out a check to people, that that is the only way they will get it, I believe that is an unfortunate juncture that we find ourselves in in this country.

Our budget does not continue to perpetuate the belief that in order for you to have dignity, it is found in these pages or it is found on this floor or it is found somewhere in Washington,

D.C. The most dignified things that happen in this country are the decisions that are made by people and families in freedom in the United States of America, and the only way that can continue is if we continue to perpetuate that freedom.

So while there is certainly going to be a lot of rhetoric about how for some reason we are cutting programs, we are slashing this, we are gouging that, when it comes right down to it, it is because we do not believe that these programs measure our compassion as a Nation. The only way that is measured is by getting people to be able to help themselves and creating the opportunities to pass on to the next generation. That was done for me by my parents. That is something that I hope to do for my kids, and it is something that we all hope for. And it is not something we look for from government.

So I hope that we, over the course of the next days or time, pass this budget, which sets a blueprint down that not only measures our ability to deal with certain challenges. It sets resources aside to deal with challenges that may be unforeseen, and it recognizes that freedom starts with the individual. It does not start in this Chamber or in this document.

Ms. DELAURO. Mr. Chairman, women understand the difference this budget can make in improving their lives and, their families' lives. Everyday, whether it is ovarian and breast cancer research, college loan assistance, or nutrition program, for low-income seniors, women are reminded how our sense of opportunity is in so many ways inseparable from our Nation's health, education and labor infrastructure.

But when it comes to this budget, our investment in each of these areas is cut. Pell Grants, Head Start, housing programs, child care, even the president's own No Child Left Behind education program—all fall victim to Republicans prioritizing tax cuts for the few over investments in the future of all Americans.

Republicans had an opportunity to show their commitment to women and families when I offered an amendment that would have simply restored $7 billion of funding to our communities, our community health centers and hospitals, our school districts and one-stop employment centers. It would have restored funding for lifesaving research at the NIH—research that saved this woman's life nearly two decades ago. This funding would have impacted every woman and her family at all levels of income in one way or another. But Republicans turned it aside on a party-line vote.

Mr. Chairman, women deserve a budget that supports them—a Congress that supports them. And as women are increasingly realizing, they are getting neither.

Ms. ESHOO. Mr. Chairman, I rise in opposition to the Republican Budget Resolution and in favor of the Substitute offered by Representative SPRATT.

Despite record-breaking deficits and a skyrocketing national debt, the Budget Resolution before us continues the Majority's 'spend now/pay later' policy which has gotten us into a historic fiscal mess.

Former House Republican Leader Dick Armey accurately described the Republican's fiscal management when he told the Wall Street Journal in 2004, "I'm sitting here, and I'm upset about the deficit, and I'm upset about spending. There's no way I can pin that on Democrats. Republicans own this town now."

I think it's important to note that there's always been a choice. Every year for the last 5 years, Democrats have offered alternate plans to balance the budget. Every year we've been defeated by the Majority.

Over that time, the Majority's budgets have turned a projected 10-year surplus of $5.6 trillion into a projected 10-year deficit of nearly $4 trillion, posting record annual deficits over that period. The single largest cause of this turnaround has been the tax cuts enacted in 2001 and 2003. The tax cuts, by themselves, represent approximately half of the deficits we've accumulated since 2001.

What we see again in this year's Republican budget is more of the same. Passage of their budget will increase the deficit by $348 billion in Fiscal Year 2007 and by a total of $1.1 trillion over the next 5 years. Although it never achieves a balanced budget, this Republican plan insists on more tax cuts.

That's not the whole story. This budget masks the true cost of the deficit because it continues to spend every cent of the Social Security Trust Fund. Without dipping into the Trust Fund, the Republicans would post a deficit of more than $600 billion in Fiscal Year 2007.

The costs of the debt and deficit are huge. In Fiscal Year 2007, the United States will spend $243 billion to cover the interest payments on the national credit card. This represents the fastest-growing part of the budget.

The Republican budget also presents the false claim that its spending cuts will reduce the deficit. Over the next 5 years, the proposal cuts $5 billion from mandatory programs (such as Food Stamps and Unemployment Insurance) and $127 billion in domestic discretionary programs, such as education, veterans benefits, environmental protection, and scientific health care research, but instead of paying down the debt, these alleged 'savings' will partially pay for $228 billion in tax cuts.

We've seen this bait-and-switch before. Just two short months ago, the President signed into law the so-called Deficit Reduction Act. The $40 billion in cuts in this legislation came from reductions in student aid programs ($12 billion), Medicaid ($7 billion), and Medicare ($6.4 billion). At nearly the same time, the House passed a tax cut bill at a cost of $56 billion. Provisions in this bill will give anyone who earns $1 million or more a year an average tax break of $32,000.

The cuts in services will be painful and unwise. Over the next 5 years, this budget will cut veterans' healthcare services by $6 billion, education by $45.3 billion, healthcare by $18.1 billion, and environmental protection by $25 billion. Once again, these spending reductions will cover only part of the $228 billion in additional tax cuts, guaranteeing deficits for at least the next decade.

The net result of this budget are more tax cuts for the wealthy, a reduction in social services for working families, and never-ending debt for future generations. This fiscal policy is not only unsustainable, it's immoral.

As in past years, we have a choice. The Substitute offered by Mr. SPRATT reduces the deficit year-to-year and reaches a balanced budget by 2012. The Substitute re-establishes pay-as-you-go (PAYGO) rules so that any new tax cuts and any new spending are paid for by spending cuts or revenue increases.

The Substitute also proposes $160.5 billion more than the House Republican budget for key areas, including education, health, veterans, and environmental protection while maintaining funding for defense and providing more funding for key homeland security priorities, such as port security.

Within the context of a balanced budget, the Substitute provides funding for tax relief for low and middle income taxpayers.

I urge my colleagues to oppose this budget and instead support the Democratic alternative that will restore fiscal responsibility and honor the best of who we are as Americans.

Mr. LANGEVIN. Mr. Chairman, today I rise in support of the Spratt budget substitute and in strong opposition to H. Con. Res. 373, the Republican budget.

Our sons, daughters, and neighbors are bravely fighting wars abroad. Unfortunately, when they return home, they will find a country that has lost its way. We pay lip service to shared sacrifice, but while they risk their lives for us, Republicans in Congress are providing tax cuts for the richest 1 percent of Americans, slashing programs for working-class families, and turning their backs on the middle class. The budget before us today continues these policies. It does not represent the priorities of the American people, nor does it respect the values our soldiers are fighting to protect.

For too long, Republicans have racked up charges on the national credit card, while passing the bill on to future generations. Now is our chance to set this country on the proper course to ensure America's economic success and protect our grandchildren from having to pay for today's irresponsible decisions.

There is a better way. Despite the horrible fiscal outlook facing our Nation due to Republican policies, the Spratt substitute still manages to balance the budget in 6 years, cut taxes for the middle class, and provide realistic funding for education, health care, and veterans programs, all of which are shortchanged by the Republicans.

The Spratt substitute has a better bottom line than the Republican budget every year. Fiscal responsibility today will lead to lower deficits, smaller interest payments, and less national debt in the future. Most significantly, after the budget is balanced, we can finally begin to pay off the trillions of dollars in debt that have accumulated since President Bush took office.

Unfortunately, the budget proposed by House Republicans does nothing to improve the quality of life in America. It would add $348 billion to the national debt next year alone. Under Republican stewardship, the 5 years between fiscal year 2003 and 2007 will provide us with the five largest deficits in American history. This is not a legacy worth continuing. We cannot afford to borrow additional money to continue paying for failed economic policies.

Not only does the Spratt substitute match the President's request for defense spending, but it also includes additional needed funds for homeland security programs, including port security. As a member of the Homeland Security Committee, I am concerned that the Republican budget closely mirrors the President's

budget, which proposes to eliminate several programs important to the safety of all Americans. Programs on the chopping block include the COPS Interoperability Grant Program, the SAFER Program for firefighting equipment, the Metropolitan Medical Response System, the Law Enforcement Terrorism Prevention Program, and Justice Assistance Grants. In 2005, these programs provided more than $13 million in grants to help Rhode Island's first responders keep my constituents safe. Since September 11, we have asked our police and firefighters to do so much more, but this budget fails to provide the resources they so badly need.

In addition, the budget would freeze or cut all non-homeland security discretionary spending. If the Republicans have their way, 5 years from now, education and health programs will receive less than they do today. Cuts to social programs would place a larger burden on the working class at a time when they can least afford it.

Even with all of these cuts, the Republicans still have no plan to balance the budget. Instead, they want to give away the savings to the wealthy by making permanent tax cuts on investment income. As the New York Times indicated yesterday, "Americans with annual incomes of $1 million or more, about one-tenth of 1 percent of all taxpayers, reaped 43 percent of all the savings on investment taxes in 2003." At the same time, those earning less than $50,000 saved an average of only $10 on the same capital gains and dividend tax cuts. The wealthiest Americans are doing fine on their own, and we should not be borrowing money to give them tax cuts.

Deficit spending has stymied job growth and is plaguing our economy. No Rhode Islander would write a check without sufficient funds to cash that check. Neither should the government. I urge my colleagues to join me in supporting the Spratt budget substitute and opposing the underlying Republican plan.

Mr. BISHOP of New York. Mr. Chairman, I rise in opposition to the budget resolution and in support of the Democratic substitute.

The President and the Republican majority like to take credit when there's a better statistic to report about the economy. Those stats might mean something to the fortunate few in the top income bracket.

But middle-class families struggling to keep up with soaring tuition, health care and gas prices don't have much to celebrate. And a budget that builds on a strong economy for all Americans shouldn't be one that allows more pensions to evaporate and tears more holes through the safety net.

Is there any doubt today that this Administration's first priority has been—and continues to be—tax cuts for the wealthiest at the expense of education, health care, scientific research and other middle class priorities, all of which are being cut to pay for these tax cuts?

But my main concern is the hypocrisy of this budget—that extending dividend, capital gains, and tax cuts for millionaires and corporations are like a rising tide that lifts all boats. We've already proved more needs to be done than just hope that sooner or later tax cuts will reach Americans who need our help the most.

Why, for instance, are we saddled with recordbreaking deficits exceeding $400 billion; $3 trillion in new debt since 2001; a debt limit now over $9 trillion; and deep cuts to hospitals, schools, and security? If our tax cuts performed as our friends on the other side of the aisle had promised, an exploding economy would have wiped out this debt.

How can we possibly justify a budget that cuts taxes for millionaires worth more than President Bush requested for the Department of Education and more than twice his budget for the Department of Veterans Affairs?

The answer is that we can't justify the choices made to produce this budget. Under this resolution, Mr. Chairman, those who need our help the most must get in line and hope that the benefits of tax cuts for millionaires and corporations will ultimately trickle down to them.

Mr. Chairman, middle-class Americans deserve much better.

Ms. CORRINE BROWN of Florida. Mr. Chairman, "I believe that the current budget proposal does not accommodate really crucial city safety net needs, education needs and health care needs . . . (and) I have tried as clearly as I could to lay out my concerns, which frankly are shared by a significant number in this caucus." Now, you might think that this quote was taken from someone in the Democratic leadership, or the Congressional Black Caucus, but no: This is a quote from a Republican Member of the House of Representatives. And I ask, why, my colleagues, was this said? Well, the answer is simple.

The Republican leadership is robbing from the poor to give tax cuts to the rich. That's what this budget, and this debate, are all about. We are talking about priorities here folks, and this Republican budget certainly makes it clear who the party in power supports, and who they don't.

Who do they support? That's easy: big insurance companies, HMOs, millionaires on Wall Street, the oil industry and huge defense contractors, that's who. And who don't they support? Well, that question is easy too, just look at who gets the short end of the stick in this budget: teachers, police, first responders, students, our veterans, and the elderly. Yes, since the Republican takeover it's the same old story folks: drastic cuts in vital social service programs, and going so far as to eliminate food programs for poor children and their mothers! This is a mean, mean spirited budget, my colleagues, and we need to send it right back to the smoky back room where the lobbyists and Republican leadership wrote it!

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

The Acting CHAIRMAN (Mr. BISHOP of Utah). All time for general debate has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BURGESS) having assumed the chair, Mr. BISHOP, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 376) establishing the congressional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011, had come to no resolution thereon.

MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. CARDIN. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore (Mr. BISHOP of Utah). The Clerk will report the motion.

The Clerk read as follows:

Mr. Cardin of Maryland moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4297 be instructed—

(1) to agree to the provisions of section 102 (relating to credit for elective deferrals and ira contributions), and section 108 (relating to extension and modification of research credit), of the Senate amendment,

(2) to agree to the provisions of section 106 of the Senate amendment (relating to extension and increase in minimum tax relief to individuals),

(3) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008, and

(4) to the maximum extent possible within the scope of conference, to insist on a conference report which will neither increase the Federal budget deficit nor increase the amount of the debt subject to the public debt limit.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Maryland (Mr. CARDIN) and the gentleman from Pennsylvania (Mr. ENGLISH) each will control 30 minutes.

The Chair recognizes the gentleman from Maryland.

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

Mr. Speaker, people of this country are looking to our leadership for change. They want us to move in a different direction. They are tired of our spending money and going further into debt. They want to see us do something about the national debt and the deficit here in Washington. They want us to stop digging the hole deeper. They want to see a commitment to reduce the debt. They want to see tax fairness. They understand that the tax bills that we have passed in recent years provide average tax relief for those under $50,000 of $435 a year while those between $500,000 and $1 million enjoy $22,000 of tax relief. They want to see tax fairness.

They want economic opportunity so this economy can grow. They know that the R&D tax credit that allows companies to invest in the future needs to be made permanent. And they certainly want to see more savings in America. They understand that we have a negative saving rate. We know that young people and people of modest income have a very difficult time putting any money away for their retirement savings and too many companies do not offer incentives for their employees. They want to make sure that we extend the saver's credit that allows them to put money away.

Mr. Speaker, my motion to instruct the conferees on H.R. 4297 deals with these opportunities.

When I noted this motion last night, I was not aware that the conference is close to an agreement, and I use that word reluctantly because, as I understand it, there has been no conference. It is basically the Republican members of the conference committee have been negotiating; and according to the most recent Congressional Daily, tax writers are within striking distance of a reconciliation deal.

We have received a red alert from the Concord Coalition. The Concord Coalition, which is a nonpartisan body whose sole purpose is to try to bring some sense in this Congress in dealing with the deficit, says watch out. The deal that is being struck, ''instead of choosing among competing priorities,'' and I am quoting from the Concord Coalition, ''identifying revenue offsets or otherwise scaling back the cost of the tax cuts to comply with the budget, Congress is considering gimmicks and legislative maneuvers to circumvent budget limits and increase the deficit even more than the budget already allows. Evading the limits in the budget resolution would make a bad budget worse.''

I could not agree more with the Concord Coalition.

So what does my motion do with the tax legislation that is in conference? It provides for four instructions to our conferees:

First, it says to the maximum extent possible within the scope of conference, insist that a conference report will neither increase the Federal budget deficit nor increase the amount of debt subject to the debt limit. I would think that every Member of this body would endorse that instruction to our conferees.

I was just listening to the debate on the budget resolution and heard how we need to rein in the deficit. Well, this is our opportunity to act on that intent. This motion makes it clear that we want to rein in the deficit and the debt to the maximum extent possible. The 2006 budget had a deficit of $371 billion. The 2007 presented budget will increase the deficit by $423 billion, and I am not even counting the surpluses from Social Security that should not be counted in this.

□ 1645

According to the Joint Tax Committee, the conference may very well bring out a report that could increase the deficit by another $80 billion.

Enough is enough. Let's make a commitment to America's future. Let's recognize how dangerous this deficit is to America's future. Let's understand that in order to pay our bills, we have to ask foreign governments to buy our bonds, governments that don't agree with our foreign policy, who buy our bonds not because it is a good investment, but because they want to make sure that the exchange rate between their currency and ours is favorable so they can send more products into America, taking more jobs away from America.

Yes, this is a matter of national security, and that is why this motion speaks to this bill that could make the circumstances much worse. Let's tell our conferees not to do that.

The second part of the motion to instruct deals with two very important tax credits that are scheduled to expire. One is the savers credit. The other deals with the R&D credit. I mention both of those because it is important that we deal with these two credits that are scheduled to expire.

My motion tells us to take the longer period that the other body agreed to. Let's extend for 3 years the savers credit. I want to make it permanent. At least let's make it 3 years. The R&D that allows businesses to reinvest to create jobs, we should make it permanent. Let's make it at least 2 years.

But, Mr. Speaker, let me tell you my fear. I would urge my colleagues to support this motion. Let me tell you my concern. The Concord Coalition is admonishing us that they believe that we will be keeping these politically popular tax cuts hostage to new legislation, that it won't even be in this legislation, in this conference. Instead, we are going to put it in another bill to make the deficit even greater.

This should be our priority, extending these tax credits. This may be our last opportunity to speak to that. So I urge my colleagues who profess to support the savers credit and R&D credit to support this motion.

This motion also deals with the Alternative Minimum Tax, to make it clear we need to extend the Alternative Minimum Tax. If we don't, taxpayers will soon be getting information from the IRS, instructions to let them know that their taxes for 2006 are going to be substantially higher than they are for 2005. For you see, Mr. Speaker, if we don't correct the alternative minimum tax, and let me remind you the bill that passed this body did not include that, if we don't include it at this stage, because this is the bill that is going to be on the way to the President, we are going to find in excess of 15 million of our constituents across the country are going to wake up and find they now have tax liability they didn't expect, not because they are trying to avoid taxes, but because of action taken by us which increased liability for the Alternative Minimum Tax.

So it is critically important. This is our last opportunity to say before the conference is likely to take action that the Alternative Minimum Tax is our priority.

Then the fourth thing, Mr. Speaker, is that we have to make choices. We can't do everything. I was listening to the chairman of the Budget Committee tell us that we can't give everything to everybody that everybody wants. Well, I hope he will vote now in the first vote after his speech to carry that out. We can't do everything that everybody wants and still bring the budget deficit down.

The capital gains and dividend provisions, they are not set to expire until 2008. Let me remind my colleagues of that. We have plenty of time to take that issue up. So my instruction includes holding off on that issue so that in fact we can bring in a conference that is in compliance not only with the letter, but the spirit of our commitment to deal with the budget deficit.

Mr. Speaker, I urge my colleagues to support this motion. I believe this is what almost everyone in this body has been speaking about. Now let's see how they vote.

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

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

Mr. Speaker, it is a real privilege to appear opposite the gentleman from Maryland. I realize he is not seeking reelection this year and is aspiring to move up to a higher level. I may say at the outset it has been a privilege working with him on the Ways and Means Committee for the last 12 years. I have come to admire his talents, even when they are enlisted on behalf of something as weak as the instruction before us today. I look forward to debating the point.

Mr. Speaker, we have a motion to instruct that has been put before this body that sends exactly the wrong message. It is a message that is essentially against economic growth and against job creation, and it would put Congress on record, on the brink of our success in a tax conference in favor of things that we have in the past voted against. This instruction in some areas is amorphous, and elsewhere is perverse, and in effect it is an instruction that leads us inevitably to a tax increase.

Mr. Speaker, it is important for us to recognize that since 2003 our gross domestic product has seen its fastest growth in 20 years, averaging a robust 4.4 percent per quarter. This is extremely important, because as we have grown the economy at this clip, we have generated new revenues, new revenues that we had not anticipated in our budget, new revenues that have held down our deficits, new revenues that have created an opportunity for us to finance our social needs. And as we show restraint, as we do in the budget resolution we are voting on today, it holds forth the promise of our getting back to a balanced budget, something that the other party was never able to achieve when they were in the majority.

This growth is important to note, because it is attributable in part to the reduced rates on capital gains and tax dividends.

We have a pro-growth tax policy in place, which has allowed us to expand the tax base and generate revenues outside of the estimates in our budget. I would like to point out that ultimately the path to a balanced budget has to be through high growth rates and ultimately through the financial discipline that today's budget resolution will suggest. Yet, the motion to

instruct conferees before us in effect puts off to a date in the future the opportunity to continue to extend the current tax rates on those pro-growth parts of our existing tax policy, with potentially perverse results.

I would like to also point out, since we have heard so often and we have heard on the floor today that the tax policies we have in place only benefit the affluent, I would like to point out who in the real world has been receiving the reduced rates and therefore whose taxes will we will be raising if we fail to extend the current rate.

Mr. Speaker, it is notable that 54 percent of those families receiving dividend income had incomes of less than $75,000 and they received an average of $1,400 in dividends. That is very significant for those families. Together, families with incomes under $100,000 have more than $20 billion in dividend income.

In 2005, an estimated 10.3 million families in the 10 and 15 percent brackets will save on their taxes because of the 2003 law. So the rhetoric that this tax relief only benefits the wealthy is vacant ideological posturing.

If we let these rates expire, it would be in effect a tax increase on many Americans, including a lot of middle-class Americans. Not only would the lapse of the reduced rates impose a tax increase, it would particularly discourage equity ownership among working families, among whom we have seen a stunning 91 percent increase in stock ownership. To turn back the clock on policies that have more American workers owning a stake in their future is simply the wrong thing to do today.

Our side also strongly supports extension of the savers credit and the research credit, which is why both of these policies were extended in the House-passed bill. That is already in there. Unfortunately, almost every single member of the minority voted against extending those incentives when the House voted on the bill last December.

I should further point out that our side also strongly supports extending relief from the AMT. In fact, I am a co-chairman of the Zero AMT Caucus and I have been vigorously advocating repeal of the AMT since I came to Congress, an ugly tax legacy of the previous majority. The House has spoken on this issue, and it is worth noting that we voted overwhelmingly in December to extend AMT relief as a stand-alone bill. By moving this relief outside of reconciliation, we can shield millions of families from the AMT without having to raise taxes to do so.

Mr. Speaker, this motion to instruct is asking for a tax increase on effectively the seed corn of the economy. It is asking us at a critical time to put a brake on economic growth when we need it most.

If we are serious about maintaining the forward motion in our economy, I would suggest that we need to maintain our current tax policies and not undercut our efforts to maintain them. I am calling on the House to vote against this motion. It is the right thing to do.

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

Mr. CARDIN. Mr. Speaker, I yield myself 30 seconds just to correct the record from my friend from Pennsylvania.

If AMT relief was a priority, you would have put it in budget reconciliation, because you know that is the only legislation that stands a chance of passage to the President. You have had 12 years to fix it and you have not. There is a statute of limitation on how long you can go back to when the Democrats were in control.

In regards to the $1,400 you referred to for families under $75,000, I question your numbers. I will tell you, their share of the national debt as a result of your fiscally irresponsible policies will far exceed the $1,400 in tax relief.

Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. LEVIN), my colleague on the Ways and Means Committee.

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

Mr. LEVIN. Mr. Speaker, I would say to Mr. ENGLISH, if you are serious about the AMT, you would vote for this motion to instruct. You can join any caucus you want. It is what happens on the floor that matters.

You talk about the path to the balanced budget. The Republican path to a balanced budget is more deficits, and your notion is more deficits will help growth and eventually we will grow out of the deficit. The trouble is, it isn't working.

When you talk about growth figures, you don't mention that for the typical family in this country, there hasn't been an increase in income. Median income in this country has essentially been flat these last years.

You say if you vote for the motion to instruct it leads to a tax increase. That makes no sense at all. The present provision lasts through 2008. What you are doing is extending it several years from now.

Why does Mr. CARDIN come here again? How many times have we raised this issue? The main reason we bring this is because you distort the facts when you make your arguments. Pure distortion. That was true the last time we debated this.

I read the New York Times article of just this last Wednesday that picks up the pure distortions by the Republicans. I think you have repeated them again. Essentially what was said last time in defense of your position was this: ''Nearly 60 percent of the taxpayers with incomes less than $100,000 had income from capital gains and dividends.'' The New York Times story goes on to say, ''IRS data show that among the 90 percent of all taxpayers who made less than $100,000, dividend tax reductions benefited just one in seven and capital gains reductions one in 20.'' So you either get your distortions out of thin air or from some other source.

You try to say that this is a matter of a tax benefit mostly from the nonwealthy. I just want to read again from the New York Times article, and this traces the 2003 investment income cuts.

□ 1700

The investing income cuts. And here is what happened: The average tax cut for people making less than $50,000 was $10. For people making $50 to $100,000, the average tax cut—this is again in investment income—was $68. For the family $100,000 to $200,000, the average tax cut was $268. For someone making $200,000 to $500,000, $1,489. For those $500,000 to $1 million, $5,491. For those making $1 million to $10 million, $25,450. And, again, in contrast to $10 for less than $50,000 and $68 for $50,000 to 100,000. On those who are making $10 million or more, the average cut is $497,463.

The conclusion in this article, I think not refuted, is that the top one-tenth of 1 percent of taxpayers got 43 percent of the benefit. And you have the gall to come here and talk about these two tax cuts or decreases benefiting the majority of the American people. That is not true.

Now, another myth that you perpetuated is that more people will really benefit from this change in investment income taxation than if we act on AMT. Mr. CARDIN has talked about this, we have talked about this before, we have heard your mythology in the Ways and Means committee from the very beginning. There are going to be 17 million people or more affected by the AMT if we do not act compared to several million now. And you throw your lot in with the millionaires instead of people who are in middle income situations. That is whom you are benefiting, basically.

So that is why we come forth here. You distort the record. We want to tell the truth to the American people. Whose side are the Republicans on? It is the millionaires. I think it is fine if people make a million bucks, but they do not need a tax cut. What is needed is some actual civility and sanity when it comes to the deep deficits here, and also some honesty with the American taxpayer, and not helping a very few and hurting the very many. That is what you are doing.

That is why Mr. CARDIN is coming forth once again, once again, and we are putting you to the test. If you vote wrong today, expect to hear from the American people tomorrow and tomorrow and in November.

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

Mr. CARDIN. Mr. Speaker, I yield myself 1 minute to emphasize a point that Mr. LEVIN made.

There is no question that the overwhelming amount of relief provided by

the tax cuts from 2001 and 2003 go to the highest income people. That is not tax fairness. There is modest relief that goes to middle income families, very modest relief. Every dollar and more of that will be eaten up by these increased debts and deficits. The interest costs alone, the share of the National debt all will make whatever relief is provided in here meaningless. And when you take a look at the impact that the deficits are having on our economy and you look at how middle income families are struggling in order to meet their needs, in order to be able to afford the increase in college education and energy costs and health care costs, they are falling further and further behind.

So for the sake of middle income families, I would urge my colleagues to support this motion in the conference to bring back a responsible product.

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

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

Mr. CARDIN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. ROTHMAN), a distinguished member of the Appropriations Committee who is known for his commitment to tax fairness and fiscal responsibility.

Mr. ROTHMAN. Mr. Speaker, what are the priorities of the Democratic Party? And what are the priorities of the Republican majority, the Republican majority who have been in power in the House and the Senate for 5½ years with a Republican President for 5½ years, with their policies, leading to a greater and greater difference, disparity in incomes between the very rich and the middle class and the working poor and the poor, and the greatest deficit in the history of the United States. That is the result of the priorities and policies of the Republican majority. That is a fact. I believe they are the wrong priorities, and they put us continuous on the wrong track, but that will be up to the voters in November to change.

But what about the comments you hear about these tax cuts that are spurring the economy in unprecedented revenues? Hogwash. Hogwash. The Secretary of Treasury, John Snow, from the Bush administration came before our committee this week and said, Secretary of the Treasury under President Bush said, these tax cuts are responsible for one-third of this deficit. They are responsible for one-third of this deficit, the greatest deficit in the history of the United States. That is what these tax cuts have caused.

He said, by the way, for every dollar in tax cuts we give, we do not get back more money than we gave out in tax cuts. We get 30 to 40 cents for every dollar in tax cuts which means we lose in the Treasury 60 to 70 cents on every dollar we give out. We only get back 30 to 40 cents.

Well, if we could afford that I suppose it would be great to give people back more money. Then the question is who should get the tax cuts? People on the Republican side of the aisle say boldly, everybody should get a tax cut. Well, I do not know about you but in a time of war, in a time when we have natural disasters like Hurricane Rita and Hurricane Katrina, when people are working harder and not making any more money, they have growing health care bills and are worried about their retirement, they are having their college tuition costs increased by the Republican majority, veterans are paying more than ever because the majority says they do not have the money, they do not have the money, they say, even to inspect more than 5 percent of the containers coming into America, then say we do not have the money.

Hong Kong inspects 100 percent of the containers. What are they doing with the money? They are giving it to the very richest people in the country, and they say it boldly. Yes, we are doing that. Everybody should have a tax cut. Well, you know these same folks have been getting the benefit of trillions of dollars of tax cuts since President Bush took office.

The recession has been over for 3 years. Do they still need the money when we have the biggest deficit in history? And you tell veterans and college kids and seniors, we do not have the money for your program, or parents with kids who have disabilities, we do not have money for your program? They say, well, there they go again, those Democrats, class warfare. Hogwash.

We have to make a decision about what to do with our tax dollars. Should we spend it on people who need it, the middle class, by getting rid of this Alternative Minimum Tax. The Republican majority says no, we do not have the money to get rid of the Alternative Minimum Tax that affects primarily the middle class. They say they do not have the money. They did not put it in the budget.

What they did put in their budget were huge tax cuts for people making over $500,000, $1 million, $10 million, up to the sky. Forty-five percent of the tax cuts under their bill here, 45 percent of the revenues go to people with incomes of $1 million a year. Is that the country you want to live in where we allow the Republican majority to give our money to the rich and tell everybody else go jump in the lake, pull yourselves up by your boot straps, but the rich should get the money?

There is a difference, Mr. Speaker, between the Democratic Party, who says let's fix that Alternative Minimum Tax that hurts the middle class. Let's spend the money on that, not tax cuts for the very rich.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. KUHL of New York). The gentleman from Pennsylvania (Mr. ENGLISH) has 23-½ minutes remaining.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Mr. Speaker, I assure you I will not use the balance of that time.

Just to point out something that is a continual pet peeve of mine, I am not on Ways and Means and I am not on Appropriations but it seems to me that if you are going to give money to someone it comes through the appropriations process, not through taxation.

Government spends what it takes while people spend what they make. In the final analysis, to provide tax relief to the American people is not an act of giving them anything from the government's largess. What it results in is an act on the part of the government to refrain from taking people's hard-earned money in the first place.

Now, as to the rhetorical question that was asked, if I may turn it into an actual query that was put to us, I would prefer to live in an America where I know that if I work very hard and I follow the law and I want to work and improve my quality of life for myself, my children, and my community and country, is that the fruits of my labor will not be taken from me by the government. And that attempts to make sure that the fruits of my labor are left in my pocket are not considered a giveaway by the Federal Government. Because the fact is it is the confiscation of private property, the act of taxation. The only thing that does to render it criminal is the fact that we have the consent of the governed. In a duly elected country, if the consent of the governed is through their elected representatives not to take that money in the first place, it is not a giveaway.

Mr. CARDIN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I just want to respond to the gentleman. Maybe it is a question of religious values, but I thought every major religion in the world said that those with extreme wealth should not be living high on the hog while everybody else is suffering. I thought that that is what every major religion talked about.

If I am correct in my American history, the income tax does not say ''give the money to the rich and they do not have to pay any more than the poor.''

Our income tax system is a progressive system under the American belief that if you are incredibly wealthy you should be paying a little more in taxes, not only in dollar amount but in percentage of your taxes. That has been our tax policy in this country since there was an income tax at the beginning of the 20th century.

□ 1715

So we know as Americans, as good moral people, Mr. Speaker, that this is the right thing to do. You do not give your money to the people who need it the least.

Now, they say they earned it and you are not giving them back their money. However you want to describe it, how much money do we get in from those taxes? We get in enough money to still have the largest deficit, not pay for education costs and veterans costs and other costs, unless we say to those who got trillions of tax cuts since 2001, you know, you are making over $500,000 a year, you have got tens of thousands, maybe hundreds of thousands, of dollars in tax cuts since 2001, perhaps during this time of war; perhaps during the time of the greatest deficit in the history of the United States, we are going to say this year, let's give the money or take your taxes and use that money to help the middle class by getting rid of the alternative minimum tax.

Mr. Speaker, I said this before. I will say it again, it is worth repeating. There is a difference between the Democrats and the Republican majority. The Democrat minority, hopefully to be the majority after November, we believe the money that is collected in taxes should be spent wisely, prioritized to meet the needs of our country, the middle class, the working class, to give incentives to people to work.

If you are making $1 million, $10 million, you are going to have to pay your fair share, and you can afford to allow your taxes to be used to help the middle class. Your kids are going to have plenty to eat. Your kids are going to college, and you will drive your Rolls Royce and get it filled up every week with gasoline. That is the difference, not class warfare.

What do we do with our money? Give it to the rich or give it to the middle class who are the heart and soul and lifeblood of this economy and this country?

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 2 more minutes to the gentleman from Michigan (Mr. McCOTTER) in order to steer the discussion away from religion and back toward economic literacy.

Mr. McCOTTER. Mr. Speaker, I thank you; and before I steer on to that path, I would refer the distinguished gentleman to Pope Benedict XVI's encyclical because it shows where the government is involved in taxation for the purposes of, quote, unquote, leveling, which is trying to discern what is the proper level of material equality in a free society, that the compulsory act of government of taking that money from people and then expending it on someone's behalf vicariously is certainly not tantamount to the moral good in a virtuous society that is achieved by the individual donating that money directly to charity and engaging in the life of their community to help their fellow citizens who are less fortunate.

But I am sorry, I will not continue to go down that path.

It is also interesting, the gentleman talks about not wanting to have class warfare or class envy at the very time he engages in it. I find that disingenuous, and I will not do the same.

At the end of the day, what I would like, I think, to help frame my debate is, what level of taxation is enough? What level is enough? What is optimum for your particular, I assume hypothetical, level of material equality in this country that would be dictated by the government's confiscatory tax policies and arbitrary policies in appropriation? I want to know what that level is. I want to know the level then would be attained. If I am going to ask people to give their private property to government, I have to show them the end of the line. I have to show them how high it is going to and I have to show them what the concomitant benefit to this country is going to be. I never seem to hear that. For purposes of clarity, I would be interested, what is your ultimate goal?

I also would like to add, just as personal disclaimer, as someone who is middle class, as someone who pays the AMT, who gets notes from their accountant asking if there is anyone who he knows, i.e., me, what can they do about the AMT, I would like to see it gone, and I would also like to see the taxpayers not pitted against each other if we do not have our choice.

I suppose the final analysis, and I will close on this, is that the Republican Party believes that a free people, a free, virtuous people, which we are in this country, will take care of those who are less fortunate and will also ensure that the civil society we live in endures.

I believe that the minority party believes that they can best determine how to control your life, conduct your affairs, and reach some hypothetical abstraction of equality which does not exist.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, if I might inquire of the gentleman on the other side if he has no more speakers, I am prepared, since I believe he has the power to close, I am prepared to make a closing presentation, and I will yield myself accordingly such time as I may consume.

Mr. Speaker, there are obviously a couple of things on the record that need to be corrected.

One of the earlier speakers made a comment about it being hogwash, I think was his elegant term, that the pro-growth policies that this majority put in the Tax Code have helped the economy, have helped economic growth in this country which has achieved record rates, have allowed us to generate new revenue that in turn would bring down the deficit, and yet, in the contrary position, Chairman Greenspan just a few months ago, when he was still in office, testified before our Joint Economic Committee and made very clear that the tax policies of this majority, particularly as they apply to the more dynamic side of the Tax Code, have been successful in generating economic growth and have been successful in helping the economy. It is precisely about maintaining these tax policies and not doing a tax increase that we consider this motion to instruct.

I think this motion to instruct would be perverse. It has been challenged here whether this motion to instruct, in fact, represents a tax increase. It is curious that some in Washington still argue that when you have put rates into place and the market has adjusted for them, that if you allow those rates to lapse, somehow that is not a tax increase. Only in Washington is that kind of fantasy engaged in.

What is fairly clear is the tax policies that are our majority and our majority's budget resolution attempt to preserve are tax policies that have been beneficial to the economy, and the alternative is clearly a tax increase.

Let us consider the AMT for a moment, and I think this is very important.

To listen to the other side talk about the need to deal with AMT relief through this budget reconciliation overlooks the fact that the House passed an AMT bill by a margin of 414–4 a few months ago. At that point, clearly an overwhelming majority, over 400 Members of this body, felt that passing a bill specifically to deal with the AMT was the right way to go.

So when we had another Member on the other side suggest that it was essential for someone to vote for this instruction if they are serious about dealing with the AMT is absurd. The House has already dealt with the AMT and in a manner that I think is appropriate.

It is appropriate for our tax conference to be in a position to deal with other issues, including extending existing tax policies.

Now, the gentleman from Maryland pointed out at the beginning of his remarks that the current tax rates are going to be in place until the year 2008 on capital gains and on dividend income, and that is, quote, unquote, plenty of time. I would suggest to the gentleman that the markets may disagree with him. The markets are assuming that we are going to extend current rates, and certainly in the past we have never scheduled a tax increase in these areas in advance and telegraphed the punch. I would suggest that markets might respond to this in a very strange way; and by adopting this motion to instruct conferees, in fact, I would suggest it would send exactly the wrong message at a time like this to the markets.

Some might argue that going back to the old higher rates, raising taxes in that manner, might generate revenue; and yet we have heard testimony before the Ways and Means in recent years that suggests that the revenue-maximizing rate in capital gains, according to one expert, might be between 20 percent and 15 percent, but in the next order of probability might be between 15 percent and 10 percent.

I would suggest, since the gentleman from New Jersey raised the question of

morality, there is not really a coherent morality in setting tax rates in a particular area that are above the level at which they will generate the most revenue. I think that the current rates on capital gains clearly have been beneficial, and it is not clear that we are going to generate additional revenue if, as the gentleman on the other side would like to do, we increase those rates.

We have generated revenue that was not captured in our calculations by lowering these rates. Our experience with raising capital gains rates over the years is that the revenue that was supposed to occur rarely does, and that suggests to us that perhaps the 15 percent rate might be an ideal place to generate the most revenue, not that there is ever really a compelling argument for setting a rate at the revenue-maximizing rate.

I think there are also some things that we ought to consider about some of the figures that were thrown out here. I, in my initial remarks, pointed out some of the clear benefits to the middle class that have accrued from the current tax policies, and the gentleman on the other side of the aisle challenged that and trotted out some figures.

I should simply point out for the record that the joint committee has given us different figures, and the other gentleman's argument I found to be a saturnalia of static analysis. So I think that those who are following this debate can listen and make up their own minds. I think that clearly the current tax policies are justified on the facts, and the other side has not really offered a coherent position for adopting a new tax policy.

My feeling is that workers who have taxable assets, who have seen the value of those taxable assets which they are holding toward retirement increase because of the growth, increase because the market has gone up, may I suggest that they have seen a real benefit from our tax policies, one that is not captured in the static analysis used on the other side, but one which is important and is a real measure of wealth and is a real measure of their satisfaction.

I was intrigued by some of the rhetoric on the other side in which, on one hand, a speaker called for us to use civility and then accused us of siding with millionaires. That is an unusual approach to civility, but I would suggest to the speaker that by supporting the current tax policies and supporting the growth that so clearly is their result, we are siding with entrepreneurs. We are siding with workers who depend on small businesses and the people who run them to create the jobs that they need. We are siding with the capitalist economy that has created more wealth and more opportunity in this country than anywhere else in the world. We are siding with the dynamic side of our economy and that part of our economy that we think offers the promise of new opportunities throughout America.

I believe that we have a great opportunity in this tax conference to move forward and to continue this House's policy of supporting pro-growth tax policies. I certainly hope that the House tonight makes very clear that we continue to support those policies; and on the eve of this tax conference, I hope that we come together to send a clear message by rejecting this instruction.

I think there is a clear philosophical difference here. We believe in growth. We believe in expanding opportunity. We believe that the capitalist economy can create those opportunities. We believe that American workers and American companies, where given the opportunity and where the Tax Code and the taxman does not get in their way, can compete anywhere in the world.

Mr. Speaker, with that I call on my colleagues to reject this instruction, perhaps well-meaning, but poorly conceived and clearly a tax increase at the wrong time and at the wrong place.

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

□ 1730

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

Mr. Speaker, let me make it very clear. I offered this amendment not as a Democrat, and I don't ask you to vote for it because you are a Democrat or a Republican. I offer it as an American who is concerned about the debt of this Nation. I want to see this Nation change direction. I don't think we are heading in the right direction on our economic policies. I think this debt is very dangerous and I want to change direction.

Let me also just say to my friend from Pennsylvania, words have consequences, so please be careful obviously the words we use in this body. We have a responsibility. It is wrong to say that this motion increases taxes. You are using that because we don't extend in our motion a tax provision that will expire in 2008. Well, Mr. ENGLISH, I could say that you are raising taxes by voting against it because you are only extending the R&D credit to 2007, where that is even shorter than 2008. And I would acknowledge to you that would be a wrong thing for me to say. So please be careful with the language you use. You know that this motion does not increase taxes whatsoever.

A question was asked: What is the appropriate level of taxation? Well, this motion asks: What is the appropriate level of debt? Is anyone going to be concerned about the bottom line debt of our Nation? Isn't there a limit? Now it is $8.9 trillion. Whether we lose revenues through taxes or spend it through the appropriation process, it costs the people of this Nation the same burden to their economy.

No, I am not happy about the economic progress that we have had over the last 5 years. I am not happy about our trade deficit of $720 billion. I am not happy about how many jobs we have exported to other countries. You look at the loss of jobs in America, good jobs, and you look at the job creation, and it is not equal. This has been the worst performance of any administration in modern times as far as the growth of good jobs here in America. So, no, I am not happy about our economic performance.

But what I do ask my colleagues to do is look at this motion that is before you. Read it. It says that we don't want to increase the debt. I would hope all my colleagues would agree with that. It says we want to extend the R&D and the saver's credit to the maximum extent possible. I would think, using my friend from Pennsylvania's argument, that voting against that you are voting for a tax increase. And I don't believe you are, but I just point out the illogic of that argument.

And then it says, yes, we have to make choices, and the Alternative Minimum Tax should be our top priority. Why? Because that expires this year. If we don't correct it in 2006, our constituents are going to have to be paying the Alternative Minimum Tax. And you can keep on saying you will pass legislation to do it, but you know if it is not in the budget reconciliation, if it is not protected by a point of order, we are not going to get it done. We know that. That is why we are saying let's put it in the bill that is going to make it to the President's desk that is going to be signed into law. Let's not play games with this. Let's do what is right for the people of this Nation.

So if you read this motion to instruct, you are going to find that if you are for reducing the debt, if you are for the saver's credit, if you are for the research and development credit, and if you really want to provide Alternative Minimum Tax relief, and then lastly, if you want to avoid a calamity that may in fact be happening if the reports are correct about what is happening in the tax conference, where it is even going to be worse than what we thought, that we are going to be using gimmicks and accounting procedures in order to say that we fit within the budget reconciliation when in fact we don't. I have been told one of the provisions is the RSAs, the retirement savings accounts, which is going to count money as had, even though we are going to lose revenue in the long term.

That is not what we should be doing here. Let's act responsibly. Let's act in the best interest of all the people in our community. Let's not just vote one way or the other because you are told that that is the partisan thing to do. Let's do what is right for this country. Let's speak out about this deficit. Let's speak to the priorities that should be in our Tax Code.

This is our opportunity to do it, and I urge my colleagues to support the motion.

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

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

There was no objection.

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

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

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

The yeas and nays were ordered.

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

MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. George Miller of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed to agree to the provisions contained in the Senate amendment regarding the prohibition of wearaway in connection with conversions to cash balance plans and the establishment of procedures affecting participants' benefits in connection with the conversion to such plans and not to agree to the provisions contained in title VII of the bill as passed the House.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I offer a motion to instruct conferees on H.R. 2830, the Pension Protection Act. The Senate appointed conferees on March 3 and the House on March 8, and yet 1 month later it appears almost no progress has been made. In fact, I actually would say that the conference seems to have gone backwards. Senator ENZI, the conference chair, promised that there would be an open and bipartisan conference; Mr. Leader BOEHNER promised the same. Instead, both meetings have been held in secret by a small group of Republican conferees.

There are a lot of important issues pending in the pension conference. Every day employers are dumping their pension plans and millions of workers are deeply worried about their retirement security and whether or not they will have sufficient funds for their retirement to support their families. One of the key issues pending in the conference is whether or not older workers will be protected when employers convert their traditional defined benefit plans to a so-called cash balance plan. It is a critical issue for millions of American workers, and it is not a new issue to this House.

During the 1990s, hundreds of large employers switched to these cash balance plans, including IBM, whose conversion was ruled illegal. As many as 8 million workers have been affected by these conversions, many of them, perhaps half of them, experienced deep cuts in their pension benefits as a result of these conversions.

Let's be clear. Companies promised these benefits to these workers. These workers earned these benefits. Then with some paperwork and a little fancy accounting footwork, companies slashed the benefits of these workers. How did the companies do it? First, the benefits of the traditional pension plan are based upon the worker's pay at the end of their careers and when they are earning the most. Cash balance plans, on the other hand, are based on worker's average pay over the course of their career.

With just a simple change on how benefits are calculated, companies can devastate the retirement nest eggs of hard-working employees, workers who gave up wages, who gave up vacation days, who gave up all kinds of benefits as they balanced out their pension plans. Yet we now see companies unilaterally essentially destroying the pension benefits that those workers are entitled to.

Older workers under these conversions can lose up to half, half of their expected retirement benefits. Don't take my word for it. That is according to the Government Accountability Office. They tell us that that is what happens to older workers. This chart shows exactly what happens. This is what would happen to the workers who went into the workforce at age 25 and worked for a company. They would see their traditional retirement benefits continue to go up. With a cash balance plan, the retirement benefits go down.

For the older workers, this is what they stand to lose. For anyone over about the age of 46, 47 years old, they have a substantial change in the pension benefit that they were counting on. Obviously, for these workers out here, at age 55, it is very difficult, if not impossible, to see how they would recover a sufficient amount of savings to provide for the retirement that they were planning on at that time.

And it gets worse if you are 60 years old. So anybody after 45 years of age is greatly disadvantaged under these plans. And that is what is going on in the pension conference committee, is whether or not we will have the opportunity to provide for those older workers.

What we now see is that IBM did this and the court stopped those conversions in 1999. The House voted overwhelmingly on several occasions in support of amendments urging the protection of older workers. The Bush administration first tried to lift the moratorium and legalize these conversions. But after 218 Members of the House or the Congress urged the President to reconsider, he withdrew that proposal. The Bush administration changed its position and has submitted proposals that do more to help the older workers.

As part of the pension funding reform legislative debate, Senators Baucus, Kennedy, Frist, Grassley, Hatch and Lott brokered a compromise. The compromise largely follows the Bush administration proposal and was passed by the Senate 97–2. This motion to instruct that I am offering today urges the conferees to support the Senate compromise on protecting older workers in the cash balance conversion.

The House-passed bill contains no protection for older workers and would actually legalize some of the worst employer practices that jeopardizes worker retirement security and their retirement nest eggs.

The AARP, the AFL–CIO, the National Committee to Preserve Social Security and Medicare, the National Legislative Retirees Network, and the Pension Rights Center all support this motion. The AARP opposes any pension funding reform bill that does not protect older workers affected by these cash balance conversions.

The House of Representatives has already voted three times to require the Treasury Department to protect older workers from age discrimination in cash balance conversions. In 2002, the amendment passed by a vote of 308–121; in 2003, it passed 258–160; and in 2004, it passed 237–162. Mr. Speaker, obviously this House has recognized the unfairness of the cash balance plans to older workers and that older workers ought to be protected.

We believe that older workers ought to be given a choice. That is what the Congress did when it changed its pension plan. That is what Secretary of Commerce Snow said that he did when he was running his company, when he sat on the board of other companies, because he said that was the fair thing to do. The Bush administration has come around to that position. The only place where we don't hold that position is under the Republican-passed bill on the pensions that is now in the conference committee.

That is why this motion to instruct is important, so that we can make sure that, at a minimum, we can exit that conference committee with the Senate-passed provisions that passed 97–2 to help protect, not perfect, but to help protect older workers who are subject to these dramatic changes by their employers, and who have very little opportunity to recover that nest egg of retirement benefits that they were counting on, that they worked hard to earn, that they negotiated with their employers and now simply, by a unilateral action, are ripped away from them.

It is not fair, it is not ethical, it is not right, and this Congress ought to

stand up and change it to protect those older workers. I urge my colleagues to support the motion to instruct.

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

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

Mr. Speaker, hybrid pension plans represent an important component of worker retirement security. In fact, more than 9 million workers today rely on these benefits for a safe retirement. Unfortunately, some continue to paint a misleading picture about these pension plans.

Despite these claims, hybrid plans actually provide more generous benefits for the majority of workers than do traditional plans.

□ 1745

These conclusions emerge from a growing body of independent research by economists and academics at some of the Nation's most respected institutions, including the Federal Reserve Board, the Urban Institute, the Brookings Institution, and the Wharton School of Business.

Not only are hybrid plans especially advantageous for women and lower-paid workers, but they also comprise the only part of the defined benefit system that is growing. Hybrid plans now provide the PBGC with approximately 25 percent of its premium income. And because the total number of defined benefit plans has declined significantly over the last 20 years, it is now more important than ever to encourage employers to stay in the defined benefit system and offer these benefits.

The threat of liability is creating ongoing legal uncertainty and undermining the retirement security of American workers, however. A few conversions from traditional plans to hybrid plans have raised policy questions about whether such conversions are age discriminatory. But notably, the vast majority of conversions have been handled properly within the rule of law and to benefit the workers.

In a typical hybrid plan, a participant's account is credited each year with pay and interest credits. Hybrid opponents have argued that benefits for younger workers are ultimately higher than benefits provided to older workers because younger workers accrue interest and earn benefits over a longer period of time. This is tantamount to arguing that the concept of compounding interest is age discriminatory, which would make the most basic savings account illegal. In short, the argument holds no water.

Recent court decisions made clear that no age discrimination occurs with these plans if the pay and interest credits attributed to older employee accounts are equal to or greater than those of younger workers. And the majority of courts have ruled that hybrid and other hybrid plans are not age discriminatory.

Moreover, under the Employee Retirement Income Security Act and the Internal Revenue Code, benefits earned under a traditional plan cannot be reduced when they are converted to a hybrid plan. That is right, in spite of assertions to the contrary, vested benefits earned by workers are never reduced in a hybrid conversion.

The Pension Protection Act which was approved by a bipartisan majority in the House last December helps resolve the legal uncertainty surrounding hybrid plans and ensures they remain a viable part of the defined benefit system. The measure establishes a simple age discrimination standard for all defined benefit plans that clarifies current law with respect to age discrimination requirements on a prospective basis. And it prohibits the reduction of any vested benefits workers have earned during a conversion to a hybrid plan.

Mr. Speaker, our ultimate goal is to ensure hybrid plans remain a viable option for employers who want to remain in the defined benefit system and workers who prefer the portable and secure benefit this option provides. The Pension Protection Act provides a balanced approach that protects the benefits workers have earned and provides the legal certainty needed to encourage employers to continue offering these benefits.

This Democrat motion to instruct would place harsh mandates on those who voluntarily offer these pension benefits, which is particularly harmful at a time when so many are leaving the defined benefit system altogether. I urge my colleagues to vote ''no'' on the motion to instruct and reject this attempt to obscure progress on pension reform.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 1 minute.

I want to make clear I think the gentleman misunderstands the nature of the motion. This is not about whether you have hybrid plans or cash balance plans. We made that very clear. We simply want those plans to protect the older workers that stand to lose a great deal of benefits.

For younger workers there is some suggestion these plans may be better. It is interesting that 40 percent of the workers in these plans never get to a benefit even under this. But at a minimum, it ought to be clear that older workers are not going to suffer irreparable economic harm in terms of their retirement.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend and ranking member for yielding.

I appreciate the comment he just made, but the debate here really is not about whether the law should authorize hybrid plans or cash balance plans. The issue is how should the law authorize those plans and what kinds of protections should be included for pensioners and workers.

I think Mr. MILLER's approach in this motion to instruct takes us down the right road, and I would urge my colleagues to vote ''yes'' and support it.

There are three issues that we have to resolve here. The first is what steps should be taken to prevent the wearing away of benefits for workers that have started in a pension plan and then find themselves in a different position because of a hybrid plan being adopted.

Mr. MILLER's approach I think uses the most conservative assumptions and therefore the fairest assumptions for those workers to make sure that they will not lose benefits.

The second question that has to be addressed is what are the conditions under which a conversion will be treated as legal. In other words, if an employer has a traditional pension plan today and he or she wants to switch that plan to a hybrid plan, what are the ground rules for a fair conversion. I think Mr. MILLER's approach is the fair and just one in that regard as well.

The third question which is raised in neither bill, but which I hope the conference could at least touch on, is what about conversions that have already taken place, and what should the ground rules be for those with respect to any lingering issues that may have happened with respect to them.

Chairman MCKEON I think is right, there does need to be a recognition of the proper place of hybrid plans in the defined benefit world. I think the House and Senate agree that is the case.

The issue, though, as Mr. MILLER raises, is what are the proper rules to ensure fairness in those hybrid plans. I think Mr. MILLER takes the proper approach, and so I urge a ''yes'' vote on this motion to instruct.

Mr. MCKEON. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. KLINE), a member of the committee.

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

Mr. Speaker, in all of the days and weeks and months that we in the committee were debating the state of pensions, defined benefit pensions, it was clear to all of us that we are losing more and more of those plans. More and more employers are going out of business, going into bankruptcy, terminating their plans or simply not starting them.

As has been pointed out, we passed in the House, and I think the gentleman from California called it a Republican, but I think it was a bipartisan bill with 70 Democrats joining us in that vote, including provisions for these hybrid and cash balance plans.

My fear is that as we put more and more mandates on employers, we will lose more and more plans. Without some legal certainty from Congress, employers will stop offering these benefits, and cash balance plans will simply fall by the wayside like so many other pension options.

This Democrat motion and the Senate bill mandate particular pension

benefits which could have a devastating effect of accelerating the demise of the defined benefit pension system, and I do not think any of us want that.

Consider that in 1986 there were 172,642, that is, 172,642 defined pension plans, and that number dropped to 29,000 in recent years. That is the wrong direction.

Greater mandates on employers will only increase this trend. Mandates would create enormous problems for employers. For example, a mandate would determine pension designs instead of allowing employers to decide what is proper for individual businesses, and that would result in more plan freezes and terminations if employers are denied the flexibility to adapt their plans to business circumstances and employee needs.

Again, we are faced with the specter of more and more plans going away. Employers should be encouraged to offer pension plans, and the government should not mandate the vehicle by which to offer such benefits to their employees. Mandating a particular type of conversion would be harmful to workers. More workers receive higher benefits from their cash balance plan than benefits earned under the traditional defined benefit plan.

In any case, we want a solid pension plan and more businesses for more workers, and my concern is that this motion to instruct in the Senate provision would work the other way. Let's not drive out more pension plans. I urge my colleagues to reject this motion to instruct.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 30 seconds.

I would just say that this is about whether or not we continue in the direction that the Republican pension bill takes us where the Pension Benefit Guaranty Corporation said the bill made the system less secure, where the Congressional Budget Office said it made the system less secure, and now what we do not have are the protections on cash balance plans which make it less secure.

If we keep going in that direction, if we keep following the Republicans, America's retirement benefits will be less and less secure. Their retirement will be in greater and greater jeopardy. We can change the direction. We can go in another direction. The Senate voted 97–2 to provide these kinds of protections. This is not some crazy partisan idea. This was a big bipartisan bill with Senator LOTT and others on this bill, and it is about protecting people's pensions.

Mr. Speaker, I yield 4 minutes to the gentleman from Vermont (Mr. SANDERS) who has been working this issue longer than anyone else in the House.

Mr. SANDERS. Mr. Speaker, the middle class of this country is being assaulted in so many ways. Millions of Americans are working longer hours for low wages. In the last 5 years, 6 million Americans have lost their health care. We have lost 2.8 million good-paying manufacturing jobs. New jobs being created are low wage and low benefits.

But of all of the attacks taking place on the middle class, I think the most unspeakable is the assault by corporate America against the pensions that were promised to American workers. Just think about it. There are millions of people today who have worked for a company for 20 or 30 years, and one of the reasons they worked for that company is that they were promised that when they retire, they are going to have a certain pension. And then suddenly out of nowhere a company says thank you for working for us for 30 years, thank you for not going to another company when you had a better opportunity, but we have changed our mind and we are going to cut your pension by 20, 30, 50 percent. It is too bad you are 60 years of age and you have no place else to go, that is the reality. That is unspeakable, it is unacceptable. When those workers have no place else to turn to, it is the job of the United States Congress to stand up for them.

Mr. Speaker, I rise today in strong support of the Miller motion to instruct, and I commend the gentleman from California for his leadership on this issue.

Mr. Speaker, pension anxiety is sweeping this country. Millions of Americans are worried that the pensions they have today will not be there for them when they retire, and with good reason.

Over the past two decades, large corporations have been breaking the retirement promises they made to their employees, and that is wrong. Some companies are declaring bankruptcy for the sole purpose of breaking those retirement commitments. Other companies are freezing pension plans in order to slash retirement benefits of older workers.

Congress must tell corporate America in no uncertain terms that when they make a promise to workers about their pensions, they must keep that promise. That is what Mr. MILLER's motion is all about.

Mr. Speaker, last December the House passed a so-called pension reform bill that was hundreds of pages long. Included in that bill was an obscure provision to legalize age discrimination in cash balance plans prospectively. No floor amendments were allowed to strike this provision or offer any alternatives to it. Members were forced to vote up or down on the entire bill, but the Senate did the right thing. In their bill they provided important protections for older workers who would be negatively impacted by cash balance schemes. The Senate language is supported by the AARP, the AFL–CIO, the National Committee to Preserve Social Security and Medicare, the National Legislative Retirees Network, and the Pension Rights Center.

Today, unlike last December, we have an opportunity to do the right thing for American workers. We can and should instruct the conference committee to adopt the Senate language on cash balance plans.

Mr. Speaker, there are some who support cash balance schemes. They argue that these plans benefit employees. Well, interestingly, a couple of years ago I asked the Congressional Research Service a simple question: What would happen if Members of Congress had their pensions converted to cash balances?

If it is a good idea for millions of American workers, it must be a good idea for us, right? We want to lead. Well, guess what, very few Members of Congress thought it was a good idea for this institution. So if it is not good for the Members of Congress, I think it is not good for the American working people, and I urge strong support for the Miller amendment.

□ 1800

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH), a member of the committee.

Mr. KUCINICH. Mr. Speaker, I strongly support the Miller motion to instruct conferees. This motion to instruct supports the bipartisan Senate compromise language that will protect older workers.

Now, H.R. 2830 does a great disservice to older workers by denying the reality that conversions from traditional defined benefit plans to cash balance plans harm older workers. A report released in early November by the GAO found that a majority of older workers experienced deep cuts in their pension when converted from a traditional plan to a cash balance plan without transition protections. This is not only unfair, it is wrong. Providing transition protections for older workers should not be a choice for employers. It should be a requirement. Any change in plans must protect the accrued benefits of employees, and the conference report should reflect that reality.

It is a myth to believe that cash balance plans are innocuous. For older workers especially, these plans are hazardous. A pension plan is worth nothing if it does not provide security for employees, and these plans translate into increased vulnerability for workers as they retire.

Hard working employees should not be rewarded for their service with a denial of pension benefits. I urge my colleagues to help ensure that workers' pensions are protected by supporting the Miller motion to instruct conferees. Let's stand up for people who work a lifetime and were told at the beginning of their work experience the money was going to be there to enjoy their golden years. Support the Miller amendment and put some teeth behind that guarantee.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I serve on the Ways and Means Committee, and I rise in support of Mr. MILLER's motion to instruct conferees.

Eliminating wear-away, or the fact that dollars for older workers under a cash balance plan tend to wear away in value, is very important. We need to ensure that when an employer converts from a traditional defined benefit plan to a cash balance plan, workers receive their full benefits. But we also need to ensure that we draft rules that protect older workers, because they could be vulnerable during such conversions.

But more importantly, I want to talk about the issue of retroactivity. Addressing retroactivity is important to the retirement security of many American workers in my congressional district.

Employers that sponsor cash balance plans and other hybrid plans have been hanging in limbo for almost 7 years.

The Internal Revenue Service has felt it necessary to temporarily stop issuing determination letters for converted hybrid plans, and litigation throughout our court system has left the legality of all cash balance plans up in the air.

In my congressional district, I have four major employers that offer pension benefits to their employees through either a cash balance or other hybrid pension plan. Some of these plans were acquired through mergers/acquisitions while some were adopted through conversions.

The employers treated their employees fairly, giving them the choice whether or not to convert the plans, and ensuring that worker benefits were not diluted, and these four employers are not alone. There are a lot of good actors across the country.

According to a recent AARP-funded study, 23 of the largest 25 cash balance plans, or 92 percent, provided transition protections for their older employees when converting from traditional defined benefit plans to cash balance plans.

Nonetheless, the four employers in my district, as well as 1,100 others across the country, are caught in a web of legal uncertainty. We are in an era where companies are eliminating their pension plans, including hybrid plans; not fixing this problem will only perpetuate that trend.

A recent survey of planned sponsors by Watson Wyatt showed that more than 25 percent of our employers who offer a hybrid pension plan either froze their plan or were actively considering terminating or freezing their plan.

A cash balance is a defined benefit plan, and it is the future of our defined benefit system. It allows people to move from one employer to the other employer. But we need to give them protections in that process.

If Congress does not resolve the legal uncertainty that cash balance plans currently face, employers will continue to terminate their pensions. That would not be beneficial to the retirement security of hard working Americans.

The conferees need to address retroactivity and establish benefit accrual standards and establish benefit accrual standards as it relates to age discrimination and that encourage employers to retain their cash balance plans and not dump them.

For Congress to not resolve this issue would be unwise public policy and would put the retirement security of thousands of workers at risk. This is our chance to fix the problem. We must seize it. On behalf of the workers and companies, let's clear up this confusion and put workers back in the right place.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, there are a lot of issues we talk about here on the House floor where Members don't know much about the issue they are talking about. This may be one for me. But I did serve on the Pension Commission of the State of Minnesota and I know something about defined benefit plans. I know something about defined contribution plans, and I understand how pension plans in general work, and so I rise in support of the Miller motion.

The reason this issue is here, and my colleague from Ohio just described it very well, the reason we are here is that we are now in the process where many employers are converting their pension plans from old defined benefit plans to this new hybrid plan called a cash balance plan. And I am not opposed to that basic notion.

But what happens, Members, and you need to understand, is many older workers show up for work one day and their pension plan has changed.

Now, the employers say, well, that is our pension plan and it is our money. Well, that is not exactly true. That money is being held in trust, and this has been a very craftily done procedure to allow many employers or some employers to take money from the pension plans and convert it to their bottom line, and that is wrong. This is not their money. That is the first point everybody needs to understand.

The second thing people need to understand is the Senate did a better job of writing their bill. This is all here because of a few bad actors, and the Senate said we are not going to protect those bad actors, and so the Senate did a better job. We wouldn't even be talking about this if we had all agreed on some language that would have protected those older workers.

Members, this is the right thing to do, and I want to say to my Republican colleagues, what we are talking about here is language that was inserted by the Senator from Iowa, who is a Republican. Okay? This is not a Republican issue. It is not a Democrat issue. It is not right versus left. It is right versus wrong. It is wrong to allow a certain number of employers to get their hands into the pension funds and to change these pension plans without talking to their workers. It happened at IBM and they were taken to court and Federal court ruled that this is age discrimination. And do you know what? I agree with that Federal court.

So Members, please support the Miller motion to instruct. All we are saying is we want the Grassley language in the final product when it comes back from conference. If we do that, we will have served the best interest of working Americans, and I think we will have served those employers who are doing the right thing, and we will send a clear message to those employers who either have done the wrong thing or want to do the wrong thing, that we are not going to put up with that.

This is a good motion. It is not a Republican motion. It is not a Democrat motion. We are simply saying, let's keep the Grassley language in the final product.

I rise in support of this motion to instruct conferees. The motion instructs the conferees to adopt the Senate provisions on cash balance plans in S. 1783 written by Senator GRASSLEY and his Committee and passed by the Senate by a vote of 97–2.

These are common sense reforms supported by the vast majority of the Senate and AARP.

I supported H.R. 2830, the Pension Protection Act of 2005, when it passed the House. At the time, I noted it contained a weakness that I wanted to see addressed in conference committee. The weakness of the House bill is that it does not have strong rules regulating the conversion of defined benefit pension plans into cash balance plans. On the other hand, under the Senate bill, employees would be given added protections so that older employees are not put at a disadvantage when conversions take place.

Millions of Americans are currently vested in defined benefit pension plans. Even though they may be working for a very profitable company, they could show up for work one day and learn that their promised benefits have been dramatically reduced with the sweep of a pen. This is what happened to thousands of employees in my district.

Millions of Americans will be affected by this legislation. It is important we get it right. I ask my colleagues to support the Miller motion to instruct.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a member of the committee.

Mr. TIERNEY. Mr. Speaker, I would like to add my words in agreement with the gentleman from Minnesota, that this is not a partisan motion in any sense of the word. This is something that Members of Congress, I think, can get behind and clearly feel comfortable that they are just serving the interests of their constituencies.

This particular motion does take the language from Senator GRASSLEY, on the other side of the House, that puts it into the bill that it would prohibit the wearing away, the practice by which

some employers have discriminated against older workers when they offset the benefits that were already earned against their ability to earn new benefits under these new cash benefit plans. They can result in no new benefits being added, actually, for workers' pensions for up to 10 years.

And they provide for a fair transition for rules to protect workers' pensions when they do convert the traditional pensions to those so called cash balance pension plans.

We critically need this. You only need to talk to the people in your districts, my colleagues, and you will find a growing sense of insecurity in this country as corporations back off their responsibilities for health insurance, back off their responsibilities for retirement plans, and now come up with a cash balance plan which is supposed to be a plan melding two different types of retirement programs and ends up hurting some.

One of my constituents talked about having worked for AT&T for 30 years. After 30 years of loyal work, the conversion of her pension to a cash balance plan reduced her benefits by 46 percent. It is not fair. It is not right, and it shouldn't be acceptable to Members of this Congress.

The Government Accountability Office released a major report on cash balance plans last November. They found that workers of all ages experience significant cuts to their retirement benefits when their employers switch from the traditional pension plan to the so-called cash balance plans without first protecting employees rights.

Over 85 percent of 30-year-olds, 90 percent of 40-year-olds and half of the 50-year-olds experience deep cuts in their retirement benefits if they are shifted from a traditional pension plan into a cash balance plan without protections for retirement benefits.

The GAO study did not find a single case, not a single case in which the cash balance plan provided the same level of retirement benefits that a typical defined benefit plan provided.

Without transition protection, almost all workers, including younger workers, will lose up to 50 percent of their expected pension benefits. And, Mr. Speaker, we can't allow that to happen.

I ask my colleagues to join with Mr. MILLER in this attempt to make sure that we do protect this group of pensioners.

Mr. MCKEON. Mr. Speaker, I yield such time as he may consume to the gentleman from North Dakota (Mr. POMEROY), my friend from the other side of the aisle.

Mr. POMEROY. Mr. Speaker, I am going to oppose this motion to instruct. I certainly think there is a good intention behind it. Clearly, all of us have been concerned when we have had some of these conversions from a traditional pension plan to a hybrid plan, and older workers have suddenly found that they have been terribly disadvantaged in the conversion, seen their pension benefits and expected pension benefits reduced significantly.

But here is why I don't like this motion. It fails to really address this issue in the context of what is in the marketplace. You have got defined benefit pensions that pay an annuity for as long as the employer lives. I think we should work together to make sure defined benefit pensions continue in the marketplace to the extent possible.

To the extent we don't have a defined benefit pension, alternative employee benefits relative to retirement include a 401(k) plan, which is essentially a savings account, and then there is something in between, a hybrid plan that does capture the annuitized feature of the pension, calculated in a different way than the traditional pension calculation.

Now, it is important that we have best practices and fair treatment in the conversion of a pension to a hybrid plan. But guess what? If we overly regulate the conversion from the pension to the hybrid plan, the employer will simply say, okay, we will go from the pension to the defined contribution plan. We are not going to make this intervening stop in the hybrid option, the cash balance option. We are just going to either scrap the benefit altogether or go right to the defined contribution plan.

I am convinced that that is not in the interest of workers, and that is why I am convinced that the Senate approach, which is advanced by this motion to recommit, actually does not help the very workers that we care about and we intend to help.

There is no question about the sincerity of the language by the proponents of this motion. They care about protecting older workers. It is just that, technically, what they have put before this body in a motion to recommit does not do that. I believe it actually may disadvantage the very people they hope to help by instead of moving to cash balance hybrid plans that at least preserve some features of the pension, they will just scrap that option altogether. I don't see anybody winning under that proposal. I urge a ''no'' vote.

□ 1815

Mr. MCKEON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY), member of the Ways and Means Committee.

Mr. FOLEY. Mr. Speaker, let me start by suggesting that I know all of us in this room are concerned about the viability of pensions. We want people who have worked their entire life to get the benefit of those investments. What we are also, though, trying to do is ensure that employers, corporations find a way in which to bring about the new realities of the marketplace, providing options.

For years people who worked in America relied on the standard fixed pension provided by, say, General Motors or another corporation. Over the years evolved opportunities to create hybrid plans, plans personally that I enjoy, an IRA account, a 401(k) offered through Congress, Thrift Savings, Keogh plans, and you can go on with all of the acronyms, Roth IRA, all designed to give people options in a marketplace, to give them some degree of certainty and some opportunity to provide these benefits.

Nine million workers today rely on the benefits for safe and secure retirement, which is an important number to note. What we are trying to figure out is how to create plans, cash balance plans, that provide both the liquidity and the opportunity to continue.

Adelphia is claiming bankruptcy. GM is on the verge. Large corporations are all suggesting that they are going to file based on their pension benefit problems that they are experiencing. We have seen it in the airline industry. So I think it is more important now than ever that we come up with an opportunity to both solidify and provide options. Distorting the facts will not help. Painting a misleading, inaccurate picture will not help. Suggesting somehow that we are chasing people out of defined pensions and creating this uncertainty I do not think is a true portrayal of the actions today.

The conclusions emerging from a growing body of independent research by economists and academics at some of the Nation's most respected institutions, and I quote this from Mr. MCKEON's opening statement because I think it is important to underscore, including the Federal Reserve Board, the Urban Institute, the Brookings Institute, and the Wharton School, not only are hybrid plans especially advantageous for women and lower-paid workers, but they also comprise the only part of the defined benefit system that is growing. Hybrid plans now provide the Pension Benefit Guaranty Corporation with approximately 25 percent of its premium income. And I need only remind our Members of Congress PBGC is sliding on thin ice. So if they are actually getting derived revenue from this opportunity, we should not only be encouraging it. We should hopefully be expanding it.

As we know, those that are paying into the system like airlines and others no longer can make contributions because they have specifically filed for bankruptcy to take away those obligations and foist that obligation back on PBGC, which is why I believe we are all working on a solution. We are trying to find answers. And the total number of defined benefit plans has decreased significantly over the last 20 years, so that tells you people are moving away from defined benefits, looking for options. If we foreclose this option, make it more difficult for this option and disparage this option and give people an uncertainty, then fewer and fewer people will have any type of benefit to look forward to after years of work.

The threat of liability is creating ongoing legal uncertainty and undermining the retirement security of American workers. So I think and suggest that the conversions are appropriate, that this bill is appropriate, and I urge my colleagues to focus on the facts. And I think they will agree, as they see the success of hybrid pension plans, that these are, in fact, working for America, for both middle income, middle management, and upper management to find ways to create a secure and safe retirement for people who are investing in those companies, their workplaces, so that they can then take care of their golden years with some comfort.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from California for his leadership.

I do not know why we have this controversy. I do not see anything controversial about protecting, if you will, the rights of older workers. And I might remind my colleagues that the House of Representatives has already voted three times to require the Treasury Department to protect older workers from age discrimination and cash balance conversions.

This motion to instruct is simple. It provides protection for older workers under cash balance conversion; but more importantly, it is part of a negotiated Senate bill that has a bipartisan approach.

Mr. Speaker, I come from the city of fallen pensions, and that is, of course, the city of Houston. I am reminded of the tears and the disaster that occurred after the Enron collapse that showed that the lack of security for pensions in general and certainly those of older workers can be the actual collapse of a family.

This motion to instruct provides for prohibiting discrimination against older workers by the practice of offsetting previously earned pension benefits. I would only say we have voted for this before. Uncloud the issue and vote the right way, for the Miller motion to instruct to protect older workers' pensions.

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

Mr. Speaker, for the benefit of all those who are watching this debate, let me just kind of let everybody know where we are. The Senate passed a bill, a bipartisan bill. The House passed a bipartisan bill with a vote of 294–132, some of the Democrats voting for the bill. During the debate you have seen, we have had Republicans speak for the Democrat side. We have had Democrats speak for the Republican side.

We are all concerned, as Mr. FOLEY said, about the workers of America. Where we are now is we have each passed bills. A conference has been appointed. Senator ENZI is chairman of the conference. We have had a couple of meetings of the whole conference, and he is continuing to work with all members of the conference, or most of the members of the conference, to see that we get a bill out that will benefit the workers of America.

As was already mentioned, in 1986 there were 172,642 defined benefit plans. We are now down to 29,000. That is not a good direction. And the problem is we have not had meaningful pension reform in over 20 years. We are close now. This is a motion to instruct the conferees, to tell them how to function in this conference that has been set up. These motions are not binding, but they do give direction to conferees, and I think it is important that we do this. It is a good process for all of us to get to talk through this system. But the defined pension system is a voluntary system, and those offering these benefits have been leaving the system at an accelerating and alarming rate, and we are concerned about that. If we continue to burden those providing pension benefits with more and more mandates, that pace will increase even more.

And who loses? The men and women depending on these pensions for their retirement security. Simply put, shortsighted and politically motivated mandates intended to help pension plan participants only end up hurting them. And that is just what this motion to instruct would do.

For the sake of both employers and employees alike, we need to provide legal certainty for hybrid plans. The Pension Protection Act will provide that. This motion to instruct will not.

I urge my colleagues to reject it and protect the portable and secure benefits provided by hybrid plans to nearly 10 million Americans.

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

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

It is very simple. There are millions of Americans that are caught in this trap, the gap between what they would have gotten and what they will get under a pension conversion. You know what is in this gap? The dreams, the aspirations of hardworking Americans about their retirement, their plans for their grandchildren, their plans for themselves, their health security. That is what they were planning on paying for out of this gap. That is what they lose in a conversion.

All we are saying in this effort is to simply provide these people the additional protections that the Senate provided by 97–2. Now, we know this is a very partisan Congress, but 97 people came together and decided to try to help these individuals. They still allow for the conversions to cash balance. They provide the certainty that the employers want, and they provide the protection that the employees need.

Now, this House can continue to follow the Republican bill, the Republican direction on pensions that has made the pension plan less secure, made the pension plan more in jeopardy, whether it is the taxpayers who are at risk or the employees who are at risk. That is the wrong direction. Finally, on a bipartisan basis, a choice was made to go in a different direction, to stop this failed policy.

Pick up your USA Today. Read your USA Today today, and you will see that they make it clear that the bill that is currently in conference, the House bill, puts pensions in greater jeopardy with greater risk, that it will raise the risk that these people will lose their pensions. Why? Because the Republicans continue to let you manipulate the pension data. You can say that your employees are going to die younger so you will not have to pay out as much money. Whether they will or not has no bearing in fact.

So what are we doing here? We are trying to go in a different direction. We are trying to go in the direction of pension security, of retirement security, of peace of mind for people who are working hard, understanding that these employees earn these pensions and they should not lose them because some accountant can just come along and change it with the whisk of a pencil. It is not fair to those individuals. That is about the values of those people who are working hard. It is about young people knowing that their parents will be taken care of, that they will be able to have that retirement security.

Millions of Americans are watching as pension plans are crashing to the floor, as conversions are made and older workers are jettisoned in terms of these protections.

But you can change that with this motion to instruct. You can change it along the lines of a bipartisan consensus in the Senate which said you can both protect these workers, have the certainty of your conversions, and allow employers to choose to have conversions or defined benefit plans. It is the best of all worlds. It is the fairness.

The other reason Republicans can vote for it tonight is because I understand the Republican leadership said go ahead and vote your conscience. Well, tonight we will find out about the Republican conscience. Do they really want to take care of older Americans who are terrified about their retirement security? We will find out tonight, won't we? Because you do not have to jeopardize cash balance. You do not have to jeopardize the certainty of discrimination. But you do get to take care of the retirees, and you can do it all in one vote: a motion to instruct here.

So I suggest you come on down and let us change the direction of retirement security from insecurity that is now being presented by this conference committee, by the Republican bill, to one of security for America's workers, for America's retirees, to make sure that they will have the ability to take care of themselves and their families in

the future. It is fundamental. It is basic. It is about fairness. It is about the direction of this country. We have got to change it.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct conferees on H.R. 2830 will be followed by 5-minute votes on the motion to instruct conferees on H.R. 4297 and on five motions to suspend the rules previously postponed.

The vote was taken by electronic device, and there were—yeas 248, nays 178, not voting 6, as follows:

[Roll No. 93]

YEAS—248

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Butterfield
Capito
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 (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kucinich
LaHood
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn

NAYS—178

Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Feeney
Flake
Foley
Fossella
Foxx
Franks (AZ)
Gallegly
Gibbons
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Green (WI)
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—6

Buyer
Evans
Langevin
Schwarz (MI)
Tanner
Watson

□ 1856

Messrs. BARRETT of South Carolina, PICKERING, NEUGEBAUER, RADANOVICH, BOOZMAN, MARCHANT, REHBERG, POMEROY and FOSSELLA changed their vote from ''yea'' to ''nay.''

Messrs. GARRETT of New Jersey, WAMP, BACA, RUSH, NEY, WHITFIELD, JOHNSON of Illinois, BASS, RYAN of Ohio, DAVIS of Kentucky, HALL and FORBES, Ms. BEAN and Mrs. JO ANN DAVIS of Virginia changed their vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SCHWARZ of Michigan. Mr. Speaker on rollcall No. 93 I was unavoidably detained. Had I been present, I would have voted ''yea.''

MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

The SPEAKER pro tempore (Mr. REHBERG). The pending business is the vote on the motion to instruct on H.R. 4297 offered by the gentleman from Maryland (Mr. CARDIN) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 196, nays 232, not voting 4, as follows:

[Roll No. 94]

YEAS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
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

Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—232

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

NOT VOTING—4

Evans
Langevin
Tanner
Watson

□ 1904

Mr. BOEHNER and Mr. FITZPATRICK of Pennsylvania changed their vote from ''yea'' to ''nay.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONCERNING THE GOVERNMENT OF ROMANIA'S BAN ON INTERCOUNTRY ADOPTIONS AND THE WELFARE OF ORPHANED OR ABANDONED CHILDREN IN ROMANIA

The SPEAKER pro tempore (Mr. REHBERG). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 578.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 578, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 428, nays 0, not voting 4, as follows:

[Roll No. 95]

YEAS—428

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
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 (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
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
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
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
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney

Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
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—4

Evans
Langevin
Tanner
Watson

□ 1917

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CALLING ON VIETNAM TO IMMEDIATELY AND UNCONDITIONALLY RELEASE DR. PHAM HONG SON AND OTHER POLITICAL PRISONERS AND PRISONERS OF CONSCIENCE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 320, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 320, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 1, not voting 6, as follows:

[Roll No. 96]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
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 (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (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
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
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
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—6

Evans
Gohmert
Langevin
Tanner
Watson
Weller

□ 1926

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent 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.

SUPPORTING THE GOALS AND IDEALS OF FINANCIAL LITERACY MONTH

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 737.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and agree to the resolution, H. Res. 737, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 1, not voting 8, as follows:

[Roll No. 97]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
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 (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
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
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
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
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
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
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Flake

NOT VOTING—8

Deal (GA)
Evans
Hastings (WA)
Langevin
Stearns
Tanner
Watson
Wicker

□ 1933

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 97 I was unavoidably detained. Had I been present, I would have voted "yea."

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES THAT A NATIONAL METHAMPHETAMINE PREVENTION WEEK SHOULD BE ESTABLISHED

The SPEAKER pro tempore (Mr. REHBERG). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 556.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and agree to the resolution, H. Res. 556, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 2, not voting 9, as follows:

[Roll No. 98]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
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
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
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
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
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
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
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—9

Buyer
Deal (GA)
Evans
Langevin
Marchant
McCrery
Tanner
Thomas
Watson

□ 1940

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING NASA ON THE 25TH ANNIVERSARY OF THE FIRST FLIGHT OF THE SPACE TRANSPORTATION SYSTEM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 366.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 366, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 10, as follows:

[Roll No. 99]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
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 (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
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
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
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
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
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
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
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
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
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
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—10

Deal (GA)
Evans
Langevin
McCrery
Oxley
Radanovich
Tanner
Thomas
Waters
Watson

□ 1952

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4542, H.R. 4881 and H.R. 2646

Mr. FORD. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor to three pieces of legislation: H.R. 4542, H.R. 4881 and H.R. 2646.

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

There was no objection.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. BOEHNER. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 382) providing for an adjournment or recess of the two Houses and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 382

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, April 6, 2006, 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, April 25, 2006, 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 Thursday, April 6, 2006, through Sunday, April 9, 2006, 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, April 24, 2006, or such other time on that day 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.

CONDITIONAL ADJOURNMENT TO MONDAY, APRIL 10, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today pursuant to this order, it adjourn to meet at 2 p.m. on Monday, April 10, 2006, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 382, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 26, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 26, 2006.

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

There was no objection.

RECOGNIZING AND HONORING FIREFIGHTERS FOR THEIR MANY CONTRIBUTIONS THROUGHOUT THE HISTORY OF THE NATION

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider in the House the resolution (H. Res. 764); that the resolution shall be considered as read; and that the previous question shall be considered as ordered on the resolution and its preamble to its adoption without intervening motion except 10 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform.

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

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, pursuant to the order of the House today, I call up the resolution (H. Res. 764) recognizing and honoring firefighters for their many contributions throughout the history of the Nation, 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. 764

Whereas in 1736 Benjamin Franklin founded the Union Fire Company, the first volunteer fire company;

Whereas there are more than 1,100,000 firefighters in the United States;

Whereas approximately 75 percent of all firefighters are volunteers who receive little or no compensation for their heroic work;

Whereas career and combination fire departments protect 3 out of 4 Americans;

Whereas there are more than 30,000 fire departments in the United States;

Whereas approximately 100 firefighters die in the line of duty each year;

Whereas Congress recognizes that Christopher Nicholas Kangas was a heroic firefighter;

Whereas more than 340 firefighters died responding to the terrorist attacks on September 11, 2001;

Whereas firefighters respond to more than 24,000,000 calls during an average year;

Whereas firefighters also provide emergency medical services and life safety education; and

Whereas it is estimated that on April 6, 2006, more than 2,000 firefighters will attend the 18th Annual National Fire and Emergency Services Dinner and Seminars: Now, therefore, be it

Resolved, That the House of Representatives honors and recognizes the more than 1,100,000 firefighters in the United States for their contributions to and sacrifice for the Nation.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. HOYER) will each control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in support of H. Res. 764. Each year in this country heroic firefighters respond to more than 24 million calls. These brave men and women provide all kind of lifesaving services such as emergency medical care, life safety education and fire prevention education. Many of these firefighters are volunteers and risk their lives every day. For this reason it is important that we adopt this resolution and honor the bravery and perseverance of these individuals that they show on a daily basis.

I congratulate the gentleman from Pennsylvania on bringing forth H. Res. 764.

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 thank my distinguished friend and chairman, Mr. DAVIS, who is a cosponsor of this legislation, and my good friend and partner, the distinguished minority whip, Mr. HOYER, for their leadership in bringing forth the resolution to pay proper tribute to the 1.1 million men and women across the country in 32,000 departments that protect our communities.

The Fire Service of America is older than America as a country. The fire service is in every community, both large and small. They are the backbone of our country, the heart and soul of the Nation. They are the people that make this country great.

Tonight, 2,500 of these brave leaders are assembled at the Washington Hilton, and they are looking forward to this recognition, which we will take to them as Mr. HOYER and I travel to the Washington Hilton and pay our respects.

In addition, this resolution goes one step further. In recognizing a recent Federal court decision that junior firefighters are in fact fire fighters, this resolution is affirming the Court decision that a junior firefighter is in fact recognized when the States in this country allow junior firefighters to be so designated. This is an important piece of legislation.

In honor of one of my constituents, Christopher Kangas, I am happy to have this bill come up so that all of us can provide true support for all of those men and women, including those younger junior firefighters, who aspire to take over the protection of our towns and cities across America.

I thank my colleagues for their support.

Mr. HOYER. Mr. Speaker, I want to thank my good friend, Mr. DAVIS, the chairman of the committee, for bringing this resolution to the floor in such a timely fashion.

I certainly want to thank my good friend, CURT WELDON, the cochair of the Fire Service Caucus, who has been the leader of the Fire Service Caucus, and the Fire Service of America and emergency medical response teams have no better friend than CURT WELDON in the Congress of the United States or, frankly, in any place else.

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I am pleased to rise in support of our Nation's firefighters on this day that 2,100 of them from around the country are gathered in Washington for the annual National Fire and Emergency Services Dinner.

As Mr. WELDON said, we will be bringing them this resolution in just a few minutes as we go down to the Hilton to address them. I am proud to have cosponsored this resolution.

And I want to say that the Fire Caucus has long championed initiatives to improve the safety and well-being of our Nation's firefighters. Specifically, we have worked to establish and fund the assistance to the Firefighters Grant program, which has provided more than $3 billion in equipment and training grants for career and volunteer departments across the country.

Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, it gives me great honor to enthusiastically stand before you, Mr. HOYER, and to join with the two outstanding co-Chairs of the Fire Caucus to acknowledge our brothers and sisters who are now being hosted at the

Hilton Hotel to say thank you. Thank you to the 1 million firefighters, who every single day, and emergency operators, stand up and fight for the American people and protect the American people.

Coming from a city of firefighters and a district of firefighters and a district that has a number of devastating fires because we are elderly and we have old housing, never have we had a situation where a firefighter has not been willing to put their life on the line.

So let me simply thank you for this Resolution 764. Thank you again for acknowledging that we will never forget, and not on our clock will we forget to say thank you to America's firefighters. Congratulations to you both. Thank you for your leadership. And I hope to see you down at a great celebration for all of these great men and women.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for her comments. I again thank the chairman and Mr. WELDON for their leadership on this issue.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I just would add that I want to give my thanks once again to Mr. WELDON for bringing this to our attention today and to Mr. HOYER for his continued leadership on this issue. We are happy to expedite this and move it through the House, and I urge its adoption.

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

The SPEAKER pro tempore (Mr. SODREL). All time for debate has expired.

Pursuant to the order of the House of today, the resolution is considered read and the previous question is ordered on the resolution and on the preamble.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH APRIL 25, 2006

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

HOUSE OF REPRESENTATIVES
Washington, DC, April 6, 2006.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through April 25, 2006.

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

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

ANNOUNCEMENT BY CHAIRMAN OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE REGARDING AVAILABILITY OF CLASSIFIED ANNEX AND SCHEDULE OF AUTHORIZATIONS

Mr. HOEKSTRA. Mr. Speaker, I wish to announce to all Members of the House that the Permanent Select Committee on Intelligence has ordered the bill, H.R. 5020, the Intelligence Authorization Act for Fiscal Year 2007, reported favorably to the House with an amendment. The committee's report will be filed today.

Mr. Speaker, the classified schedule of authorizations and the classified annex accompanying the bill will be available for review by Members at the offices of the Permanent Select Committee on Intelligence in room H–405 of the Capitol beginning anytime after the report is filed. The committee office will open during regular business hours for the convenience of any Member who wishes to review this material prior to its consideration by the House. I anticipate that H.R. 5020 will be considered on the floor of the House after the recess, as early as the week of April 24.

I recommend that Members wishing to review the classified annex contact the committee's director of security to arrange a time and date for that viewing. This will assure the availability of committee staff to assist Members who desire assistance during their review of these classified materials.

I urge interested Members to review these materials in order to better understand the committee's recommendations. The classified annex to the committee's report contains the committee's recommendations on the intelligence budget for fiscal year 2007 and related classified information that cannot be publicly disclosed.

It is important that Members keep in mind the requirements of clause 13 of House rule XXIII, which only permits access to classified information by those Members of the House who have signed the oath provided for in the rule. Members are advised that it will be necessary to bring a copy of the rule XXIII oath signed by them when they come to the committee offices to review the material.

If a Member has not yet signed that oath, but wishes to review the classified annex and schedule of authorizations, the committee staff can administer the oath and see to it that the executed form is sent to the Clerk's office. In addition, the committee's rules require that Members agree in writing to a nondisclosure agreement. The agreement indicates that the Member has been granted access to the classified annex and that they are familiar with the rules of the House and the committee with respect to the classified nature of that information and the limitations on the disclosure of that information.

ACTIONS SPEAK LOUDER THAN WORDS

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

Ms. FOXX. Mr. Speaker, our national security depends on strong border security. We need to know who is coming into our country, where they are from, and what they are doing here. Without properly securing our borders, we are vulnerable to terrorists and others who may come here seeking to harm Americans. And nothing is more important than maintaining the safety and security of our citizens.

I am proud of House Republicans for taking the lead in finding solutions to this very serious problem. Last year my Republican colleagues and I passed the Border Protection, Antiterrorism and Illegal Immigration Control Act. Republicans also passed the REAL ID Act, which would establish rigorous proof of identity requirements for driver's licenses and ID cards in order to help keep terrorists from having easy access to fraudulent IDs like they had on 9/11.

Now, the Democrats apparently have a newfound commitment to increasing our border security. That is great, but the American people sure could have used their support when the House was taking up these border security bills last year: 164 Democrats voted ''no'' to the Border Security Act, and 152 voted ''no'' to the REAL ID Act. Actions sure do speak louder than words.

EMPLOYEES OF THE DELPHI CORPORATION

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GEORGE MILLER of California. Mr. Speaker, last week the Delphi Corporation, a key auto parts supplier which employs 33,000 workers in the United States and has been in bankruptcy for several months, filed motions with the bankruptcy court to cancel its labor contracts and impose massive wage and benefit and job cuts on its workers and cut 21 of its 29 U.S. plants.

And yet the House of Representatives has failed to hold a single hearing on this crisis. Unable to engage this crisis in an official hearing, I was joined by over a dozen Democratic colleagues in holding an e-hearing this past December to ask the workers and retirees at Delphi and General Motors to testify on the Internet about how this crisis impacts them and their families. We swung open the virtual doors of Congress to make sure that their voices could be heard. Over 700 witness statements poured in. The workers' testimony was deeply personal and heartfelt. And I want to share it with the House.

From Rena Miller, a Delphi worker from Tanner, Alabama. From William J. Conrad from Dagsboro, Delaware.

Danny Carter, a 49-year-old Delphi employee who has been working in the Anaheim, California plant since he was 21 years old. And from Roger Smith, a retired Delphi worker now living in Hernando, Florida. Norbert Fuhs, a retired GM employee from Mitchell, Indiana. And Roger Talaga, a Delphi employee from Bay City, Michigan, who explained how the crisis would affect him and his family and the country.

DISPLACED VOTERS IN NEW ORLEANS

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, today the Attorney General appeared in the hearing of the Judiciary Committee for an oversight hearing, and we raised the question again about the protection of those displaced voters in New Orleans who have now the responsibility of casting their vote for a local election.

Ordinarily, Mr. Speaker, we would ask the involvement of the Federal Government, but the Voting Rights Act, section 2 in particular, guarantees protection of certain States and persons of the right to vote. Therefore, we cannot understand why the Justice Department precleared a system that will not work.

Today I have introduced with 42 cosponsors legislation to express the sense of Congress that the State of Louisiana and the Department of Justice must create outside satellite voting for the more than hundreds of thousands of displaced, disheartened Louisianans who have no way of going back to their home State at this time to be able to cast their vote for their city. They are, in essence, trying to come home. But with the little resources they have, today they cannot head home to cast a vote.

I hope the Attorney General and the State of Louisiana understand the Voting Rights Act and create outside satellite voting so that we can have the constitutional right to vote.

MEDICARE PART D DEADLINE

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

Ms. CARSON. Mr. Speaker, I rise today to warn our seniors, a tax for your health will soon be upon you. The tax will be placed on those of you who have not signed up for Medicare part D by the President's arbitrary deadline.

The changes to the system are confusing to lawyers, seniors, and Members of Congress. We are forcing seniors to navigate unnecessarily confusing new programs and telling them do not pick the right program, just pick any program to prevent yourself from being faced with large penalties for joining late.

We must step back and extend the deadline until the end of the year to ensure that seniors do not pay the price for a poorly laid out part D program through higher premiums for life.

I have had several town hall meetings in my district in Indianapolis dealing with this whole Medicare quagmire. Over 1,000 seniors participated; and, unfortunately, they left just as confused as when they came. These are not the questions that we should have had our seniors asking.

I would encourage all seniors not to get taxed further by failing to meet the May 15th deadline.

Mr. Speaker, thousands of seniors came to a series of town hall meetings in my district alone and their stories were almost always one in the same, what must I do, how can I get that done and how much will it cost my already taxed budget. These are not the questions we should have our seniors asking as they lie awake in bed at night. We must not add another tax onto the budgets of our seniors. We have to deal with this already failing system but we should not penalize the people for the failure of Congress to create an easy to understand and comprehensive system. Stop the tax and extend the open enrollment period. As I mark another day off of this calendar I warn all Seniors don't allow yourself to fall into this tax trap, be prepared to submit your paperwork by May 15th.

SPECIAL ORDERS

The SPEAKER pro tempore. 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.

ENDURING MILITARY BASES IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last month the House surprised us all by unanimously agreeing to an amendment to the Iraq supplemental spending bill declaring that the United States has ''no intentions of maintaining a permanent military presence in Iraq.''

Who knew this Republican-controlled Congress would make such a positive statement?

The lead authors of the amendment were my colleagues and the Progressive Caucus co-Chair, Representative BARBARA LEE from California and Representative TOM ALLEN from Maine, both of whom have been instrumental in demanding that the United States not maintain any permanent military bases in Iraq.

Unfortunately, however, some people working inside the Bush administration are doing their very best to make sure that last month's efforts will be for naught.

One of the senior spokespersons at the U.S.-led coalition headquarters actually in Iraq had this to say about our lasting presence there: ''The current plan is to reduce the coalition footprint into six coalition bases, four of which are operated by the United States.''

So there you have it. The administration is not even hiding the fact that we are planning on maintaining four permanent bases on Iraqi soil, something they bureaucratically call ''the coalition footprint.''

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This appallingly casual reference to what the rest of us call an occupation is deeply insulting. Anyone who has heard the President tell the American people that we will leave as soon as Iraq is secure and we won't stay a single day longer should be equally offended, because the evidence on the ground suggests that this statement is deeply misleading.

Mr. Speaker, last fall I traveled to Iraq as a part of an official congressional delegation. I visited the Green Zone and the Balad military base, and I had the privilege of meeting with our soldiers serving overseas.

There were two powerful lessons that I took away from my visit. First, I saw that the troops stationed in Iraq are the very best that America has to offer. They are brave, they are intelligent, they are loyal, loyal to their country, to their mission and to each other. They are profoundly committed to this mission, even those who told me privately that they do not support the policy that underlies it.

The second lesson I learned in Iraq is that the perception among the military generals on the ground is that we will be there for a very long time. The military bases that we are building are like little cities. They have their own restaurants, supermarkets, and even their own gyms, theaters and bus routes. The troops deserve no less during their stay in Iraq, but our stay there must be for the short term. Our troops need to come home to their communities and these bases must be given over to the Iraqis.

The U.S. has already spent $280 million to construct the four biggest bases in Iraq, and the supplemental spending bill that the House passed in March provides nearly $200 million more to enlarge these bases. This is the real Iraq policy, not those phony platitudes and nicely worded sound bites about standing down when the Iraqis stand up, platitudes that President Bush and Donald Rumsfeld want the people to believe.

In fact, it is becoming increasingly clear that the Bush administration's intention all along was to secure a lasting foothold in the Middle East. Forget all that stuff that you heard about going to war because Iraq possessed weapons of mass destruction, which we all know wasn't true. Forget about Saddam Hussein's supposed ties to al Qaeda. We know that wasn't true either. And forget about freeing the Iraqi people from the thumb of a brutal dictator. My guess is that right now most Iraqis feel brutalized after more

than 3 years of a preemptive war that now the President charges was about democratization.

The real rationale for going to war in Iraq is much more sinister and much more dangerous to our long-term foreign policy. It has become clear that the U.S. needs to end the war in Iraq and bring our troops home. Our soldiers need this, their families and loved ones back home need this, and of course the Iraqi people need this. But in order to truly end the occupation, we need to leave no lasting American presence in our place. That means no coalition footprint, nothing even close. That means bringing our troops home and giving Iraq back to the Iraqis.

The SPEAKER pro tempore (Mr. SODREL). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING RALPH HAUENSTEIN, MEMBERS OF THE HOPE COLLEGE WOMEN'S BASKETBALL TEAM AND COLONEL JOSEPH MAZUREK

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent to use my 5 minutes now.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes.

HONORING RALPH HAUENSTEIN

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor Mr. Ralph Hauenstein.

Mr. Hauenstein rose to the rank of colonel while serving in the U.S. Army during World Wars I and II and was appointed Chief of the Intelligence Branch in the Army's European Theater of Operations under General Dwight Eisenhower.

Mr. Hauenstein was later selected to serve as a consultant on the President's Advisory Commission during the Eisenhower administration. He served as a member of the team that supervised the first free elections in Russia and served as an auditor for the Second Vatican Council in Rome.

At 93 years old, he continues his career of public service and has significantly impacted west Michigan through his charitable donations and tireless involvement in his community.

His generosity made possible the founding of the Grand Valley State University's Hauenstein Center for Presidential Studies. The Center encourages students to emulate his career by aspiring to achieve leadership positions and committing to public service. It fosters discussion by students, government officials and the public about the role of the U.S. presidency in domestic and world affairs.

Mr. Speaker, please let it be known that on this 6th day of April, 2006, that the U.S. House of Representatives acknowledges the vision, contributions and achievements of Mr. Hauenstein as he continues to serve his country and community.

HONORING MEMBERS OF THE HOPE COLLEGE WOMEN'S BASKETBALL TEAM

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor the members of the Hope College women's basketball team on winning the 2006 NCAA Division III national championship.

On March 18, Hope defeated Southern Maine University 69–56 in the national championship game held in Springfield, Massachusetts. More than 500 Hope College students, alumni, faculty and fans were present at the Final Four tournament. With the win, Hope became Michigan's first women's basketball team to win more than one championship in any NCAA division. The college won its first title in 1990.

Hope played all six tournament games on the road. The team finished the season with an NCAA Division III women's basketball record of 33–1 after defeating the top four teams in the Nation.

Senior guard Bria Ebels of Holland, Michigan, was voted the most outstanding player at the tournament and a Division III All-American. Coach Brian Morehouse was chosen as the NCAA Division III National Coach of the Year by the Women's Basketball Coaches Association of America.

Mr. Speaker, please let it be known that on this 6th day of April, 2006, that the U.S. House of Representatives acknowledges the achievements of the 2006 Hope College women's basketball team and wishes its members the best of luck in the future.

HONORING COLONEL JOSEPH MAZUREK

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor Colonel Joseph Mazurek as he approaches his July 1, 2006, retirement from the United States Army Reserve.

Mr. Mazurek joined the Western Michigan University ROTC program in the fall of 1972. He graduated from the ROTC Advanced Camp and the Army Paratrooper School in 1975. He served 2 years of active duty and became an Assistant Adjutant before being assigned to the U.S. Army Reserve. Since 1978, he has served in a wide variety of Reserve assignments at locations throughout the United States.

Colonel Mazurek continued to be promoted, and in 1992 he achieved the rank of Full Colonel. He has been called up for active duty three times since the start of Operation Iraqi Freedom as Deputy and Acting Adjutant General for Fort Hood, Texas.

Colonel Mazurek has had a long and successful career serving in the United States Army Reserve. Since April of 1978, he has served the Admissions Department of the U.S. Military Academy at West Point and has assisted numerous Michigan young people in gaining appointments to West Point. He has also served on the advisory committee for the Second Congressional District for young people to be appointed to the various military academies.

Mr. Speaker, please let it be known on this 6th day of April, 2006, that the U.S. House of Representatives acknowledges the 30 years of service of Colonel Mazurek and wishes him well upon his retirement.

REPOCRACY—A NEW FORM OF GOVERNMENT IN AMERICA

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the Republican majority in the House of Representatives has quietly ushered in a new form of government in America called Repocracy.

For those who believe that democracy is government of the people, by the people and for the people, Repocracy is absolutely the opposite of that. Repocracy is a government where open debate is replaced by lockstep discipline and where the rewards of the few become the burdens carried on the backs of the many.

Repocracy puts a price on American values and deals only in hard cash. You only have to watch C–SPAN to know what the real threat Repocracy poses.

For the last 6 years, the Republican Party has been a disciplined, monotone political machine. Republicans live by one rule; whatever the President wants, the President gets. War in Iraq, rubber stamp approval. Tax holidays for America's rich, rubber stamp approval. Slashing student loans, rubber stamp approval. Cutting programs for America's vulnerable children and disadvantaged families, rubber stamp approval. Legislation written by financial institutions and big drug companies, rubber stamp approval.

It was all so neat and tidy. Republican Members of the House voted the way they were told and leaders would not end voting in the House until their predetermined outcome was achieved.

But that was last year. What has changed? The American people noticed. The American people put a lot of faith and trust in their leaders. For better or for worse, most Americans take the big picture approach: Trust elected officials until they betray that trust. Believe that elected officials will put America's interests ahead of political interests. Have faith that your leaders will change course when something is truly not working. In other words, trust, but verify.

It is precisely because the American people focus on the big picture that Republicans are doing everything possible to replace the image the American people see with a test pattern on television.

The President's ratings are below sea level. Republicans are counting the number of seats in the lifeboats. It is simple arithmetic, and the addition has Republicans subtracting.

Mathematics requires proof, and there is plenty. The President bequeaths to the future President any decision about Iraq. His plan takes form: Stay in Iraq until it is somebody else's problem. Invite the embattled President of Italy to address a joint session of the U.S. Congress, speaking in Italian, to use Congress as a political campaign for a backdrop in an Italian election. Charge the Iraq war on credit and mask its real impact on the deficit by leaving it outside the annual budget.

The clearest sign of all is the recent change in the House of Representatives to the 2-minute vote. Call it government by stopwatch. A mere 120 seconds to decide the faith of legislation affecting the lives of every American.

Under Repocracy, legislation comes to the floor of the House only when its passage is guaranteed. That is why we are going home today, because they can't get the budget. It is not guaranteed. The 2-minute drill forces blind allegiance and stiff arms democracy. But that is the intent of Repocracy. Math is math.

Republicans are losing their stranglehold on power. What is a party to do? Well, Republicans have concluded the best offense is a missing offense, so Republicans have substituted the business of the state for the business of reelection.

Suddenly, the House leaders feel an urgent need for recess after recess after recess. We have never had a week off for Saint Patrick's Day. It must be faith-based. The Republican mandated Congressional schedule has nothing to do with the people's business and everything to do with the Republican's reelection business.

The thinking goes like this: If Members are not in Washington, D.C., the national press corps is taken out of the equation. They can't trail 435 House Members, so news coverage goes dark. With Congress out of session, Americans cannot watch C–SPAN to see for themselves what is happening, or not, on the floor of the House. The curtain closes on the big picture. Mission accomplished.

The word ''Congress'' comes from the Latin ''con+egresso,'' which means come together. The idea was for an orderly and reasoned debate. Take out the stopwatch and clock 2 minutes. Then decide if you think America is governed by a functioning Congress today.

Repocracy is not merely a dereliction of duty, it is an outright threat to democracy. That is the big picture, the one Republicans don't want the American people to see.

But there is more than one channel, and the American people are watching. They would like to know why this is the do-nothing Congress that will be in session less than the do-nothing Congress of 1948. This will be the Congress that spent the least time discussing our problems on the floor.

We are at war all over the place, we are in debt worse than we have ever been in history. We have no health care for 46 million people. But where is the Congress? They have left. They have gone home. They have got to campaign. If they were here, the people could see they were doing nothing. But Repocracy says we only do it when we rubber stamp it for the President. Otherwise we are getting out of here.

Now it is getting tough because people don't want to rubber stamp for the President anymore. There is an election coming. It is coming soon.

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The SPEAKER pro tempore (Mr. SODREL). Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

(Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LIMITING SIZE OF THE FEDERAL GOVERNMENT

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. DREIER).

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

MR. BISHOP of Utah. Mr. Speaker, several weeks ago, several of us on the floor talked on the value of the Federal Government not trying to be more efficient but simply trying to be less, and returning some misappropriated authority back to the states. To poorly paraphrase, Justice Brandeis, a minority decision he gave in the 1920s: The States are indeed the laboratory of democracy. If you think about it, if a State tries something creative that does not work, we are not all harmed. When we, on the other hand, tries something that does not work, the entire Nation is harmed.

For the Federal Government, the only advantage the Federal Government has is of uniformity. By definition, what we do is one-size-fits-all. States on the other hand have a greater opportunity of being creative, being fair, being just simply because they have a greater opportunity of meeting individual needs. Federal Government does not mean to do harm, we just do.

Let me give you an example: I want to introduce you to a constituent of mine, an elderly gentleman, we will call him Gene. He owned a farm that had been in his family for several generations. Of course, on this farm ran a small creek. This creek went to a larger creek, which went to a river, which went into a bay, which eventually went into the Great Salt Lake. Even though this dead-end lake, all within the state of Utah, has been declared by the Federal Government to be international waterway, because in the 1800s, an entrepreneurial pioneer was paid for ferrying sheep across the lake for summer grazing. Go figure. But back to Gene.

Gene had eight acres of this land that was on the main road, two of it was elevated. Since they were now planting hay on this land, they have to in Utah irrigate. So he built a man-made ditch from the creek to his property to flood up the lower areas so it finally hit the higher areas and water his crop, until the Federal Government declared that the man-made ditch was indeed the creek bed, the man-made standing water was now Federal wetlands; and, if Gene did not like it, it was his responsibility to prove the Federal Government was wrong. Which he actually did. The Soil and Water Conservation District came in and showed the land was different. He dug wells which showed that there was a clay base underneath, so even if the water was there, it would never sink into the aquifer and get to the river. He even put a flexible pipe into the ditch and put the creek water back into the creek, and oddly enough the land went dry, to which the Federal Government then threatened him with fines and imprisonment because he was harming Federal wetland. Then, when confronted with the evidence, they simply said, ''Well, we are in a drought cycle. You are going to have to wait at least 5 years until we have a wet cycle to see if the water will naturally appear by itself.''

He tried to sell this land at one time. A factory wished to buy it which would make apparel and create 100 jobs in his community, but he could not do it because now this was a Federal wetland. It was not a taking, mind you, because the Federal Government still allowed him to raise hay even though the price he made from the hay barely paid the taxes on this land that was now zoned as commercial property on the main road.

Gene did what most people when they run up against the bureaucracy of the Federal Government did, he surrendered. He eventually sold his property at $400,000. However, the exact same kind of land next door on the same road was sold for $750,000 for the same acreage. Which means, $350,000, which should have been his retirement, it should have been his posterity. The wealth from his own property was denied him simply because we as a government usually do one-size-fits-all.

It is an interesting question of why we harm our own people, why we sometimes insist they have to prove their own innocence, and why we fail our own simply because the Federal Government is too large, too inflexible to be creative, to be just, and to be fair.

One last comment about Gene. His family raised on this property sugar beets. I am not a farmer, but it does not take a rocket scientist, either, to understand you cannot raise a root crop in a wetlands. Some day I wish the Federal Government would learn that as well.

DELPHI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight I rise on behalf of both current and retired Delphi workers in my district and around our Nation who are suffering from the financial woes of the largest automotive parts manufacturer in the country. Unfortunately, these Delphi workers are but the latest victims in a series of tragedies for the American worker. What we are currently witnessing, the bankruptcy and subsequent reorganization of Delphi is the fallout from regrettable trade agreements like NAFTA, and CAFTA, and the accompanying influence of some elected officials who are for globalized big business at the expense of the American people, big business built on low wages, no benefits, and no worker safety.

Job loss is also due to major auto firms' leadership and executive boards who failed to make fuel efficient vehicles that Americans and the world want to buy. So our workers suffer.

Delphi's most recent proposal is to lower wages from $27 an hour to $22 an hour through 2007, and then to $16.50 thereafter. This would be a 40 percent cut in middle-class wages.

On Friday, Delphi filed a motion in bankruptcy court asking a judge to void its labor contracts. But how can you ask American workers to compete with a country like Japan which keeps its markets closed, the second largest market in the world? How can you ask our workers to compete with poverty level wages in Mexico and China? And how can you ask our workers to compete when big firms outsource everything to avoid paying workers what they justly deserve?

Late last year, Congressman GEORGE MILLER, ranking member of the Education and Workforce Committee, took the initiative to hold hearings on this subject.

I want to make sure this evening that many of the workers' voices from my district are heard, like Mary Pat Bishoff of Marblehead, who said, ''My husband is 49 and has 32 years in at Delphi. He got sick and has been off since October. With only 5 years left on our first mortgage and 8 years on the second, we had to refinance and take them up to 30 years just to survive. This will force us to pay $733.11 a month instead of the $152.11 we were paying. We are faced with a decision as so many others are, should he retire and risk losing his pension? Or, if he stays and they cut pay, that means sick pay will also go down and we will lose our home.'' What kind of a choice is that?

David Saylor of Port Clinton said, ''I retired from the GM assembly plant at Lordstown, Ohio in December of 1987, with the promise I would have complete health care coverage for life. Well, I will now have to pay $21 monthly, and that will greatly impact me since I took an early retirement and do not have the full 30-year retirement benefit.''

Raymond Stahl of Vermillion, Ohio said, ''They are shutting down the plant I work at and are moving it. Now I am out of a good paying job, and at my age it is going to be hard to even get another job let alone one that pays so well. America comes first, not overseas.''

Andrew Briscar, another Ohioan, said, ''I worked very hard for 20 years at the Delphi Packard Electric to get to a point where I can make a comfortable living for myself and my son. Now Delphi Packard Electric wants to cut my pay and benefits to a level that a young man or woman might make just coming out of high school.''

Mr. Speaker, workers who dedicate years of service to a company should be able to count on a decent retirement and measure of economic security. This Congress must step up with meaningful pension reform to help secure pensions and encourage companies to continue providing them.

The Pension Benefit Guaranty Corporation should have been reinfused with funds long ago with its $23 billion deficit, and we ought to be renegotiating trade agreements like NAFTA and CAFTA that continue to cash out good American jobs. Opponents said these jobs would go south, and they surely have, with GM now being Mexico's being largest employer. And it is no surprise that companies like Delphi, GM's biggest supplier, are following them.

I have spoken with Delphi management, and our delegation is doing everything possible to keep these Delphi jobs in America, but we need a majority of Members here dedicated to that purpose. I have invited Chairman Steve Miller of Delphi to tour the Sandusky Delphi facility and to meet with key employees and public officials, and he has yet to take me up on that offer.

Mr. Speaker, I would encourage the Members to sign on to the Balancing Trade Act of 2005 which I have introduced to ask our trade ambassador to come back to us with recommendations to write all of these trade deficits that we are incurring with other trading countries around the world. America simply must put ourselves back in a positive trade balance status.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mr. FORTENBERRY) laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, April 5, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House, H232 Capitol, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on April 5, 2006 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

RESOLUTION—DOCKET 2748—LOWER KAWEAH DISTRIBUTARY SYSTEM, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Sacramento-San Joaquin Basin Streams, California, published as House Document No. 367, 81st Congress, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time, in the interest of flood damage reduction, and related purposes in the Lower Kaweah Distributary System, California.

RESOLUTION—DOCKET 2749—CEDAR RIVER, TIME CHECK AREA, CEDAR RAPIDS, IOWA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Iowa and Cedar Rivers, Iowa and Minnesota, published as House Document 166, 89th Congress, 1st Session, and other pertinent reports, to determine whether any modifications to the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, ecosystem restoration, recreation, and related purposes along the Cedar River in Cedar Rapids, Iowa.

RESOLUTION—DOCKET 2750—NAVIGATIONAL SAFETY, DELAWARE RIVER, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Delaware River and its tributaries, Pennsylvania, New Jersey and New York, published as House Document 179, 73rd Congress, 2nd Session, the report of the Chief of Engineers on the Delaware River published as House Document 522, 87th Congress, 2nd Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of improved navigational safety.

RESOLUTION—DOCKET 2751—COOS BAY, OREGON

Resolved by the Committee on Transportation and Infrastructure of the United

States House of Representatives, that the Secretary of the Army is requested to review the report of the Chief of Engineers on Coos Bay, Oregon, dated December 31, 1970 and published as House Document 151, 91st Congress, 2nd Session and other pertinent reports, with a view to determine whether any modifications of the existing navigation project are advisable at the present time, with particular reference to providing increased project dimensions and an additional turning basin to accommodate existing and prospective traffic.

RESOLUTION—DOCKET 2752—VANCOUVER LAKE, CLARK COUNTY, WASHINGTON

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Columbia and Lower Willamette Rivers below Vancouver, Washington, and Portland, Oregon, published as House Document 452, 87th Congress, 2nd Session, and other pertinent reports, to determine whether any modifications to the recommendations contained therein are advisable at the present time in the interest of erosion control, ecosystem restoration, and related purposes in the vicinity of Vancouver Lake, Clark County, Washington.

RESOLUTION—DOCKET 2753—TEN MILE RIVER, CONNECTICUT AND NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Housatonic River, Connecticut Federal Navigation Channel submitted as House Document 449, 70th Congress, and other pertinent reports, to determine whether any modifications to the recommendations contained therein are advisable at the present time in the interest of shoreline protection, flood control, ecosystem restoration, streambank erosion protection, and other related purposes in the vicinity of Ten Mile River, Dutchess County, New York and Litchfield County, Connecticut.

RESOLUTION—DOCKET 2754—LONG BEACH, BACK BAY SHORE, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, that the Secretary of the Army is requested to review the report of the Chief of Engineers on the Atlantic Coast of Long Island from Jones Inlet to East Rockaway Inlet, Long Beach Island, New York, dated April 5, 1996, and other pertinent reports to determine whether any modifications to the recommendations contained therein are advisable at the present time in the interest of storm damage reduction, navigation, ecosystem restoration, and related purposes on areas of Long Beach Island, New York, affected by tidal inundation from Reynolds Channel, Hempstead Bay, and other connected waterways.

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FEDERAL BUDGET NEEDS TO MEET CONSTITUTIONAL MUSTER

Mr. GARRETT of New Jersey. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. POE).

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I commend my colleague from Utah who just spoke previously, a fellow member of the Congressional Constitutional Caucus, who had indicated that we come to this floor on a regular basis to address what the Founding Fathers intended with the American public and the other Members of this body, their intention for the framework of the Constitution and the framework of the government of the various levels.

James Madison stated in Federalist Papers No. 45 that the role of the Federal Government is limited and defined, whereas that of the States and the people, their powers are broad and numerous.

To remind this body, the caucus' function primarily is to focus upon the 10th amendment to the Constitution, which in essence says that all powers not specifically delegated to the Federal Government are retained by the States and the people respectively.

When you read that and when you think about that, it is really pretty simple what the founders were trying to do there. And when the Constitution was ratified in 1787, they probably thought it was pretty simple, too. They thought they had probably in place a plan that would be existing for future generations would understand that the role of the Federal Government would be limited, that the sovereignty of the States and of the people would be respected. They probably thought to themselves that there is probably no way that they could have written it even more clearly than they did; that future Congresses should follow suit, should be ones to limit what the Federal Government does, and to retain to the people and the States what their responsibilities are.

Unfortunately, if you simply look out any of the windows of this building on this growing city that we have before us in Washington, D.C., you see representative of what is a growing Federal Government in all facets of our life. I am sure that our founding fathers would be disappointed in the largesse of the government, the excessive spending, the number of line items that is now in the budget. As a matter of fact, the budget is something that we were just debating and discussing on the floor of this House for a number of hours. I serve on the Budget Committee and have the opportunity to discuss it there as well.

What would our Founding Fathers think if they were to see our spending levels today? Would they ask the question that I think we all should be asking: Is it inconsistent the size and scope that the government has grown to today? Is it inconsistent in the nature of the spending that the government has grown to today?

If the Founding Fathers were with us today, I think they would give us a resounding no to what we are doing. They would say that it is inconsistent, that we have grown too large.

But we are all leaving here now and going back to our districts. Many Members will be going back and using this time to get involved with the media. We are actually in a 24/7 media cycle in this country now with the advent of all the communications that we have, whether it is in press and press releases or whether it is going on the radio or TV or e-mail. Many Members use this as an opportunity simply to go back to their district and to brag about all the money that the Federal Government is spending, all the new areas that they are enveloping as far as their responsibilities, just as the one that the gentleman from Utah was just talking about as far as the delineation of wetlands and how it impacts upon the people back at home.

Maybe this is exactly what our Founding Fathers feared, that we have grown so far apart from where the money comes from and where it is spent. Their goal was that the money should be spent closest to the people. That way, the people would have the greatest voice in how it was going to be spent. Unfortunately, we have just the opposite today. The inverse is true instead.

Let me just give you a couple examples that come to mind. Think about your local board of education and the schooling. Parents know who their teachers are, parents know who the principals are, parents know who the board of education is in their town that run their schools. But do parents know who the bureaucrats are down here in Washington, D.C. that now control education dollars that go back to those schools? People back at home know about the pothole in their front streets, people back at home know the name of their local mayor who may be responsible for making sure that street is paved. But do people know who the bureaucrats are in the U.S. Department of Transportation who are responsible for the transportation dollars that may or may not get back to their town to fix their potholes, but may instead go to someplace as the infamous bridge to nowhere?

Maybe this is exactly what our Founding Fathers were thinking of when they were looking at a government so far away across a broad ocean in England, and realizing that that English government was no longer connected to our government here, and so that is why they put the limits on it that they did.

We could go down with other examples, with the growing deficit that we have today, with the subpar service that we have in such agencies as FEMA, and ad infinitum as far as this

goes, as far as the overgrowth and the problems that they have.

I just simply ask that our Members do this, and I think that the American public should be asking that their Members do as well: Is what we do the best for the schools? Best for medicine? Best for care best? For bridges? Best for all other services? Is it in line with what our constitutional framework says and what our Founding Fathers intended?

□ 2045

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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.)

IT IS TIME TO BEGIN SETTING PRIORITIES

Mr. CONAWAY. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I have recently introduced H. Res. 690, which would require this body to begin setting priorities. That is something the Federal Government, and Congress in particular, do not do a very good job at. In fact, we are really lousy at it, but it seems to me if we are able to set priorities on new spending, then we ought to be able to practice what H. Res. 690 would do which is require the House that anytime we create a new program of any size or scope, that we would have to, as part of that enacting legislation, eliminate an existing program of the same size or spending.

We have tough choices to make, but we just do not make those choices very well. You can look at the CBO's Web site. They publish a 50-year study of what they think this Federal Government will look like in the year 2050.

I have a grandson that will be about 53 years old at that point in time. The government that he will inherit, left unchecked, left unchanged, will be one that consumes 50 percent of the gross domestic product in this country, and there has never been a free market, free enterprise system anywhere where the central government could take half and the rest of us passed on the other half. We prosper by having growth in the standard of the living, opportunities and others kinds of things.

So I believe that the growth in this Federal Government is the single biggest threat that we face as a country to our particular way of life.

That sounds strange in a country at war, but the Taliban and al Qaeda and the thugs that threaten this country can get a few of us, but they cannot fundamentally change the way we live. They can hurt some of us and they try, and we work real hard to not let that happen, but this growth in this Federal Government I believe can in fact have a fundamental negative impact on the way our children and grandchildren will live.

I said I am a grandfather. I've got six wonderful grandkids and one additional one on the way which will be born in November, if everything goes well. Which grandfather or grandmother among us would gather up their grandchildren, take them down to the nearest bank, and say, Mr. Banker, I want to borrow every single dollar in your bank, I want these six grandkids in my case, I want my six grandchildren to sign that note. I am going to take the money and spend it, but you are going to need to look to them to collect it. Well, there is not a grandparent worth their salt that would do that on an individual basis, but somehow collectively as a group we think that is okay because that is exactly what we are doing as we continue to spend money that our children will have to probably not pay back but will at least have to pay the debt service on and that impacts their way of life in a negative way.

Every politician worth their salt will step before this microphone and say we need to cut Federal spending. It rolls off your tongue very easily. Both sides of the aisle say this on various occasions, but we rarely practice what we preach.

I would like to point out tonight one program that I think would go away and no one would even notice that it is gone. We have in this country appropriated for 2006 money to provide an America's Job Bank. This is an Internet-based listing of job openings nationwide. It is maintained by good folks at the Department of Labor. Since this was established, the Internet of course has grown exponentially and has created such private enterprise-based sites as monster.com and careerbuilder.com which provide thousands and thousands and thousands of listings every day; and, in fact, this America's Job Bank is a duplication.

Now the duplication only costs us $15 million, and that is a standard politician phrase, ''only $15 million.'' Well, $15 million is a lot of money for District 11 and is a program that I would include in those that ought to go away.

As I mentioned, I have introduced H. Res. 690. We are working with the Rules Committee to try to implement this rule for the 110th Congress, and I would encourage my colleagues to support it. The reason I am doing it is I have got six grandchildren and one more on the way, and I cannot think of a better reason why we should not begin to do a better job in setting priorities for spending at in this Congress.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

(Mr. SHIMKUS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

(Mrs. CHRISTENSEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

RECOGNIZING THE EFFORTS OF GEORGIANA COLES

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I ask unanimous consent to claim the unused time of the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FITZPATRICK) is recognized for 5 minutes.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise today to recognize the efforts of Georgiana Coles, a resident in my district who will be honored on April 20 for her work not only as a successful business leader but also as a dedicated land preservationist. She will be honored by the Heritage Conservancy, a nonprofit land and historic preservation society, for her significant contributions to preserving vast swaths of pristine open space in Bucks County, Pennsylvania.

My district, Mr. Speaker, is renowned for its landscape as well as its history. It is rumored that Oscar Hammerstein composed the lyrics to ''Oh What A Beautiful Morning'' for his musical ''Oklahoma'' while looking over the bucolic acreage of his farm in Bucks County. However, today, continued development threatens to uproot those same pastures and fields that inspired Hammerstein's lyrics.

Georgiana Coles and her family own a highly successful nursery in my district that covers over 800 beautiful acres. Over time, the Coles family has expanded their operations, not simply to expand their business, but to protect prime land from development. By purchasing 180 acres of the Bradshaw Farm in Solebury Township, as well as

132 acres in Buckingham Township for preservation, Georgiana Coles has demonstrated her unquestionable dedication to preserving Bucks County's natural history.

I want to recognize Georgiana Coles for her hard work and continued dedication to the preservation of open space. I and the residents of the 8th Congressional District of Pennsylvania thank her.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. KILDEE) is recognized for 5 minutes.

(Mr. KILDEE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. TIERNEY) is recognized for 5 minutes.

(Mr. TIERNEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. SCHIFF) is recognized for 60 minutes as the designee of the minority leader.

Mr. SCHIFF. Mr. Speaker, the Preamble to our Constitution lays out the basic functions of government and notably featured is the need to provide for the common defense.

National security is the single most important purpose of government; all of the other blessings of liberty flow from it. Throughout much of this country's history, Senator Arthur Vandenberg's famous maxim that ''Partisanship must end at the water's edge'' has guided the formulation and execution of America's national security policy.

Unfortunately, over the past several years that bipartisan tradition has been undermined by the Republican Party which has sought to convince Americans that only one party could be entrusted to preserve our Nation's military strength and its position as the world's preeminent power.

This unwillingness to listen to other voices has reached its zenith under the current administration, which took office with one overriding principle, that was to guide American national security policy. Yet when the previous administration, that of President Clinton, was for it, they were against it. The result is an America that is less safe than it should be and less safe than it needs to be.

Our military has been stretched to the absolute limits in Iraq, leaving us precious little ability to respond to other contingencies around the globe. Overseas, we are less often seen as a force for good in the world, and surveys of public opinion consistently show that we as a Nation are viewed negatively, even by our friends in Europe.

At home, we have frittered away the 4½ years since September 11 instead of making real strides in safeguarding the Nation from terrorist attack.

In Iraq, a stubborn refusal to commit enough troops to save the lives and pacify the country in the months after the invasion has led to a protracted fight against the Baathists and Islamist insurgents that has claimed now more than 2,300 American lives.

And finally, we have failed to reckon with the Achilles heel of our national security, our reliance on foreign oil to supply our energy needs.

Clearly, Americans want and deserve change. Last week, Members of our party from both the House and the Senate unveiled a comprehensive blueprint to protect the American people and to restore our Nation's position of international leadership.

Our plan, Real Security, was devised with the assistance of a broad range of experts, former military officers, retired diplomats, law enforcement personnel, homeland security experts and others, who helped identify key areas where current policies have failed and where new ones were needed.

During the next several weeks, Democratic Members of the House will be doing a series of 1-hours where we will discuss the particulars of the Real Security plan. Tonight, we will give an overview of that plan, and in the following weeks we will flesh out each of the five pillars of the Democratic Real Security plan for the country.

It is a tough and smart strategy to rebuild our military, equip and train our first responders and others on the front lines and here at home, provide needed benefits to our troops and veterans, fully man and equip our National Guard, promote alternative fuels and reduce our dependence on foreign oil, restore Americans' confidence in their government's ability to respond in the face of a terrorist attack or natural disaster.

To protect the American people, we will immediately implement the recommendations of the independent bipartisan 9/11 Commission and finally protect our ports and airports, our borders, mass transit systems, our chemical and nuclear power plants, and our food and water supplies from terrorist attack.

After September 11, all Americans trusted the President to take the steps necessary to keep our country safe. Since then, inadequate planning, sometimes incompetent policies, have failed to make Americans as safe as we should be. The tragedy of Hurricane Katrina showed that the Federal Government was still not prepared to respond.

Under the administration's leadership, the war in Iraq began with intelligence that was at best wrong and at worst manipulated. 140,000 of our finest young people were sent into Iraq without an adequate plan for success.

Our ports and other critical infrastructure remain vulnerable, while both soldiers in the field and first responders at home lack the basic equipment and resources they were promised.

Both in the Persian Gulf and on our own gulf coast, lucrative, no-bid contracts have gone to companies like Halliburton, Kellogg, Brown&Root and others with friends in high places.

Despite record high fuel prices, our country remains heavily dependent on foreign oil because of an energy policy that benefits the big oil interests.

The Real Security plan rests on five pillars that my colleagues and I will introduce to you tonight. They are the creation of a 21st-century military, a smart strategy to win the war on terror, a plan to secure the homeland, a plan to move forward in Iraq, and a proposal for achieving energy independence for America by 2020.

Under Real Security, a Democratic Congress will rebuild a state-of-the-art military by making needed investments in equipment and manpower so that we can project power to protect America wherever and whenever necessary.

We have all heard the stories of parents using their own money to purchase body armor for their own children serving in Iraq. I personally asked Secretary of Defense Rumsfeld about the shortage of body armor, about the lack of adequately armored vehicles, and the holdups in development of equipment to counter roadside bombs that have killed and maimed so many of our troops. Despite his assurances, there are still problems and young Americans are still paying the price.

Under Real Security, Democrats will guarantee all of our troops have the protective gear, equipment, and training they need and are never sent to war without accurate intelligence and a strategy for success.

I have been to Iraq now three times; and I visited our wounded troops here at home, there, and in Germany. I have spoken at the funerals of my constituents who have been killed in Iraq, and I have sat with their families as they have mourned. These experiences have reinforced my sense of commitment to ensuring the well-being of America's soldiers and their families and our veterans.

Democrats will enact a GI bill of Rights for the 21st century that guarantees our troops, active, reserve and retired, our veterans and their families, receive the pay, health care, mental health services, and other benefits they have earned and deserve.

Our active military are stretched to the breaking point, but our Guard and

Reserves have also been ground down by multiple deployments and falling enlistment and reenlistment. This has, in turn, added to the stress on the active Army and Marines.

As part of our Real Security plan, Democrats will strengthen the National Guard in partnership with our Nation's Governors to ensure it is fully manned, properly equipped, and available to meet missions at home and abroad.

□ 2100

The next pillar of Real Security is a broad strategy to win the war on terror. Four and a half years after 9/11 Osama bin Laden is still at large, and al Qaeda has morphed into a worldwide amalgam of discrete cells that are more difficult to track down.

When Democrats are in charge, we will make the elimination of Osama bin Laden our first priority. We will destroy al Qaeda and other terrorist networks, and we will finish the job in Afghanistan and end the threat posed by the Taliban. We propose to double the size of our special forces, increase our human intelligence capabilities, and ensure that our intelligence is free from political pressure.

Despite their vow to drain the swamp, the administration has done little to eliminate terrorist breeding grounds by combating the economic, social, and political conditions that allow extremism to thrive. Democrats will fight terrorism with all means at our disposal by leading international efforts to uphold and defend human rights and renew the long-standing alliances that have advanced our national security objectives.

Under Real Security, we will confront the specter of nuclear terrorism by greatly accelerating the pace at which we are securing nuclear material that could be used to make a nuclear weapon or a dirty bomb. Our goal is to secure loose nuclear material by 2010. We will also redouble our efforts to stop nuclear weapons development in Iran and North Korea. While Democrats understand that no option can be taken off the table, we are committed to a muscular diplomacy as the best option for curbing Pyongyang and Teheran's nuclear ambitions.

The third pillar of Real Security is homeland security. In the wake of 9/11, there have been numerous commissions and investigations at the Federal, State and local level, as well as a multitude of private studies. All of them have pointed to the broad systemic and other flaws in our homeland security program. Almost 2 years ago, the independent bipartisan 9/11 Commission published its report, but most of its recommendations have yet to be implemented.

As part of Real Security, Democrats will immediately implement the recommendations of the 9/11 Commission, including securing national borders, ports, airports, and mass transit systems. We will implement the screening of 100 percent of containers and cargo bound for the U.S. in ships or airplanes at the point of origin, and we will take steps to better safeguard America's nuclear and chemical plants and our food and water supplies.

Democrats will prevent the outsourcing of critical components of our national security infrastructure, such as ports, airports, and mass transit to foreign interests that could put America at risk. Under Real Security, Democrats would provide firefighters, emergency medical workers, police officers, and other workers on the front lines with the training, staffing, equipment and cutting-edge technology they need.

While the immediate threats to our national security come from terrorists, we face other dangers as well. Democrats are committed to a security strategy that will protect America from biological terrorism and pandemics, including the avian flu, by investing in the public health infrastructure and training public health workers.

The fourth pillar, and the one that will have the most immediate effect on our security, is to chart a new course in Iraq that will ensure that 2006 is a year of significant transition to full Iraqi sovereignty, with the Iraqis assuming primary responsibility for securing and governing their country with a responsible redeployment of U.S. forces. Democrats will insist that Iraqis make the political compromises necessary to unite their country and defeat the insurgency, promote regional diplomacy, and strongly encourage our allies in other nations to play a constructive role.

As a part of Real Security, Democrats intend to hold the administration accountable for its manipulated prewar intelligence, poor planning, and contracting abuses that have placed our troops at greater risk and wasted billions of taxpayer dollars.

Our security will remain threatened as long as we remain dependent on Middle East oil. The fifth pillar, and the one with the most far-reaching ramifications for our country and the world, is to achieve energy independence for America by 2020.

Under Real Security, Democrats will increase production of alternate fuels from America's heartland; biofuels, geothermal, clean coal, fuel cells, solar and wind, promote hybrid and flex-fuel technology and manufacturing, enhance energy efficiency and conservation incentives. All this we will do, and more, to meet the real national security needs of the country.

And now, I would like to turn to some of my colleagues who have been leaders on national security issues. I would like to begin by introducing my colleague from California (SUSAN DAVIS) to hear her thoughts on one of the five pillars.

Mrs. DAVIS of California. Mr. Speaker, I want to applaud my colleague, Mr. SCHIFF, for bringing us all together this evening so we can talk about real security for the American people.

Mr. Speaker, America has the absolute finest military in the world, and that wouldn't be possible without the people who wear the uniform. I want all Americans to know that it doesn't matter to me whether they call themselves a Democrat, a Republican, an Independent, or anything else. I stand here tonight to simply tell Americans that there are indeed Democrats in Congress who are strong on national security. We get it, and we have a plan to get America back on track.

Let me be just clear at the outset. Support for the troops has no party affiliation, and that is definitely true here in Congress. There are hundreds of us, Democrats and Republicans alike, who want to do right by the troops who are in harm's way right this minute all around the globe. I am convinced, however, that the Democratic plan to protect America is the path this Nation needs to embark upon now, and I say that because the Democratic plan for a 21st century military focuses on the same resource that the military itself focuses on, and that is the people. It is about the people who volunteer to wear that uniform.

I have been very proud to serve in Congress as a Member of the House Armed Services Committee since I was first elected to represent the people of San Diego. As anyone from San Diego can tell you, we are the epitome of a military town. San Diegans have a deep and long-standing relationship with the military that gives our community a very unique level of interaction and familiarity with the Armed Services. San Diego's operational bases provide a valuable network of military resources that, taken together, equate to bottom-line military readiness. We host the Pacific fleet's largest concentration of carriers, cruisers, destroyers, frigates, amphibious ships and submarines, and our regional training and support facilities supplement these resources superbly.

But at the end of the day, while these are valuable assets, what it really comes down to is the people. Outside their uniforms and off the battlefield, these brave men and women serve double duty. They are our neighbors, they are our Little League coaches, they are our PTA presidents, and they are our community volunteers. In short, our military servicemembers are extraordinary people who lead ordinary lives, just like you and me.

For those people and communities who are not as familiar with the military, I think it may be easy sometimes to think of them in a more desensitized, mechanical way, almost as if the troops themselves are made of the same steel and weaponry they use to accomplish their missions and protect themselves with. But this couldn't be further from the truth. Our troops are a mirror image of the American people themselves. They find strength in their convictions as Americans. They are

strong in their education and training and they are strong in their diversity and their mutual respect for one another.

Mr. Speaker, you may wonder why I would choose to spend so much time this evening talking about the human characteristics of our military personnel in the context of a Democratic plan to protect America. But the people who make America's military great are really the heart of the Democratic plan. Americans expect their elected leaders to take care of the troops, and that is exactly what Americans and what Democrats here today are prepared to do.

First, that means having enough people. This administration ignored the advice of respected senior military leaders by sending too few troops to Iraq. No matter how you look at it, that was a serious miscalculation. It impaired America's ability to accomplish its mission quickly. Democrats will insist on 21st century military forces that are large and strong enough to meet any challenge America may face in the future without creating neverending states of deployment.

A 21st century military also demands fully equipping and supplying our troops, and that is exactly what the Democratic plan would do. Democrats will fight to ensure America's troops are never underequipped. The Democratic plan is a plan that would emphasize the body and vehicle armor our troops need before they find themselves in harm's way. Moreover, we must rebuild and replace the equipment that has been used in Iraq and Afghanistan so our troops can continue to rely on it with confidence in the future.

The Democratic plan also means a renewed investment in research and development. We simply must invest in technology today that will lead to advancements for the battlefield that will keep on protecting our soldiers and sailors and will keep on helping them to accomplish their future missions.

Similarly, we must continue to make investments in the way we educate and train our military personnel. Training and education is a key component in the dominance and success of America's military, and this will be no different for a 21st century military. We must commit to providing superior ways to continue expanding and advancing the minds of our military professionals.

The Democratic plan for a 21st century military also envisions a renewed commitment to the National Guard and Reserve. Our efforts must reflect the level of respect and commitment our reserve components have earned and deserve.

Mr. Speaker, the Democratic plan for a 21st century military encompasses many more components, including increased human intelligence, honoring veterans and retirees, and making good on America's promise to take care of the health and well-being of our soldiers and also their families. It is really about the people: Our training them, equipping them, and our support for them. The troops demand better, Mr. Speaker, and Democrats are poised to provide it to them.

I am happy to return to Mr. SCHIFF and join with my colleagues as we discuss the rest of the Democrat plan and the pillars of security.

Mr. SCHIFF. I thank the gentlewoman from California for all her work in this area, and I know that you represent a very large constituency of servicemembers in your district, probably one of the largest in the country. Undoubtedly, you have had the opportunity to visit with a lot of the families of those serving in Iraq and Afghanistan and know firsthand some of the demands being placed on our active duty but also on our guard and reserve.

Many of them pulled out of their jobs, earning a lot less on active duty than they were in their civilian occupations. This must be a tremendous hardship for families.

Mrs. DAVIS of California. I think it is, and because our families prepare as well as the men and women who actually go into war, it provides a particular burden on all of them. And I think that is why it has been, in a community like San Diego, why we have felt this so acutely.

And know how important it is for people to have a sense of comfort that they have the equipment they need and that once deployed and coming home, particularly for the guard and reserve, that they will not see these kind of endless deployments. That has been very important and it has been really hard for the families to sometimes get a really good handle on that.

Mr. SCHIFF. I imagine that you have had the experience that I have with some of my constituents in talking to their families, those that are serving in Iraq and the concerns that they have, and in talking with the soldiers when they return about whether they had the up-armored vehicles that they needed, and finding out from them firsthand that, notwithstanding protestations to the contrary by the Pentagon, that in fact they often didn't have up-armored vehicles. I still have people coming back telling me of the inadequacy of materiel they have to work with and to keep them safe.

But I thank you so much for all your leadership on this issue. You do a tremendous job on behalf of your constituents in the San Diego area and in the armed services area for all the rest of our country. Thank you.

I would like to turn now, Mr. Speaker, to one of my close friends and colleagues here, DAVID SCOTT of Georgia. We cofounded, along with STEVE ISRAEL, the Democratic Study Group on National Security. He has been a strong voice and a great leader on national security issues. We are very grateful for your joining us this evening.

The gentleman from Georgia.

□ 2115

Mr. SCOTT of Georgia. Mr. Speaker, it is an honor to be on the floor with Mr. SCHIFF. I commend his leadership on the national security issue. It is so important for the American people to be able to understand and know wholeheartedly that Democrats are the strongest party on national security. Our record speaks to it, all the way from Franklin Delano Roosevelt who shepherded us through World War II and built up our Army, to Truman, all the way up to John Kennedy. No stronger Presidents have we had on national security.

Democrats are very strong on national security. I want to spend my remarks here speaking from my own experience. I have been overseas visiting our troops on four different trips, to Iraq, Afghanistan, Pakistan and to Lithuania, into Germany, visiting them at Ramstadt Hospital and the air force base. I have been to Camp Victory at Baghdad on the front lines, as well as with our group on national security to which every Thursday we bring in the experts. We bring them in whether they are Republicans or Democrats, from Newt Gingrich to Sam Nunn to Andrew Young. We have had people there with experience because we want the American people to know that this Nation is secure, has been secure, and will be secure in the future in the hands of Democrats.

I want to spend just a few moments in talking about where we are in this 21st-century of our military. We have the finest military in the world, but since 9/11 our Nation's Armed Forces have become overextended. There is no mistake about it. Some of our recruiting goals have not been met.

But under Democrats we will make sure, and we have already begun the process to make sure, that our Armed Forces are not overextended and to make sure we have policies and procedures in place to help us meet our recruitment goals.

As you well know, Mr. SCHIFF, we have an all-volunteer Army. The draft is no longer applicable, nor will it be in the foreseeable future. With the advances in technology, we are going to be competing at a high level with private industries and others to get those high-caliber individuals to volunteer. Even the M–116 rifle is basically a computer. We must have soldiers who are well equipped, well prepared. So we have to go out and compete for those soldiers, and we have to realize what this 21st century means.

The men and women of America's Armed Forces and our first responders here at home have met every challenge with skill, with bravery, and selfless dedication. They along with veterans, military retirees, and the families of those who have given their lives to defend our country deserve our utmost gratitude; and we give it to them with our support. That is why we Democrats are launching our effort here. We want to make sure that America knows this

country will be safe with us, that we have the record and we have the program.

Much has been said and, yes, we have criticized the President. We have criticized the Republicans because it is due, because there has been failure after failure and bad planning. We know that now. And bad intelligence. But I assure you, if Democrats are in control, we will never send our troops into harm's way with inaccurate intelligence and not equipped with the body armor that they need to do their job.

It is important for the American people to know what we are doing now and what we plan to do. The whole world sees what is wrong step by step with our policies. I want to point out to the American people some facts they may not know about what Democrats are doing now and what our record has been.

We are committed to strengthening our military, but we have been fighting to make sure, we have been at the leadership in making sure that our troops have been fully equipped. Every step along the way, it has been Democrats who have sought to ensure that our troops were fully equipped for this war in Iraq. It was not a war of our choosing, but it was a war that was decided upon based upon incomplete and inaccurate information that we know now, but did not know then.

And Democrats stood strong and said we have to go based upon our information. But once our troops were in harm's way, once they were sent and it was found out that they did not have the body armor and their Humvees did not have the equipment to sustained the underbellies for the improvised explosive devices, it was Democrats who provided the leadership.

For example, because of Democratic efforts, the 2003 Iraqi supplemental budget included more funds for Humvees, body armor, and jammers to prevent the detonation of explosive devices. It was Democrats who offered amendments to shift $322 million from reconstruction for safety equipment for U.S. troops in Iraqi. It was Democratic Senator CHRIS DODD of Connecticut who led that fight, and to shift $4.6 million from Iraqi reconstruction for support and safety of our troops, including critical funding for repairing and replacing the critical equipment for combat in Iraq. That was Mr. OBEY, our ranking member on the Appropriations Committee that led that fight.

Although both of those efforts were at the need, when they needed that armor, that is when Democrats stepped forward. It was Republicans who rejected those amendments. But we Democrats did succeed in requiring the Department of Defense to at least reimburse those servicemembers for the cost of their protective safety and health equipment that had to be purchased by them and their families.

You remember the newscasts. We had our soldiers searching through dung heaps, land fields and junkyards in Iraq and the Middle East trying to find metal to protect themselves. It brought tears to my eyes to think that this Republican administration would send our young men and women in harm's way and not have them armed with body armor. They were writing back home to mom and daddy saying, send me some money so I can buy something to protect myself. Never again can we let that happen, and it is we Democrats that are providing the way on this.

I want to make sure we cover one other point.

We are going to vote on a budget at some point. Luckily, they didn't have the votes tonight; but just to show you cut after cut after cut, $1.5 billion cut to veterans. The Democrats will treat our veterans with the respect they deserve, and we will put together a GI Bill of Rights. We will get rid of the military tax on widows. We will increase the benefits, and we will make our military proud and strong. And we will make sure that the rotation cycle is not two and three and even four tours of duty at a time, because our military is stretched thin.

We will strengthen our military. We will move us into the 21st century, and Democrats will provide that leadership. I am proud to be with you here tonight and my colleagues.

Mr. SCHIFF. Mr. SCOTT, we are proud and grateful to have you here. You mentioned the proud history of the Democratic Party and national security under the leadership of Presidents like Roosevelt and Truman and Kennedy and others.

Today we saw in the press reports that the President authorized Mr. Libby, the chief of staff of the Vice President, to disclose classified information, national security information, for a political purpose. Can you imagine Roosevelt or Kennedy or Truman doing that? Can you imagine, for political reasons, any of them disclosing classified intelligence information for a political reason?

Mr. SCOTT of Georgia. Absolutely not. Our President, it brings chills to me when I remember what President Roosevelt said: ''We have nothing to fear but fear itself,'' to raise people, our people, to that level. Or President Kennedy saying: ''Ask not what your country can do for you; ask what you can do for your country.''

Mr. SCHIFF. Mr. Speaker, I thank the gentleman.

It gives me great pleasure to yield to Mr. BENNIE THOMPSON, our ranking member on the Homeland Security Committee, someone who has brought great intelligence, foresight, and determination to protecting America, to ensuring we have port security and airport securing, and that we plug many of the gaping holes here in the homeland. I yield to the ranking member of the Committee on Homeland Security.

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank Mr. SCHIFF for putting this Special Order together to give us an opportunity to talk about real security from the Democratic standpoint.

As you know, unlike my colleagues on the other side of the aisle, we have a plan. That plan is very simple. If we can get additional support, we can make this country safer. But for this hour, let us talk a little bit about homeland security.

First of all, I want to take you to the notion that as a grandfather, I spend a lot of time reading children's stories. It may be because I am the ranking member on the Homeland Security Committee, but recently I was reading the ''Emperor's New Clothes,'' and I could not help but think about the Department of Homeland Security.

For those of you who are not familiar with the story, it is about a ruler who loved to dress up in the finest threads. One day some folks came by and promised to make him the finest suit he had ever seen. As they made it, they kept asking him what he thought about the beautiful cloth and the fine design. Not seeing anything but feeling a little naive, the emperor said it was beautiful.

When the day came for him to wear the suit out in public, he called a big parade and put on the so-called outfit. Everyone ''oohed'' and ''aahed'' until one small child spoke out and said those magic words, ''He doesn't have anything on.''

Why does that story remind me of the current administration's homeland security efforts? Because DHS is like the naked emperor. Despite the Department's many press releases of success, the agency's efforts are not enough to cover our Nation's critical parts. Like the citizens of the emperor's town, we all want to believe what we are hearing and seeing is sufficient. But let me tell you, it is not.

If you have any doubts about this, just look at the government's response to Hurricane Katrina last year. As Clark Kent Ervin, the former inspector general of the Department has said, if Katrina was a dress rehearsal on how the U.S. would respond to a terrorist attack, we are not prepared. A lot needs to be done to ensure homeland security is covered. Our security gaps at our borders must be eliminated. Our trains and subways must be protected so we do not have a London or Madrid attack.

Our ports must be secure, and our Coast Guard must be well funded. That means we must work with our partners internationally to protect our ports by screening 100 percent of the U.S.-bound containers at their points of origin rather than waiting until they arrive at our port communities.

Those flying the friendly skies should be safe as they are carried to their final destination. That means we must secure our passenger airlines by requiring 100 percent screening of air cargo that travels on the same plane with the passengers. We must have commonsense security at chemical and nuclear

plants. The private sector is looking for guidance from the Department. We need to be sure that they have it. We must ensure that hazardous cargo is carried safely through our communities.

Also, we must guarantee that our local cops, firemen, and EMTs have the training, staffing, equipment, and technology they need so that they can talk to each other during an emergency. As you know, we saw with 9/11 that a lot of the individuals involved in that situation could not communicate with each other and many of them lost their lives because of it.

□ 2130

Now, when the small child called the emperor out, he knew the child was right, but thought the procession goes on. He carries himself proudly and his assistants acted like they were keeping his invisible robe off the ground.

The Department's procession absolutely cannot go on. I ask my colleagues across the aisle to stop carrying this invisible robe and join us in recognizing that the Department of Homeland Security has been without clothes for way too long. It is about time that we outfitted the agency so that it can fulfill its mission. Our Nation and its citizens deserve no less.

Mr. SCHIFF. I thank the gentleman, and I particularly appreciate your talking about the common sense changes that have to be made to protect this country. Does it make sense, I ask our ranking member, to have a policy where you have to take off your shoes at the airport to get through the metal detector, but 50 percent of the cargo on the plane you are flying on is commercial and 98 percent of that is never checked for an explosive? You can ship a bomb the size of a piano that will never get opened in a crate under that same plane, but you have to take your shoes off. Does that make sense?

Mr. THOMPSON of Mississippi. None of it makes sense. The other thing is, we have the technology available to us to do many of these things. We have to have the will to produce the resources necessary to acquire the technology in order for that to occur.

We have tried in our committees to fully fund all of the screening programs, not just at airports, but we are talking about screening cargo coming into our country. But we can't get the support on the Republican side of the aisle to move in that direction.

We have two government agencies, Department of Energy and Department of Homeland Security, charged with radiation screening of certain activities. We can't even get support to merge the two programs. They are operating in ports separate and apart. So clearly, there are a number of things, Congressman SCHIFF, that we need to do.

Mr. SCHIFF. And that last point, I think, is the key one. The President, I am sure you recall, during the first debate with Senator KERRY, was asked what is the top national security threat facing the country? And he said, nuclear terrorism. Senator KERRY agreed. I think they were both right.

But if that is true, and the most likely suspect for nuclear terrorism is al Qaeda, then the most likely delivery device is not a missile but a crate. And that crate is going to come into one of our ports. And why we haven't mobilized the resources to implement that portal technology, why we are spending as much as we are on a more distant threat in terms of national missile defense, rather than the more proximate threat of a smuggled in dirty bomb or crude nuclear weapon is not in our Nation's national security interest.

Mr. THOMPSON of Mississippi. Well, it is not. And what we find is there are a substantial number of containers that come to this country, as you know, without any inspection. To inspect it when it gets to our shores, if it is a dirty bomb or anything like that, is unacceptable. We have to do the inspections or the screenings at a minimum at the points of origin rather than when they get to this country. If we don't, we are in for a rude awakening.

The other point I want to make, and I want to thank you for this time, is we clearly have to support financially the safeguards that are required. We have the technology. We have to make sure that we put the resources to support the technology.

Mr. SCHIFF. I thank the gentleman very much for all his leadership in improving our Homeland Security.

I would now like to turn to my colleague, DENNIS MOORE from Kansas, who does a tremendous job. He is one of the true leaders on a variety of issues, including energy self-sufficiency and energy independence. It is one of the pillars of our national security plan. DENNIS MOORE.

Mr. MOORE of Kansas. Mr. SCHIFF, the distinguished gentleman from California, I want to thank you for your leadership in putting together this little seminar and this presentation this evening on national security and how important it is for our country.

I want to talk for just a few minutes about the importance of national security in the context of energy independence for our Nation. Some of our viewers this night, Mr. SCHIFF, will be old enough to remember back in the late 1970s there was a gentleman by the name of Jimmy Carter who was President of United States. And one night President Carter was sitting addressing the people of America on national television. He had on a cardigan sweater. He was sitting in front of the fireplace and talking about the long lines at the gas pumps. And he was talking about the need for our country to develop energy independence and a comprehensive energy policy to reduce our dependence on foreign oil.

I think President Carter was right then, and I faulted every Republican and Democrat since President Carter for not doing what he said we needed to do back then. And especially, since September 11 of 2001, and 5 years into this administration we still are very dependent, heavily dependent on foreign oil, and we need to find for America energy independence.

And I think this is no longer just a concern about long lines at the gas pumps or the high cost per gallon of gasoline. This now has become a national security issue, and it is an issue that we, as a Nation, must deal with.

This issue, Mr. SCHIFF, should not be about Republicans and Democrats. This should be about us taking care of our people and our country. And we all must come together to do this, and I think it is highly important, again, that we reduce our dependence on foreign oil and find an independent way to do this.

President Bush mentioned in his State of the Union this year, for the first time, I believe, trying to develop some way to reduce our dependence on foreign oil and enter energy independence. But he didn't make any proposals, and I think what we need are some solid proposals to do that.

We need, for example, conservation. We need to develop hybrid automobiles, hydrogen fuel cells. We need to look and develop solar energy, wind energy, ethanol biodiesel. We need to reduce our dependence on Middle East oil and increase our dependence on Midwest farmers who can provide the crops necessary to produce some of the fuels I am talking about, alternatives and renewable sources of energy here.

Energy independence, in fact, again has become a national security issue. We must reduce our dependence on foreign oil. We cannot and must not be held hostage by foreign nations who control our supply of oil. We must do this as Americans, again not as Republicans and Democrats, but as Americans because our country needs this and demands this.

Mr. SCHIFF. Mr. MOORE, we thank you for you tremendous leadership on this issue and for joining us this evening.

Now it gives me great pleasure to yield time to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), who I would say is a rising star in the Congress, but she was a rising star. She is now a full star in the firmament. The rise has already been complete. But we are so grateful for your leadership, and I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. SCHIFF. I too want to join my colleagues tonight in thanking you for putting this together because one of the things that we have been trying to do over the last several months as Democrats in the House of Representatives is roll out our vision for the direction that America should go in.

Clearly, the vast majority of Americans today believe that we are going in the wrong direction, and in terms of homeland security and protecting our Nation's borders, that is one of the number one priorities.

And what I would like to talk a little bit about tonight is an issue that is extremely important, given that my State is a peninsula, and that is port security, because I represent the people of Florida's 20th district, which is south Florida, Ft. Lauderdale, Hollywood and Miami Beach. My district borders two ports, Port Everglades and the Port of Miami, and they both serve as a gateway to millions of tons of cargo and people every year.

In 2005, in fact, almost 5.8 million tons of goods came into the United States through the Port of Miami. Nationally, though, only 6 percent of cargo is screened. That is a shocking statistic. That means that just in the Port of Miami alone, over 5.4 tons of goods were left uninspected before they entered our supply chain. That is just an unbelievably alarming statistic.

The administration claims to have cargo security programs, such as the automated targeting system, that mitigate any threat, according to them, that the remaining 94 percent of cargo entering our country without physical inspection may pose.

However, the Government Accountability Office, a third party validator, recently released a report showing shortfalls in these systems. Multiple deadlines have been missed, and key controls are still not in place to ensure the adequate implementation of such programs.

These facts were true when the Bush administration approved the sale of operations at six major U.S. ports, including the Port of Miami, to the United Arab Emirates. That agreement, had it gone through, outsourced American security to a country with a spotty record in fighting terrorism and one that is currently participating in an illegal economic boycott of the State of Israel.

Responsibility for America's security should not go to the highest bidder. History has shown that friends of the United States truly come and go. Thirty years ago Iran was our ally, and 20 years ago Iraq was our ally.

Given the current gaps in port security, we are placing far too much trust in port terminal operators beholden to foreign nations. The companies have access to America's classified security operations. And I can tell you, having toured the Port of Miami, I can at least transmit to you that at the Port of Miami the people who run the terminals, they run their own internal security, and they have intimate knowledge of the security operations in the rest of the port.

So far the divestiture announcement from DPW appears to be nothing more than a diversion that was designed to deflect attention away from this outsourcing of American port security.

The current level of vulnerability at our ports is simply unacceptable. Three years ago, the Coast Guard said that they needed $7.2 billion for port security measures. But the majority in this Congress, the Republicans, have only allowed for the allotment of $910 million since September 11, 2001.

When it comes to our national security and the safety and defense of our homeland, we should be focused on policy, not politics. We should be pursuing legislation to protect our Nation's ports and remedy the systemic weaknesses that facilitated this deal in the first place.

As the Nation's legislators and lawmakers, it is our responsibility and duty to keep America safe, and the Republican administration and Congress is not accomplishing this objective.

Before I close, I want to share with you yet another alarming statistic. And I notice that when you began your remarks you referred to the removal of shoes as we go through our magnetometers in our Nation's airports.

When I went to the Port of Miami, the staff there talked to me about the disparity in port security versus airport security. In the last 5 years, since 9/11, we have spent, this Republican Congress has spent $18 billion more on airport security, which is a good thing. But comparatively they have spent less than $700 million on port security. Essentially we have rested the sum total of our increase in national security on taking our shoes off as we go through the magnetometer. That is about the only thing that most people could say they noticed was a difference between before 9/11 and post-9/11 national security.

Again, I commend you on your effort to pull us together tonight.

Mr. SCHIFF. I thank the gentlewoman and I am tremendously grateful for your leadership and participation tonight.

Mr. Speaker, I want to thank my colleague from Maryland, CHRIS VAN HOLLEN, for his patience this evening. It has been a long evening already, and I have been keeping him and my other colleagues from the beginning of the recess. He has done a tremendous job in his tenure here in the Congress. He has already established himself as a superb leader on national security and other issues, education. Without any further ado I turn over my time to Mr. VAN HOLLEN for such time as he may consume.

Mr. VAN HOLLEN. I thank my colleague from California, Mr. SCHIFF. And again, like my colleagues, I thank you for your leadership on issues of national security in this Congress for our country.

I think we all understand that in order to successfully conduct the important work of our Nation, we must have management systems in place. We must have systems of checks and balances to make sure that those people who are making critical decisions for our country are held accountable, and nowhere is that more important than in the area of national security. We have to have competence and we have to have accountability, and unfortunately we have seen a lack of both those qualities in the decisions on national security made by this administration.

It is Basic Management 101 that if you reward failure you are going to get more failure, and if you want success you should reward success. But if you look at the way this administration has approached national security, they have kind of got that principle backwards.

□ 2145

In fact, they have essentially rewarded and acknowledged those in the administration who got it wrong and criticized those who got their facts right.

Let us just go back to General Shinseki, who proposed early on that we would need, he said, a couple hundred thousand troops on the ground in post-war Iraq in order to maintain stability. He was dismissed by then-Deputy Secretary of Defense Paul Wolfowitz of being ''way off the mark.''

We have had up to 160,000 troops on the ground, and as you, Mr. SCHIFF, noted early on, it is the consensus of most military experts that one of the reasons we failed in the immediate post-war period to maintain stability was the lack of enough troops on the ground. General Shinseki was right. He was dismissed by the administration. Mr. Wolfowitz received the plum job as president of the World Bank. I do not know what kind of message that sends.

How about the costs of the war? Well, Secretary Wolfowitz said: ''We are dealing with a country that can finance its own reconstruction and relatively soon.'' Well, we know today that Iraq has still not come back up to its prewar oil production, and the predictions that were made by the chief economic policy adviser to the President, Lawrence Lindsey, who at the time said he thought the cost of the war would run about $100 billion to $200 billion, look good from today's vantage point.

At the time we need to remind people that others in the administration, like the head of the Budget Office, Mitch Daniels, dismissed those projections as being too high, and said very, very high.

We have seen a recent study by the Columbia University economist and former Nobel Prize winner in economics, Joe Stiglitz, who projects that this war could be up to $2.5 trillion in costs.

But perhaps most dangerous from the vantage point of national security have been the failures with respect to the intelligence and the abuse of intelligence. And we need an intelligence system where the facts inform the policy, rather than a system where politics shape and distort the facts. But we have seen the administration ignore many of the professionals in the government who actually called it right in many instances.

If you look back now over the national intelligence estimates and you look at what the people in INR, Intelligence Research at the State Department, were saying; if you look at what

the folks at the Department of Energy were saying, a lot of them questioned these conclusions that were being jumped to with respect to the presence of weapons of mass destruction. They questioned both those agencies, the fact that these aluminum tubes were somehow evidence of an Iranian nuclear program. They said they did not believe that. And yet in its selective use of intelligence, the administration ignored those. They relegated those opinions to mere footnotes and essentially put forward the other information.

And you mentioned today a very disturbing revelation has come to light with respect to the selective use of intelligence. And I just want to quote from the Los Angeles Times. This is in many other papers. It turns out, according to the information put forward by Patrick Fitzgerald, the special prosecutor, ''President Bush personally authorized leaking long classified information to a reporter in the summer of 2003 to buttress administration claims, now discredited, that Saddam Hussein was attempting to acquire weapons of mass destruction for Iraq.''

Before the war, they selectively leaked information in a way that misinformed the American public; and then when they were essentially caught doing that, they further selectively leaked information to try to hide that fact when revelations were brought to light.

This has very serious consequences for our security because our credibility around the world depends on people whom we go to believing that the information that we have is true and that it is solid. When Adlai Stevenson was at the United Nations in the Cuban Missile Crisis and he said the Soviets were putting missiles into Cuba and had the information to support it, our credibility as a Nation was enhanced. As a result of the failures and abuse of intelligence, our credibility around the world has been degraded. It makes it much harder to persuade others about the seriousness of the threats in Iran and North Korea.

Now, the 9/11 Commission made a number of recommendations as to how we could deal with this particular issue; and one of the recommendations they made was to bolster intelligence oversight reform. Let us hold people accountable for their decisions. Let us not reward failure because we will get more failure. Let us not reward and ignore mistakes; we will get more mistakes. But when it comes to intelligence oversight reform, what grade did they give to the Republican Congress and the administration? A ''D.'' A ''D.''

We have said, we Democrats, as part of our proposal, we are going to strengthen the oversight process. We are going to hold people accountable, and we are going to implement all of the recommendations of the 9/11 Commission, including the recommendation to improve the oversight of intelligence so we can end the abusive intelligence, restore our credibility around the world, because that credibility is essential to the national security of this country.

I thank the gentleman from California for his leadership on this issue, and I hope we will continue to have this conversation that I think is so important to our country

Mr. SCHIFF. I thank the gentleman for his leadership and his eloquence and the tremendous job that he also does as we serve together on the Judiciary Committee.

I am now pleased to yield to JAY INSLEE from the great State of Washington, who has been a pioneer in the area of energy independence.

Mr. INSLEE. Thank you. And I have a simple message. We Democrats want to strike a preemptive blow against our enemies in the Middle East. And the single, most effective preemptive blow we have is to starve them from resources with which to attack us. We know where the money came from to finance the attack on September 11. It came from our addiction to oil that must stop.

And we now have a President who said he wants to break our addiction to oil, and we welcome his language about this. But we cannot run our cars on rhetoric. We cannot run a national energy independence program on rhetoric. We need real policies. And we are offering them. We have offered to the country the New Apollo Energy Act, H.R. 2828. That is H.R. 2828. If folks want to look at it, they are welcome to see the most comprehensive plan that will really deliver a situation where we send less money to Middle Eastern sheiks and more money to middle-American farmers. That is a policy that we will embrace, and we will be more secure than we are today.

I thank you for letting me have my few words today.

Mr. SCHIFF. Mr. Speaker, I want to thank my colleagues this evening for all their comments and their leadership. Over the next several weeks, we will be unveiling in greater detail each of the pillars of security: how we intend, as Democrats, to rebuild the 21st-century military; how we intend to take the war on terror to Osama bin Laden and al Qaeda; how we intend to beef up our homeland security and repair a lot of the broken pieces of our homeland security policy that make us continue to be vulnerable; how we will make Iraq in 2006 a year of transition to full Iraqi sovereignty; and how, as Mr. INSLEE points out, we can achieve energy independence, something vital to the present and this Nation's future.

I want to thank my colleagues for their leadership, DAVID SCOTT for all his great work, CHRIS VAN HOLLEN, JAY INSLEE, all of the other speakers tonight. We look forward to continuing this dialogue with the American people.

CONFERENCE REPORT ON H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006

Mr. LOBIONDO (during the Special Order of Mr. SCHIFF) submitted the following conference report and statement on the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes:

CONFERENCE REPORT (H.R. 889)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 889), to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coast Guard and Maritime Transportation Act of 2006''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. Supplemental authorization of appropriations.
Sec. 104. Web-based risk management data system.

TITLE II—COAST GUARD

Sec. 201. Extension of Coast Guard vessel anchorage and movement authority.
Sec. 202. International training and technical assistance.
Sec. 203. Officer promotion.
Sec. 204. Coast Guard band director.
Sec. 205. Authority for one-step turnkey design-build contracting.
Sec. 206. Reserve recall authority.
Sec. 207. Reserve officer distribution.
Sec. 208. Expansion of use of auxiliary equipment to support Coast Guard missions.
Sec. 209. Coast Guard history fellowships.
Sec. 210. Icebreakers.
Sec. 211. Operation as a service in the Navy.
Sec. 212. Limitation on moving assets to St. Elizabeth's Hospital.
Sec. 213. Cooperative agreements.
Sec. 214. Biodiesel feasibility study.
Sec. 215. Boating safety director.
Sec. 216. Hangar at Coast Guard Air Station Barbers Point.
Sec. 217. Promotion of Coast Guard officers.
Sec. 218. Redesignation of Coast Guard law specialists as judge advocates.

TITLE III—SHIPPING AND NAVIGATION

Sec. 301. Treatment of ferries as passenger vessels.
Sec. 302. Great Lakes pilotage annual rate-making.
Sec. 303. Certification of vessel nationality in drug smuggling cases.
Sec. 304. LNG tankers.
Sec. 305. Use of maritime safety and security teams.

Sec. 306. Enhanced civil penalties for violations of provisions enacted by the Coast Guard and Maritime Transportation Act of 2004.

Sec. 307. Training of cadets at United States Merchant Marine Academy.

Sec. 308. Reports from mortgagees of vessels.

Sec. 309. Determination of the Secretary.

Sec. 310. Setting, relocating, and recovering anchors.

Sec. 311. International tonnage measurement of vessels engaged in the Aleutian trade.

Sec. 312. Riding gangs.

TITLE IV—MISCELLANEOUS

Sec. 401. Authorization of junior reserve officers training program pilot program.

Sec. 402. Transfer.

Sec. 403. Loran–C.

Sec. 404. Long-range vessel tracking system.

Sec. 405. Marine vessel and cold water safety education.

Sec. 406. Reports.

Sec. 407. Conveyance of decommissioned Coast Guard Cutter MACKINAW.

Sec. 408. Deepwater reports.

Sec. 409. Helicopters.

Sec. 410. Newtown Creek, New York City, New York.

Sec. 411. Report on technology.

Sec. 412. Assessment and planning.

Sec. 413. Homeport.

Sec. 414. Opinions regarding whether certain facilities create obstructions to navigation.

Sec. 415. Port Richmond.

Sec. 416. Western Alaska community development quota program.

Sec. 417. Quota share allocation.

Sec. 418. Maine fish tender vessels.

Sec. 419. Automatic identification system.

Sec. 420. Voyage data recorder study and report.

Sec. 421. Distant water tuna fleet.

TITLE V—LIGHTHOUSES

Sec. 501. Transfer.

Sec. 502. Misty Fiords National Monument and Wilderness.

Sec. 503. Miscellaneous Light Stations.

Sec. 504. Inclusion of lighthouse in St. Marks National Wildlife Refuge, Florida.

TITLE VI—DELAWARE RIVER PROTECTION AND MISCELLANEOUS OIL PROVISIONS

Sec. 601. Short title.

Sec. 602. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States.

Sec. 603. Limits on liability.

Sec. 604. Requirement to update Philadelphia Area Contingency Plan.

Sec. 605. Submerged oil removal.

Sec. 606. Assessment of oil spill costs.

Sec. 607. Delaware River and Bay Oil Spill Advisory Committee.

Sec. 608. Nontank vessels.

TITLE VII—HURRICANE RESPONSE

Sec. 701. Homeowners assistance for Coast Guard personnel affected by Hurricanes Katrina or Rita.

Sec. 702. Temporary authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.

Sec. 703. Temporary authorization to extend the duration of vessel certificates of inspection.

Sec. 704. Preservation of leave lost due to Hurricane Katrina operations.

Sec. 705. Reports on impact to Coast Guard.

Sec. 706. Reports on impacts on navigable waterways.

TITLE VIII—OCEAN COMMISSION RECOMMENDATIONS

Sec. 801. Implementation of international agreements.

Sec. 802. Voluntary measures for reducing pollution from recreational boats.

Sec. 803. Integration of vessel monitoring system data.

Sec. 804. Foreign fishing incursions.

TITLE IX—TECHNICAL CORRECTIONS

Sec. 901. Miscellaneous technical corrections.

Sec. 902. Correction of references to Secretary of Transportation and Department of Transportation; related matters.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2006 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, $5,633,900,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,903,821,000, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, to remain available until expended;

(B) $1,316,300,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems; and

(C) $284,369,000 is authorized for sustainment of legacy vessels and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $24,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $38,400,000.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), $12,000,000, to remain available until expended.

(7) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, $119,000,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE-DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active-duty personnel of 45,500 for the fiscal year ending on September 30, 2006.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2006, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

SEC. 103. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts provided to the Coast Guard from another Federal agency for reimbursement of expenditures for Hurricane Katrina, there are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating the following amounts for nonreimbursed expenditures:

(1) For the operation and maintenance of the Coast Guard in responding to Hurricane Katrina, including search and rescue efforts, clearing channels, and emergency response to oil and chemical spills, and for increased costs of operation and maintenance of the Coast Guard due to higher than expected fuel costs, $300,000,000.

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, and vessels and aircraft, including equipment related thereto, related to damage caused by Hurricane Katrina, $200,000,000.

(b) CONSTRUCTION WITH OTHER FUNDING.—The amounts authorized to be appropriated by subsection (a) are in addition to any other amounts authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating under any other provision of law.

(c) AVAILABILITY.—The amounts made available under subsection (a) shall remain available until expended.

SEC. 104. WEB-BASED RISK MANAGEMENT DATA SYSTEM.

There is authorized to be appropriated for each of fiscal years 2006 and 2007 to the Secretary of the department in which the Coast Guard is operating $1,000,000 to continue deployment of a World Wide Web-based risk management system to help reduce accidents and fatalities.

TITLE II—COAST GUARD

SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHORAGE AND MOVEMENT AUTHORITY.

Section 91 of title 14, United States Code, is amended by adding at the end the following new subsection:

''(d) As used in this section 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.''.

SEC. 202. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 149 of title 14, United States Code, is amended—

(1) by amending the section heading to read as follows:

***''§ 149. Assistance to foreign governments and maritime authorities''**;*

(2) by inserting before the undesignated text the following:

''(a) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—''; and

(3) by adding at the end the following new subsection:

''(b) TECHNICAL ASSISTANCE TO FOREIGN MARITIME AUTHORITIES.—The Commandant, in coordination with the Secretary of State, may provide, in conjunction with regular Coast Guard operations, technical assistance (including law enforcement and maritime safety and security training) to foreign navies, coast guards, and other maritime authorities.''.

(b) CLERICAL AMENDMENT.—The item relating to such section in the analysis at the beginning of chapter 7 of such title is amended to read as follows:

''149. Assistance to foreign governments and maritime authorities.''.

SEC. 203. OFFICER PROMOTION.

Section 257 of title 14, United States Code, is amended by adding at the end the following new subsection:

''(f) The Secretary may waive subsection (a) to the extent necessary to allow officers described therein to have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.''.

SEC. 204. COAST GUARD BAND DIRECTOR.

(a) BAND DIRECTOR APPOINTMENT AND GRADE.—Section 336 of title 14, United States Code, is amended—

(1) in subsection (b)—

(A) by striking the first sentence and inserting the following: ''The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.''; and

(B) in the second sentence, by striking ''a member so designated'' and inserting ''an individual so designated'';

(2) in subsection (c)—

(A) by striking ''of a member'' and inserting ''of an individual''; and

(B) by striking ''of lieutenant (junior grade) or lieutenant'' and inserting ''determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual'';

(3) in subsection (d) by striking ''A member'' and inserting ''An individual''; and

(4) in subsection (e)—

(A) by striking ''When a member's designation is revoked,'' and inserting ''When an individual's designation is revoked,''; and

(B) by striking ''option:'' and inserting ''option—''.

(b) CURRENT DIRECTOR.—The individual serving as Coast Guard band director on the date of enactment of this Act may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary of the department in which the Coast Guard is operating to be most appropriate to the qualifications and experience of that individual.

SEC. 205. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-BUILD CONTRACTING.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

''§ 677. Turnkey selection procedures

''(a) AUTHORITY TO USE.—The Secretary may use one-step turnkey selection procedures for the purpose of entering into contracts for construction projects.

''(b) DEFINITIONS.—In this section, the following definitions apply:

''(1) The term 'one-step turnkey selection procedures' means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.

''(2) The term 'construction' includes the construction, procurement, development, conversion, or extension of any facility.

''(3) The term 'facility' means a building, structure, or other improvement to real property.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by inserting after the item relating to section 676 the following:

''677. Turnkey selection procedures.''.

SEC. 206. RESERVE RECALL AUTHORITY.

Section 712 of title 14, United States Code, is amended—

(1) in subsection (a) by striking ''during a'' and inserting ''during a, or to aid in prevention of an imminent,'';

(2) in subsection (a) by striking ''or catastrophe,'' and inserting ''catastrophe, act of terrorism (as defined in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))), or transportation security incident as defined in section 70101 of title 46,'';

(3) in subsection (a) by striking ''thirty days in any four-month period'' and inserting ''60 days in any 4-month period'';

(4) in subsection (a) by striking ''sixty days in any two-year period'' and inserting ''120 days in any 2-year period''; and

(5) by adding at the end the following:

''(e) For purposes of calculating the duration of active duty allowed pursuant to subsection (a), each period of active duty shall begin on the first day that a member reports to active duty, including for purposes of training.''.

SEC. 207. RESERVE OFFICER DISTRIBUTION.

Section 724 of title 14, United States Code, is amended—

(1) in subsection (a) by inserting after the first sentence the following: ''Reserve officers on an active-duty list shall not be counted as part of the authorized number of officers in the Reserve.''; and

(2) in subsection (b) by striking all that precedes paragraph (2) and inserting the following:

''(b)(1) The Secretary shall make, at least once each year, a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by section 42(b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for in this subsection, or because an excess results directly from the operation of law.''.

SEC. 208. EXPANSION OF USE OF AUXILIARY EQUIPMENT TO SUPPORT COAST GUARD MISSIONS.

(a) USE OF MOTORIZED VEHICLES.—Section 826 of title 14, United States Code, is amended—

(1) by inserting before the undesignated text the following:

''(a) MOTOR BOATS, YACHTS, AIRCRAFT, AND RADIO STATIONS.—''; and

(2) by adding at the end the following new subsection:

''(b) MOTOR VEHICLES.—The Coast Guard may utilize to carry out its functions and duties as authorized by the Secretary any motor vehicle (as defined in section 154 of title 23, United States Code) placed at its disposition by any member of the Auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof, to tow Federal Government property.''.

(b) APPROPRIATIONS FOR FACILITIES.—Section 830(a) of such title is amended by striking ''or radio station'' each place it appears and inserting ''radio station, or motorized vehicle utilized under section 826(b)''.

SEC. 209. COAST GUARD HISTORY FELLOWSHIPS.

(a) FELLOWSHIPS AUTHORIZED.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following:

''§ 198. Coast Guard history fellowships

''(a) FELLOWSHIPS.—The Commandant of the Coast Guard may prescribe regulations under which the Commandant may award fellowships in Coast Guard history to individuals who are eligible under subsection (b).

''(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible under this subsection if the individual is a citizen or national of the United States and—

''(1) is a graduate student in United States history;

''(2) has completed all requirements for a doctoral degree other than preparation of a dissertation; and

''(3) agrees to prepare a dissertation in a subject area of Coast Guard history determined by the Commandant.

''(c) LIMITATIONS.—The Commandant may award up to 2 fellowships annually. The Commandant may not award any fellowship under this section that exceeds $25,000 in any year.

''(d) REGULATIONS.—The regulations prescribed under this section shall include—

''(1) the criteria for award of fellowships;

''(2) the procedures for selecting recipients of fellowships;

''(3) the basis for determining the amount of a fellowship; and

''(4) subject to the availability of appropriations, the total amount that may be awarded as fellowships during an academic year.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

''198. Coast Guard history fellowships.''.

SEC. 210. ICEBREAKERS.

(a) OPERATION AND MAINTENANCE PLAN.—Not later than 90 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan—

(1) for operation and maintenance after fiscal year 2006 of the Coast Guard polar icebreakers POLAR STAR, POLAR SEA, and HEALY, that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and

(2) for the long-term recapitalization of these assets.

(b) NECESSARY MEASURES.—The Secretary shall take all necessary measures to ensure that the Coast Guard maintains, at a minimum, its current vessel capacity for carrying out ice breaking in the Arctic and Antarctic, Great Lakes, and New England regions, including the necessary funding for operation and maintenance of such vessels, until it has implemented the long-term recapitalization of the Coast Guard polar icebreakers POLAR STAR, POLAR SEA, and HEALY in accordance with the plan submitted under subsection (a).

(c) REIMBURSEMENT.—Nothing in this section shall preclude the Secretary from seeking reimbursement for operation and maintenance costs of such polar icebreakers from other Federal agencies and entities, including foreign countries, that benefit from the use of the icebreakers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating $100,000,000 to carry out this section with respect to the polar icebreakers referred to in subsection (a).

SEC. 211. OPERATION AS A SERVICE IN THE NAVY.

Section 3 of title 14, United States Code, is amended by inserting ''if Congress so directs in

the declaration'' after ''Upon the declaration of war''.

SEC. 212. LIMITATION ON MOVING ASSETS TO ST. ELIZABETH'S HOSPITAL.

The Commandant of the Coast Guard may not move any Coast Guard personnel, property, or other assets to the West Campus of St. Elizabeth's Hospital until the Administrator of General Services submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a plan—

(1) to provide road access to the site from Interstate Route 295;

(2) for the design of facilities for at least one Federal agency other than the Coast Guard that would house no fewer than 2,000 employees at such location;

(3) to provide transportation of employees and visitors to and from sites in the District of Columbia metropolitan area that are located within close proximity to St. Elizabeth's Hospital;

(4) for the construction, facade, and layout of the proposed structures, including security considerations, parking facilities, medical facilities, dining facilities, and physical exercise facilities on the West Campus;

(5) that analyzes the costs of building restrictions, planning considerations, and permitting requirements of constructing new facilities on or near historic landmarks and historic buildings (especially those known to possess medical waste, lead paint, and asbestos);

(6) that analyzes the feasibility of relocating Coast Guard Headquarters—

(A) to the Department of Transportation Headquarters located at L'Enfant Plaza;

(B) to the Waterfront Mall Complex in Southwest District of Columbia; and

(C) to 3 alternative sites requiring either new construction or leasing of current facilities (other than those referred to in subparagraphs (A) and (B)) within the District of Columbia metropolitan area that accommodate the Coast Guard's minimum square footage requirements; and

(7) that analyzes how a potential move to the West Campus of St. Elizabeth's Hospital would impact—

(A) the Coast Guard's ability to access and cooperatively work with the Department of Homeland Security and the other Federal agencies of the Department; and

(B) plans under consideration for relocating all or parts of the headquarters of the Department of Homeland Security and other offices of the Department.

SEC. 213. COOPERATIVE AGREEMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on opportunities for cost savings and operational efficiencies that can be achieved through and the feasibility of colocating Coast Guard assets and personnel at facilities of other armed forces throughout the United States. The report shall—

(1) identify opportunities for cooperative agreements with respect to siting of assets or operations that may be established between the Coast Guard and any of the other armed forces; and

(2) analyze anticipated costs and benefits, and operational impacts associated with each site and such agreements.

SEC. 214. BIODIESEL FEASIBILITY STUDY.

(a) STUDY.—The Secretary of the department in which the Coast Guard is operating shall conduct a study that examines the technical feasibility, costs, and potential cost savings of using biodiesel fuel in new and existing Coast Guard vehicles and vessels and that focuses on the use of biodiesel fuel in ports which have a high density of vessel traffic, including ports for which vessel traffic systems have been established.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit a report containing the findings, conclusions, and recommendations (if any) from the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 215. BOATING SAFETY DIRECTOR.

(a) IN GENERAL.—Subchapter A of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

''§216. Director of Boating Safety Office

''The initial appointment of the Director of the Boating Safety Office shall be in the grade of Captain.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 215 the following:

''216. Director of Boating Safety Office.''.

SEC. 216. HANGAR AT COAST GUARD AIR STATION BARBERS POINT.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a proposal and cost analysis for constructing an enclosed hangar at Air Station Barbers Point, Hawaii. The proposal should ensure that the hangar has the capacity to shelter current aircraft assets and those projected to be located at the station over the next 20 years.

SEC. 217. PROMOTION OF COAST GUARD OFFICERS.

(a) IN GENERAL.—Section 211(a) of title 14, United States Code, is amended to read as follows:

''(a)(1) The President may appoint permanent commissioned officers in the Regular Coast Guard in grades appropriate to their qualification, experience, and length of service, as the needs of the Coast Guard may require, from among the following categories:

''(A) Graduates of the Coast Guard Academy.

''(B) Commissioned warrant officers, warrant officers, and enlisted members of the Regular Coast Guard.

''(C) Members of the Coast Guard Reserve who have served at least 2 years as such.

''(D) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer.

''(2) Original appointments under this section in the grades of lieutenant commander and above shall be made by the President by and with the advice and consent of the Senate.

''(3) Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.''.

(b) WARTIME TEMPORARY SERVICE PROMOTION.—Section 275(f) of such title is amended by striking the second and third sentences and inserting ''Original appointments under this section in the grades of lieutenant commander and above shall be made by the President by and with the advice and consent of the Senate. Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.''.

SEC. 218. REDESIGNATION OF COAST GUARD LAW SPECIALISTS AS JUDGE ADVOCATES.

(a) DEFINITIONS IN TITLE 10.—Section 801 of title 10, United States Code, is amended—

(1) by striking paragraph (11); and

(2) in paragraph (13) by striking subparagraph (C) and inserting the following:

''(C) a commissioned officer of the Coast Guard designated for special duty (law).''.

(b) CONFORMING AMENDMENTS.—

(1) TITLE 14.—Section 727 of title 14, United States Code, is amended by striking ''law specialist'' and inserting ''judge advocate''.

(2) SOCIAL SECURITY ACT.—Section 465(a)(2) of the Social Security Act (42 U.S.C. 665(a)(2)) is amended by striking ''law specialist'' and inserting ''judge advocate''.

TITLE III—SHIPPING AND NAVIGATION

SEC. 301. TREATMENT OF FERRIES AS PASSENGER VESSELS.

(a) FERRY DEFINED.—Section 2101 of title 46, United States Code, is amended by inserting after paragraph (10a) the following:

''(10b) 'ferry' means a vessel that is used on a regular schedule—

''(A) to provide transportation only between places that are not more than 300 miles apart; and

''(B) to transport only—

''(i) passengers; or

''(ii) vehicles, or railroad cars, that are being used, or have been used, in transporting passengers or goods.''.

(b) PASSENGER VESSELS THAT ARE FERRIES.—Section 2101(22) of title 46, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

(3) by adding at the end the following:

''(D) that is a ferry carrying a passenger.''.

(c) SMALL PASSENGER VESSELS THAT ARE FERRIES.—Section 2101(35) of title 46, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting ''; or''; and

(3) by adding at the end the following:

''(E) that is a ferry carrying more than 6 passengers.''.

SEC. 302. GREAT LAKES PILOTAGE ANNUAL RATEMAKING.

Section 9303 of title 46, United States Code, is amended—

(1) in subsection (f) by inserting at the end the following: ''The Secretary shall establish new pilotage rates by March 1 of each year. The Secretary shall establish base pilotage rates by a full ratemaking at least once every 5 years and shall conduct annual reviews of such base pilotage rates, and make adjustments to such base rates, in each intervening year.''; and

(2) by adding at the end the following:

''(g) The Secretary shall ensure that a sufficient number of individuals are assigned to carrying out subsection (f).''.

SEC. 303. CERTIFICATION OF VESSEL NATIONALITY IN DRUG SMUGGLING CASES.

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)(2)) is amended by striking the last two sentences and inserting the following: ''The response of a foreign nation to a claim of registry under subparagraph (A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is conclusively proved by certification of the Secretary of State or the Secretary's designee.''.

SEC. 304. LNG TANKERS.

(a) PROGRAM.—The Secretary of Transportation shall develop and implement a program to promote the transportation of liquefied natural gas to the United States on United States flag vessels.

(b) AMENDMENT TO DEEPWATER PORT ACT.—Section 4 of the Deepwater Port Act of 1974 (33 U.S.C. 1503) is amended by adding at the end the following:

''(i) To promote the security of the United States, the Secretary shall give top priority to the processing of a license under this Act for liquefied natural gas facilities that will be supplied with liquefied natural gas by United States flag vessels.''.

(c) PUBLIC NOTICE OF LNG VESSEL'S REGISTRY AND CREW.—

(1) PLAN SUBMITTED WITH APPLICATION FOR DEEPWATER PORT LICENSE.—Section 5(c)(2) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)) is amended—

(A) by redesignating subparagraphs (K) and (L) as subparagraphs (L) and (M), respectively; and

(B) by inserting after subparagraph (J) the following:

''(K) the nation of registry for, and the nationality or citizenship of officers and crew serving on board, vessels transporting natural gas that are reasonably anticipated to be servicing the deepwater port;''.

(2) INFORMATION TO BE PROVIDED.—When the Coast Guard is operating as a contributing agency in the Federal Energy Regulatory Commission's shoreside licensing process for a liquefied natural gas or liquefied petroleum gas terminal located on shore or within State seaward boundaries, the Coast Guard shall provide to the Commission the information described in section 5(c)(2)(K) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)(K)) with respect to vessels reasonably anticipated to be servicing that port.

(d) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report on the implementation of this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 305. USE OF MARITIME SAFETY AND SECURITY TEAMS.

Section 70106(b)(8) of title 46, United States Code, is amended by striking ''other security missions'' and inserting ''any other missions of the Coast Guard''.

SEC. 306. ENHANCED CIVIL PENALTIES FOR VIOLATIONS OF PROVISIONS ENACTED BY THE COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004.

(a) CONTINUING VIOLATIONS.—The section enumerated 70119 of title 46, United States Code, as redesignated and transferred by section 802(a)(1) of the Coast Guard and Maritime Transportation Security Act of 2004 (118 Stat. 1078), relating to civil penalty, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Any'';

(2) by striking ''violation.'' and inserting ''day during which the violation continues.''; and

(3) by adding at the end the following:

''(b) CONTINUING VIOLATIONS.—The maximum amount of a civil penalty for a violation under this section shall not exceed $50,000.''.

(b) APPLICATION OF CIVIL PENALTY PROCEDURES.—Section 2107 of title 46, United States Code, is amended by striking ''this subtitle'' each place it appears and inserting ''this subtitle or subtitle VII''.

SEC. 307. TRAINING OF CADETS AT UNITED STATES MERCHANT MARINE ACADEMY.

Section 1303(f) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295b(f)) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(3) by adding at the end the following:

''(4) on any other vessel considered by the Secretary to be necessary or appropriate or in the national interest.''.

SEC. 308. REPORTS FROM MORTGAGEES OF VESSELS.

Section 12120 of title 46, United States Code, is amended by striking ''owners, masters, and charterers'' and inserting ''owners, masters, charterers, and mortgagees''.

SEC. 309. DETERMINATION OF THE SECRETARY.

Section 70105(c) of title 46, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) DENIAL OF WAIVER REVIEW.—

''(A) IN GENERAL.—The Secretary shall establish a review process before an administrative law judge for individuals denied a waiver under paragraph (2).

''(B) SCOPE OF REVIEW.—In conducting a review under the process established pursuant to subparagraph (A), the administrative law judge shall be governed by the standards of section 706 of title 5. The substantial evidence standard in section 706(2)(E) of title 5 shall apply whether or not there has been an agency hearing. The judge shall review all facts on the record of the agency.

''(C) CLASSIFIED EVIDENCE.—The Secretary, in consultation with the National Intelligence Director, shall issue regulations to establish procedures by which the Secretary, as part of a review conducted under this paragraph, may provide to the individual adversely affected by the determination an unclassified summary of classified evidence upon which the denial of a waiver by the Secretary was based.

''(D) REVIEW OF CLASSIFIED EVIDENCE BY ADMINISTRATIVE LAW JUDGE.—

''(i) REVIEW.—As part of a review conducted under this section, if the decision of the Secretary was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)), such information may be submitted by the Secretary to the reviewing administrative law judge, pursuant to appropriate security procedures, and shall be reviewed by the administrative law judge ex parte and in camera.

''(ii) SECURITY CLEARANCES.—Pursuant to existing procedures and requirements, the Secretary, in coordination (as necessary) with the heads of other affected departments or agencies, shall ensure that administrative law judges reviewing negative waiver decisions of the Secretary under this paragraph possess security clearances appropriate for such review.

''(iii) UNCLASSIFIED SUMMARIES OF CLASSIFIED EVIDENCE.—As part of a review conducted under this paragraph and upon the request of the individual adversely affected by the decision of the Secretary not to grant a waiver, the Secretary shall provide to the individual and reviewing administrative law judge, consistent with the procedures established under clause (i), an unclassified summary of any classified information upon which the decision of the Secretary was based.

''(E) NEW EVIDENCE.—The Secretary shall establish a process under which an individual may submit a new request for a waiver, notwithstanding confirmation by the administrative law judge of the Secretary's initial denial of the waiver, if the request is supported by substantial evidence that was not available to the Secretary at the time the initial waiver request was denied.''.

SEC. 310. SETTING, RELOCATING, AND RECOVERING ANCHORS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

''(c)(1) Only a vessel for which a certificate of documentation with a registry endorsement is issued may engage in—

''(A) the setting, relocation, or recovery of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))); or

''(B) the transportation of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed.

''(2) Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12106 of this title.''.

SEC. 311. INTERNATIONAL TONNAGE MEASUREMENT OF VESSELS ENGAGED IN THE ALEUTIAN TRADE.

(a) GENERAL INSPECTION EXEMPTION.—Section 3302(c)(2) of title 46, United States Code, is amended to read as follows:

''(2) Except as provided in paragraphs (3) and (4) of this subsection, the following fish tender vessels are exempt from section 3301(1), (6), (7), (11), and (12) of this title:

''(A) A vessel of not more than 500 gross tons as measured under section 14502 of this title or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

''(B) A vessel engaged in the Aleutian trade that is not more than 2,500 gross tons as measured under section 14302 of this title.''.

(b) OTHER INSPECTION EXEMPTION AND WATCH REQUIREMENT.—Paragraphs (3)(B) and (4) of section 3302(c) of title 46, United States Code, and section 8104(o) of that title are each amended by striking ''or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'' and inserting ''or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title''.

SEC. 312. RIDING GANGS.

(a) IN GENERAL.—Chapter 81 of title 46, United States Code, is amended by adding at the end the following:

''§ 8106. Riding gangs

''(a) IN GENERAL.—The owner or managing operator of a freight vessel of the United States on voyages covered by the International Convention for Safety of Life at Sea, 1974 (32 UST 47m) shall—

''(1) ensure that—

''(A) subject to subsection (d), each riding gang member on the vessel—

''(i) is a United States citizen or an alien lawfully admitted to the United States for permanent residence; or

''(ii) possesses a United States nonimmigrant visa for individuals desiring to enter the United States temporarily for business, employment-related and personal identifying information, and any other documentation required by the Secretary;

''(B) all required documentation for such member is kept on the vessel and available for inspection by the Secretary; and

''(C) each riding gang member is identified on the vessel's crew list;

''(2) ensure that—

''(A) the owner or managing operator attests in a certificate that the background of each riding gang member has been examined and found to be free of any credible information indicating a material risk to the security of the vessel, the vessel's cargo, the ports the vessel visits, or other individuals onboard the vessel;

''(B) the background check consisted of a search of all information reasonably available to the owner or managing operator in the riding gang member's country of citizenship and any other country in which the riding gang member works, receives employment referrals, or resides;

''(C) the certificate required under subparagraph (A) is kept on the vessel and available for inspection by the Secretary; and

''(D) the information derived from any such background check is made available to the Secretary upon request;

''(3) ensure that each riding gang member, while on board the vessel, is subject to the same random chemical testing and reporting regimes as crew members;

''(4) ensure that each such riding gang member receives basic safety familiarization and basic safety training approved by the Coast Guard as satisfying the requirements for such training under the International Convention of Training, Certification, and Watchkeeping for Seafarers, 1978;

''(5) prevent from boarding the vessel, or cause the removal from the vessel at the first available port, and disqualify from future service on board any other vessel owned or operated by that owner or operator, any riding gang member—

''(A) who has been convicted in any jurisdiction of an offense described in paragraph (2) or (3) of section 7703;

''(B) whose license, certificate of registry, or merchant mariner's document has been suspended or revoked under section 7704; or

''(C) who otherwise constitutes a threat to the safety of the vessel;

''(6) ensure and certify to the Secretary that the sum of—

''(A) the number of riding gang members on board a freight vessel, and

''(B) the number of individuals in addition to crew permitted under section 3304,

does not exceed 12;

''(7) ensure that every riding gang member is employed on board the vessel under conditions that meet or exceed the minimum international standards of all applicable international labor conventions to which the United States is a party, including all of the merchant seamen protection and relief provided under United States law; and

''(8) ensure that each riding gang member—

''(A) is supervised by an individual who holds a license issued under chapter 71; and

''(B) only performs work in conjunction with individuals who hold merchant mariners documents issued under chapter 73 and who are part of the vessel's crew.

''(b) PERMITTED WORK.—Subject to subsection (f), a riding gang member on board a vessel to which subsection (a) applies who is neither a United States citizen nor an alien lawfully admitted to the United States for permanent residence may not perform any work on board the vessel other than—

''(1) work in preparation of a vessel entering a shipyard located outside of the United States;

''(2) completion of the residual repairs after departing a shipyard located outside of the United States; or

''(3) technical in-voyage repairs, in excess of any repairs that can be performed by the vessel's crew, in order to advance the vessel's useful life without having to actually enter a shipyard.

''(c) WORKDAY LIMIT.—

''(1) IN GENERAL.—The maximum number of days in any calendar year that the owner or operator of a vessel to which subsection (a) applies may employ on board riding gang members who are neither United States citizens nor aliens lawfully admitted to the United States for permanent residence for work on board that vessel is 60 days. If the vessel is at sea on the 60th day, each riding gang member shall be discharged from the vessel at the next port of call reached by the vessel after the date on which the 60-workday limit is reached.

''(2) CALCULATION.—For the purpose of calculating the 60-workday limit under this subsection, each day worked by a riding gang member who is neither a United States citizen nor an alien lawfully admitted to the United States for permanent residence shall be counted against the limitation.

''(d) EXCEPTIONS FOR WARRANTY WORK.—

''(1) IN GENERAL.—Subsections (b), (c), (e), and (f) do not apply to a riding gang member employed exclusively to perform, and who performs only, work that is—

''(A) customarily performed by original equipment manufacturers' technical representatives;

''(B) required by a manufacturer's warranty on specific machinery and equipment; or

''(C) required by a contractual guarantee or warranty on actual repairs performed in a shipyard located outside of the United States.

''(2) CITIZENSHIP REQUIREMENT.—Subsection (a)(1)(A) applies only to a riding gang member described in paragraph (1) who is on the vessel when it calls at a United States port.

''(e) RECORDKEEPING.—In addition to the requirements of subsection (a), the owner or managing operator of a vessel to which subsection (a) applies shall ensure that all information necessary to ensure compliance with this section, as determined by the Secretary, is entered into the vessel's official logbook required by chapter 113.

''(f) FAILURE TO EMPLOY QUALIFIED AVAILABLE U.S. CITIZENS OR RESIDENTS.—

''(1) IN GENERAL.—The owner or operator of a vessel to which subsection (a) applies may not employ a riding gang member who is neither a United States citizen nor an alien lawfully admitted to the United States for permanent residence to perform work described in subsection (b) unless the owner or operator determines, in accordance with procedures established by the Secretary to carry out section 8103(b)(3)(C), that there is not a sufficient number of United States citizens or individuals lawfully admitted to the United States for permanent residence who are qualified and available for the work for which the riding gang member is to be employed.

''(2) CIVIL PENALTY.—A violation of paragraph (1) is punishable by a civil penalty of not more than $10,000 for each day during which the violation continues.

''(3) CONTINUING VIOLATIONS.—The maximum amount of a civil penalty for a violation under this subsection shall not exceed—

''(A) $50,000 if the violation occurs in fiscal year 2006;

''(B) $75,000 if the violation occurs in fiscal year 2007; and

''(C) $100,000 if the violation occurs after fiscal year 2007.

''(4) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, the history of prior offenses, the ability to pay, and such other matters as justice may require.

''(5) COMPROMISE, MODIFICATION, AND REMITTAL.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty imposed under this section.''.

(b) RIDING GANG MEMBER DEFINED.—Section 2101 of such title is amended by inserting after paragraph (26) the following:

''(26a) 'riding gang member' means an individual who—

''(A) has not been issued a merchant mariner document under chapter 73;

''(B) does not perform—

''(i) watchstanding, automated engine room duty watch, or personnel safety functions; or

''(ii) cargo handling functions, including any activity relating to the loading or unloading of cargo, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when the vessel is made fast or let go;

''(C) does not serve as part of the crew complement required under section 8101;

''(D) is not a member of the steward's department; and

''(E) is not a citizen or temporary or permanent resident of a country designated by the United States as a sponsor of terrorism or any other country that the Secretary, in consultation with the Secretary of State and the heads of other appropriate United States agencies, determines to be a security threat to the United States.''.

(c) CONFORMING AMENDMENTS.—

(1) CITIZENSHIP REQUIREMENT.—Section 8103 of such title is amended by adding at the end the following:

''(j) RIDING GANG MEMBER.—This section does not apply to an individual who is a riding gang member.''.

(2) APPLICATION OF CHAPTER 103.—Section 10301(b) of such title is amended by striking ''voyage.'' and inserting ''voyage or to riding gang members.''.

(d) CLERICAL AMENDMENT.—The analysis for chapter 81 of such title is amended by adding at the end the following:

''8106. Riding gangs.''.

TITLE IV—MISCELLANEOUS

SEC. 401. AUTHORIZATION OF JUNIOR RESERVE OFFICERS TRAINING PROGRAM PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating may carry out a pilot program to establish and maintain a junior reserve officers training program in cooperation with the Camden County High School in Camden County, North Carolina.

(b) PROGRAM REQUIREMENTS.—The pilot program carried out by the Secretary under this section shall provide to students at Camden County High School—

(1) instruction in subject areas relating to operations of the Coast Guard; and

(2) training in skills which are useful and appropriate for a career in the Coast Guard.

(c) PROVISION OF ADDITIONAL SUPPORT.—To carry out the pilot program under this section, the Secretary may provide to Camden County High School—

(1) assistance in course development, instruction, and other support activities; and

(2) necessary and appropriate course materials, equipment, and uniforms.

(d) EMPLOYMENT OF RETIRED COAST GUARD PERSONNEL.—

(1) IN GENERAL.—Subject to paragraph (2) of this subsection, the Secretary may authorize the Camden County High School to employ, as administrators and instructors for the pilot program, retired Coast Guard and Coast Guard Reserve commissioned, warrant, and petty officers not on active duty who request that employment and who are approved by the Secretary and Camden County High School.

(2) AUTHORIZED PAY.—

(A) IN GENERAL.—Retired members employed under paragraph (1) of this subsection are entitled to receive their retired or retainer pay and an additional amount of not more than the difference between—

(i) the amount the individual would be paid as pay and allowance if the individual was considered to have been ordered to active duty during the period of employment; and

(ii) the amount of retired pay the individual is entitled to receive during that period.

(B) PAYMENT TO SCHOOL.—The Secretary shall pay to Camden County High School an amount equal to one half of the amount described in subparagraph (A), from funds appropriated for such purpose.

(C) NOT DUTY OR DUTY TRAINING.—Notwithstanding any other law, while employed under this subsection, an individual is not considered to be on active-duty or inactive-duty training.

SEC. 402. TRANSFER.

Section 602 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1050) is amended—

(1) in subsection (b)(2) by striking ''to be conveyed'' and all that follows through the period and inserting ''to be conveyed to CAS Foundation, Inc. (a nonprofit corporation under the laws of the State of Indiana).''; and

(2) in subsection (c)(1)(A) by inserting ''or, in the case of the vessel described in subsection (b)(2) only, for humanitarian purposes'' before the semicolon at the end.

SEC. 403. LORAN–C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN–C system, for capital expenses related to LORAN–C navigation infrastructure, $25,000,000 for fiscal year 2006 and $25,000,000 for fiscal year 2007. The Secretary of Transportation may transfer from the Federal

Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 404. LONG-RANGE VESSEL TRACKING SYSTEM.

(a) PILOT PROJECT.—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a 3-year pilot program for long-range tracking of up to 2,000 vessels using satellite systems with a nonprofit maritime organization that has a demonstrated capability of operating a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long-range vessel information to the Coast Guard to aid maritime security and response to maritime emergencies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $4,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out subsection (a).

SEC. 405. MARINE VESSEL AND COLD WATER SAFETY EDUCATION.

The Coast Guard shall continue cooperative agreements and partnerships with organizations in effect on the date of enactment of this Act that provide marine vessel safety training and cold water immersion education and outreach programs for fishermen and children.

SEC. 406. REPORTS.

(a) ADEQUACY OF ASSETS.—

(1) REVIEW.—The Commandant of the Coast Guard shall review the adequacy of assets and facilities described in subsection (b) to carry out the Coast Guard's missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes the findings of the review and any recommendations to enhance mission capabilities in those areas referred to in paragraph (1).

(b) AREAS OF REVIEW.—The report under subsection (a) shall provide information and recommendations on the following assets:

(1) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.

(2) Coast Guard vessels and aircraft stationed in the State of Louisiana along the Lower Mississippi River between the Port of New Orleans and the Red River.

(3) Coast Guard vessels and aircraft stationed in Coast Guard Sector Delaware Bay.

(4) Physical infrastructure at Boat Station Cape May in the State of New Jersey.

(c) ADEQUACY OF ACTIVE-DUTY STRENGTH.—

(1) REVIEW.—The Commandant of the Coast Guard shall review the adequacy of the strength of active-duty personnel authorized under section 102(a) of this Act to carry out the Coast Guard's missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways, and coastal security, marine environmental protection, and fisheries law enforcement.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes the findings of the review.

SEC. 407. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter MACKINAW, the Commandant of the Coast Guard shall convey without consideration all right, title, and interest of the United States in and to that vessel to the Icebreaker Mackinaw Maritime Museum, Inc., located in the State of Michigan if—

(1) the recipient agrees—

(A) to use the vessel for purposes of a museum;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in an amount of at least $700,000; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of the vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver the vessel to a suitable mooring in the local area, in its present condition, no sooner than June 15, 2006, and not later than 30 days after the date on which the vessel is decommissioned.

(3) TREATMENT OF CONVEYANCE.—The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function for purposes of a museum.

SEC. 408. DEEPWATER REPORTS.

(a) ANNUAL DEEPWATER IMPLEMENTATION REPORT.—Not later than 30 days after the date of enactment of this Act and in conjunction with the transmittal by the President of the budget of the United States for each fiscal year thereafter, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of the Integrated Deepwater Systems Program, as revised in 2005 (in this section referred to as the ''Deepwater program''), that includes—

(1) a justification for how the projected number and capabilities of each Deepwater program asset meets the revised mission needs statement delivered as part of the Deepwater program and the performance goals of the Coast Guard;

(2) a projection of the remaining operational lifespan of each legacy asset;

(3) an identification of any changes to the Deepwater program, including—

(A) any changes to the timeline for the acquisition of each new asset and the phase out of legacy assets for the life of the Deepwater program; and

(B) any changes to the costs for that fiscal year or future fiscal years or the total costs of the Deepwater program, including the costs of new and legacy assets;

(4) a justification for how any change to the Deepwater program fulfills the mission needs statement for the Deepwater program and performance goals of the Coast Guard;

(5) an identification of how funds in that fiscal year's budget request will be allocated, including information on the purchase of specific assets;

(6) a detailed explanation of how the costs of the legacy assets are being accounted for within the Deepwater program;

(7) a description of how the Coast Guard is planning for the integration of Deepwater program assets into the Coast Guard, including needs related to shore-based infrastructure and human resources; and

(8) a description of the competitive process conducted in all contracts and subcontracts exceeding $2,500,000 awarded under the Deepwater program.

(b) DEEPWATER ACCELERATION REPORT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the acceleration of the current Deepwater program acquisition timeline that reflects completion of the Deepwater program in each of 10 years and 15 years and includes—

(1) a detailed explanation of the number and type of each asset that would be procured for each fiscal year under each accelerated acquisition timeline;

(2) the required funding for such completion under each accelerated acquisition timeline;

(3) anticipated costs associated with legacy asset sustainment for the Deepwater program under each accelerated acquisition timeline;

(4) anticipated mission deficiencies, if any, associated with the continued degradation of legacy assets in combination with the procurement of new assets under each accelerated acquisition timeline; and

(5) an evaluation of the overall feasibility of achieving each accelerated acquisition timeline, including—

(A) contractor capacity;

(B) national shipbuilding capacity;

(C) asset integration into Coast Guard facilities;

(D) required personnel; and

(E) training infrastructure capacity on technology associated with new assets.

(c) OVERSIGHT REPORT.—Not later than 90 days after the date of enactment of this Act, the Commandant of the Coast Guard, in consultation with the Government Accountability Office, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the Coast Guard's implementation of the Government Accountability Office's recommendations in its report, GAO–04–380, entitled ''Coast Guard Deepwater Program Needs Increased Attention to Management and Contractor Oversight'', including the dates by which the Coast Guard plans to complete implementation of such recommendations if any of such recommendations remain open as of the date the report is transmitted to the Committees.

(d) INDEPENDENT ANALYSIS OF REVISED DEEPWATER PLAN.—The Secretary may periodically, either through an internal review process or a contract with an outside entity, conduct an analysis of all or part of the Deepwater program and assess whether—

(1) the choice of assets and capabilities selected as part of that program meets the Coast Guard's goals for performance and minimizing total ownership costs; or

(2) additional or different assets should be considered as part of that program.

SEC. 409. HELICOPTERS.

(a) STUDY.—The Secretary of the department in which the Coast Guard is operating shall conduct a study that analyses the potential impact on Coast Guard acquisitions of requiring that the Coast Guard acquire only helicopters,

or any major component of a helicopter, that are constructed in the United States.

(b) STUDY ELEMENTS.—The study shall include—

(1) identification of additional costs or added benefits that would result from the additional restrictions described in subsection (a) on acquisitions from nondomestic sources, including major components or subsystems;

(2) industrial impact on the United States of such additional restrictions on acquisitions from nondomestic sources;

(3) the contractual impact of such additional restrictions on the Integrated Deepwater Systems Program and its platform elements, including delivery interruptions in the program and the subsequent mission impact of these delays; and

(4) identification of reasonable executive authorities to waive such additional restrictions that the Secretary considers essential in order to ensure continued mission performance of the United States Coast Guard.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit a report on the results of the study and any recommendations of the Secretary regarding such results to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 410. NEWTOWN CREEK, NEW YORK CITY, NEW YORK.

(a) STUDY.—Of the amounts provided under section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712), the Administrator of the Environmental Protection Agency shall conduct a study of public health and safety concerns related to the pollution of Newtown Creek, New York City, New York, caused by seepage of oil into Newtown Creek from 17,000,000 gallons of underground oil spills in Greenpoint, Brooklyn, New York.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report containing the results of the study to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 411. REPORT ON TECHNOLOGY.

Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes an assessment of—

(1) the availability and effectiveness of software information technology systems for port security and the data evaluated, including data that has the ability to identify shippers, inbound vessels, and their cargo for potential threats to national security before it reaches United States ports, specifically the software already tested or being tested at Joint Harbor Operations Centers; and

(2) the costs associated with implementing such technology at all Sector Command Centers, Joint Harbor Operations Centers, and strategic defense and energy dependent ports.

SEC. 412. ASSESSMENT AND PLANNING.

There is authorized to be appropriated to the Maritime Administration $400,000 to carry out an assessment of, and planning for, the impact of an Arctic Sea Route on the indigenous people of Alaska.

SEC. 413. HOMEPORT.

(a) STUDY.—The Commandant of the Coast Guard shall conduct a study to assess the current homeport arrangement of the Coast Guard polar icebreaker HEALY to determine whether an alternative arrangement would enhance the Coast Guard's capabilities to carry out the recommendation to maintain dedicated, year-round icebreaker capability for the Arctic that was included in the report prepared by the National Academy of Sciences and entitled: ''Polar Icebreaker Roles and U.S. Future Needs: A Preliminary Assessment (ISBN: 0–309–10069–0)''.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Commandant shall report the findings of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 414. OPINIONS REGARDING WHETHER CERTAIN FACILITIES CREATE OBSTRUCTIONS TO NAVIGATION.

Section 14 of the Ports and Waterways Safety Act (33 U.S.C. 1232a)) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) WIND ENERGY FACILITY.—

''(1) IN GENERAL.—An offshore wind energy facility may not be constructed in the area commonly known as 'Nantucket Sound' unless the construction of such facility is approved by the Commandant of the Coast Guard.

''(2) INFORMATION.—A person proposing to build an offshore wind energy facility in the area commonly known as 'Nantucket Sound' shall provide to the Commandant of the Coast Guard and the Governor of any adjacent coastal State a plan for the siting and construction of the facility, including the location, size, and design of each wind turbine that will be a part of the facility, any cable connecting the facility to onshore sites, any other offshore components, and such other information as the Commandant may require.

''(3) LIMITATION ON APPROVAL.—The Commandant may not approve the construction of a facility described in paragraph (1) if—

''(A) within 90 days of the date of receipt of the plan for the facility under paragraph (2), the Governor of an adjacent coastal State makes a written determination that the Governor opposes the proposed location for the facility and submits the determination to the Commandant; or

''(B) the Commandant determines that the facility creates a hazard to navigation.

''(4) ADJACENT COASTAL STATE DEFINED.—In this section, the term 'adjacent coastal State', as used with respect to a proposed wind energy facility, is any coastal State which—

''(A) would be directly connected by a cable to the facility; or

''(B) is located within 15 miles of the proposed location of the facility.''.

SEC. 415. PORT RICHMOND.

The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may not approve a security plan under section 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania, until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

SEC. 416. WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

(a) RESTATEMENT OF EXISTING PROGRAM INCORPORATING CERTAIN PROVISIONS OF REGULATIONS.—Section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)) is amended by striking paragraph (1) and inserting the following:

''(1) WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.—

''(A) IN GENERAL.—There is established the western Alaska community development quota program in order—

''(i) to provide eligible western Alaska villages with the opportunity to participate and invest in fisheries in the Bering Sea and Aleutian Islands Management Area;

''(ii) to support economic development in western Alaska;

''(iii) to alleviate poverty and provide economic and social benefits for residents of western Alaska; and

''(iv) to achieve sustainable and diversified local economies in western Alaska.

''(B) PROGRAM ALLOCATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), the annual percentage of the total allowable catch, guideline harvest level, or other annual catch limit allocated to the program in each directed fishery of the Bering Sea and Aleutian Islands shall be the percentage approved by the Secretary, or established by Federal law, as of March 1, 2006, for the program. The percentage for each fishery shall be either a directed fishing allowance or include both directed fishing and nontarget needs based on existing practice with respect to the program as of March 1, 2006, for each fishery.

''(ii) EXCEPTIONS.—Notwithstanding clause (i)—

''(I) the allocation under the program for each directed fishery of the Bering Sea and Aleutian Islands (other than a fishery for halibut, sablefish, pollock, and crab) shall be a directed fishing allocation of 10 percent upon the establishment of a quota program, fishing cooperative, sector allocation, or other rationalization program in any sector of the fishery; and

''(II) the allocation under the program in any directed fishery of the Bering Sea and Aleutian Islands (other than a fishery for halibut, sablefish, pollock, and crab) established after the date of enactment of this subclause shall be a directed fishing allocation of 10 percent.

''(iii) PROCESSING AND OTHER RIGHTS.—Allocations to the program include all processing rights and any other rights and privileges associated with such allocations as of March 1, 2006.

''(iv) REGULATION OF HARVEST.—The harvest of allocations under the program for fisheries with individual quotas or fishing cooperatives shall be regulated by the Secretary in a manner no more restrictive than for other participants in the applicable sector, including with respect to the harvest of nontarget species.

''(C) ALLOCATIONS TO ENTITIES.—Each entity eligible to participate in the program shall be authorized under the program to harvest annually the same percentage of each species allocated to the program under subparagraph (B) that it was authorized by the Secretary to harvest of such species annually as of March 1, 2006, except to the extent that its allocation is adjusted under subparagraph (H). Such allocation shall include all processing rights and any other rights and privileges associated with such allocations as of March 1, 2006.

''(D) ELIGIBLE VILLAGES.—The following villages shall be eligible to participate in the program through the following entities:

''(i) The villages of Akutan, Atka, False Pass, Nelson Lagoon, Nikolski, and Saint George through the Aleutian Pribilof Island Community Development Association.

''(ii) The villages of Aleknagik, Clark's Point, Dillingham, Egegik, Ekuk, Ekwok, King Salmon/Savonoski, Levelock, Manokotak, Naknek, Pilot Point, Port Heiden, Portage Creek, South Naknek, Togiak, Twin Hills, and Ugashik through the Bristol Bay Economic Development Corporation.

''(iii) The village of Saint Paul through the Central Bering Sea Fishermen's Association.

''(iv) The villages of Chefornak, Chevak, Eek, Goodnews Bay, Hooper Bay, Kipnuk, Kongiganak, Kwigillingok, Mekoryuk, Napakiak, Napaskiak, Newtok, Nightmute, Oscarville, Platinum, Quinhagak, Scammon Bay, Toksook Bay, Tuntutuliak, and Tununak through the Coastal Villages Region Fund.

''(v) The villages of Brevig Mission, Diomede, Elim, Gambell, Golovin, Koyuk, Nome, Saint Michael, Savoonga, Shaktoolik, Stebbins, Teller, Unalakleet, Wales, and White Mountain through the Norton Sound Economic Development Corporation.

''(vi) The villages of Alakanuk, Emmonak, Grayling, Kotlik, Mountain Village, and Nunam

Iqua through the Yukon Delta Fisheries Development Association.

''(E) ELIGIBILITY REQUIREMENTS FOR PARTICIPATING ENTITIES.—To be eligible to participate in the program, an entity referred to in subparagraph (D) shall meet the following requirements:

''(i) BOARD OF DIRECTORS.—The entity shall be governed by a board of directors. At least 75 percent of the members of the board shall be resident fishermen from the entity's member villages. The board shall include at least one director selected by each such member village.

''(ii) PANEL REPRESENTATIVE.—The entity shall elect a representative to serve on the panel established by subparagraph (G).

''(iii) OTHER INVESTMENTS.—The entity may make up to 20 percent of its annual investments in any combination of the following:

''(I) For projects that are not fishery-related and that are located in its region.

''(II) On a pooled or joint investment basis with one or more other entities participating in the program for projects that are not fishery-related and that are located in one or more of their regions.

''(III) For matching Federal or State grants for projects or programs in its member villages without regard to any limitation on the Federal or State share, or restriction on the source of any non-Federal or non-State matching funds, of any grant program under any other provision of law.

''(iv) FISHERY-RELATED INVESTMENTS.—The entity shall make the remainder percent of its annual investments in fisheries-related projects or for other purposes consistent with the practices of the entity prior to March 1, 2006.

''(v) ANNUAL STATEMENT OF COMPLIANCE.—Each year the entity, following approval by its board of directors and signed by its chief executive officer, shall submit a written statement to the Secretary and the State of Alaska that summarizes the purposes for which it made investments under clauses (iii) and (iv) during the preceding year.

''(vi) OTHER PANEL REQUIREMENTS.—The entity shall comply with any other requirements established by the panel under subparagraph (G).

''(F) ENTITY STATUS, LIMITATIONS, AND REGULATION.—The entity—

''(i) shall be subject to any excessive share ownership, harvesting, or processing limitations in the fisheries of the Bering Sea and Aleutian Islands Management Area only to the extent of the entity's proportional ownership, excluding any program allocations, and notwithstanding any other provision of law;

''(ii) shall comply with State of Alaska law requiring annual reports to the entity's member villages summarizing financial operations for the previous calendar year, including general and administrative costs and compensation levels of the top 5 highest paid personnel;

''(iii) shall comply with State of Alaska laws to prevent fraud that are administered by the Alaska Division of Banking and Securities, except that the entity and the State shall keep confidential from public disclosure any information if the disclosure would be harmful to the entity or its investments; and

''(iv) is exempt from compliance with any State law requiring approval of financial transactions, community development plans, or amendments thereto, except as required by subparagraph (H).

''(G) ADMINISTRATIVE PANEL.—

''(i) ESTABLISHMENT.—There is established a community development quota program panel.

''(ii) MEMBERSHIP.—The panel shall consist of 6 members. Each entity participating in the program shall select one member of the panel.

''(iii) FUNCTIONS.—The panel shall—

''(I) administer those aspects of the program not otherwise addressed in this paragraph, either through private contractual arrangement or through recommendations to the North Pacific Council, the Secretary, or the State of Alaska, as the case may be; and

''(II) coordinate and facilitate activities of the entities under the program.

''(iv) UNANIMITY REQUIRED.—The panel may act only by unanimous vote of all 6 members of the panel and may not act if there is a vacancy in the membership of the panel.

''(H) DECENNIAL REVIEW AND ADJUSTMENT OF ENTITY ALLOCATIONS.—

''(i) IN GENERAL.—During calendar year 2012 and every 10 years thereafter, the State of Alaska shall evaluate the performance of each entity participating in the program based on the criteria described in clause (ii).

''(ii) CRITERIA.—The panel shall establish a system to be applied under this subparagraph that allows each entity participating in the program to assign relative values to the following criteria to reflect the particular needs of its villages:

''(I) Changes during the preceding 10-year period in population, poverty level, and economic development in the entity's member villages.

''(II) The overall financial performance of the entity, including fishery and nonfishery investments by the entity.

''(III) Employment, scholarships, and training supported by the entity.

''(IV) Achieving of the goals of the entity's community development plan.

''(iii) ADJUSTMENT OF ALLOCATIONS.—After the evaluation required by clause (i), the State of Alaska shall make a determination, on the record and after an opportunity for a hearing, with respect to the performance of each entity participating in the program for the criteria described in clause (ii). If the State determines that the entity has maintained or improved its overall performance with respect to the criteria, the allocation to such entity under the program shall be extended by the State for the next 10-year period. If the State determines that the entity has not maintained or improved its overall performance with respect to the criteria—

''(I) at least 90 percent of the entity's allocation for each species under subparagraph (C) shall be extended by the State for the next 10-year period; and

''(II) the State may determine, or the Secretary may determine (if State law prevents the State from making the determination), and implement an appropriate reduction of up to 10 percent of the entity's allocation for each species under subparagraph (C) for all or part of such 10-year period.

''(iv) REALLOCATION OF REDUCED AMOUNT.—If the State or the Secretary reduces an entity's allocation under clause (iii), the reduction shall be reallocated among other entities participating in the program whose allocations are not reduced during the same period in proportion to each such entity's allocation of the applicable species under subparagraph (C).

''(I) SECRETARIAL APPROVAL NOT REQUIRED.—Notwithstanding any other provision of law or regulation thereunder, the approval by the Secretary of a community development plan, or an amendment thereof, under the program is not required.

''(J) COMMUNITY DEVELOPMENT PLAN DEFINED.—In this paragraph, the term 'community development plan' means a plan, prepared by an entity referred to in subparagraph (D), for the program that describes how the entity intends—

''(i) to harvest its share of fishery resources allocated to the program, or

''(ii) to use its share of fishery resources allocated to the program, and any revenue derived from such use, to assist its member villages with projects to advance economic development,

but does not include a plan that allocates fishery resources to the program.''.

(b) NO INTERRUPTION OF EXISTING ALLOCATIONS.—The amendment made by subsection (a) shall not be construed or implemented in a way that causes any interruption in the allocations of fishery resources to the western Alaska community development quota program or in the opportunity of an entity participating in that program to harvest its share of such allocations.

(c) LOAN SUBSIDIES.—The last proviso under the heading ''NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH, AND FACILITIES'' in the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2311–2312) is amended—

(1) by striking ''for the cost of loans'' and inserting ''to subsidize gross obligations for the principal amount of direct loans, not to exceed a total of $200,000,000,''; and

(2) by striking ''use'' and inserting ''the purchase of all or part of ownership interests in fishing or processing vessels, shoreside fish processing facilities, permits, quota, and cooperative rights''.

SEC. 417. QUOTA SHARE ALLOCATION.

(a) IN GENERAL.— The Secretary of Commerce shall modify the Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands being implemented under section 313(j) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1862(j)) to require that Blue Dutch, LLC, receives processor quota shares units equal to 0.75 percent of the total number of processor quota share units for each of the following fisheries: the Bristol Bay red king crab fishery and the Bering Sea C. opilio crab fishery.

(b) APPLICABILITY.—The modification made under subsection (a) shall apply with respect to each fishery referred to in subsection (a) whenever the total allowable catch for that fishery is more than 2 percent higher than the most recent total allowable catch in effect for that fishery prior to September 15, 2005.

(c) SAVINGS PROVISION.—Nothing in this section affects the authority of the North Pacific Fishery Management Council to submit, and the Secretary of Commerce to implement, changes to or repeal of conservation and management measures under section 313(j)(3)) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1862(j)(3)).

(d) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Commerce shall issue regulations to implement this section.

SEC. 418. MAINE FISH TENDER VESSELS.

The prohibition under section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) against transportation of fish or shellfish between places in the State of Maine by a vessel constructed in Canada shall not apply to a vessel of less than 5 net tons if—

(1) the vessel was engaged in the transportation of fish or shellfish between places in the State of Maine before January 1, 2005;

(2) before January 1, 2005, the owner of the vessel transported fish or shellfish pursuant to a valid wholesale seafood license issued under section 6851 of title 12 of the Maine Revised Statutes;

(3) the vessel is owned by a person that meets the citizenship requirements of section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802); and

(4) not later than 180 days after the date of enactment of this Act, the owner of the vessel submits to the Secretary of the department in which the Coast Guard is operating an affidavit certifying that the vessel and owner meet the requirements of this section.

SEC. 419. AUTOMATIC IDENTIFICATION SYSTEM.

(a) PREVENTION OF HARMFUL INTERFERENCE.—Not later than 60 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may transfer $1,000,000 to the National Telecommunications and Information Administration of the Department of Commerce for the purposes of awarding, not later than 120 days after such date of enactment, a competitive grant to design and develop a prototype device that integrates a Class B Automatic Identification System transponder (International Electrotechnical Commission standard 62287) with a

wireless maritime data device approved by the Federal Communications Commission with channel throughput greater than 19.2 kilobits per second to enable such wireless maritime data device to provide wireless maritime data services, concurrent with the operation of the transponder, on frequency channels adjacent to the frequency channels on which the transponder operates, while minimizing or eliminating the harmful interference between the transponder and such wireless maritime data device. The design of the device developed under this subsection shall be available for public use.

(b) IMPLEMENTATION OF AIS.—It is the sense of the Senate, not later than 60 days after the date of enactment of this Act, that the Federal Communications Commission should resolve the disposition of its rulemaking on the Automatic Information System and licensee use of frequency bands 157.1875–157.4375 MHz and 161.7875–162.0375 MHz (RM–10821, WT Docket Number 04–344). The implementation of this section shall not delay the implementation of an Automatic Identification System as required by section 70114 of title 46, United States Code, and international convention.

SEC. 420. VOYAGE DATA RECORDER STUDY AND REPORT.

(a) STUDY.—The Secretary of the department in which the Coast Guard is operating shall study—

(1) the carriage of a voyage data recorder by a passenger vessel described in section 2101(22)(D) of title 46, United States Code, carrying more than 399 passengers; and

(2) standards for voyage data recorders, methods for approval of models of voyage data recorders, and procedures for annual performance testing of voyage data recorders.

(b) CONSULTATION.—In conducting the study, the Secretary shall consult, at a minimum, with manufacturers of voyage data recorders and operators of potentially affected passenger vessels.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the study's findings, including a proposal for legislation if such a proposal is considered appropriate by the Secretary.

SEC. 421. DISTANT WATER TUNA FLEET.

(a) MANNING REQUIREMENTS.—Notwithstanding section 8103(a) of title 46, United States Code, United States purse seine fishing vessels fishing exclusively for highly migratory species in the treaty area under a fishing license issued pursuant to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America, or transiting to or from the treaty area exclusively for such purpose, may engage foreign citizens to meet the manning requirement (except for the master) in the 48-month period beginning on the date of enactment of this Act if, after timely notice of a vacancy to meet the manning requirement, no United States citizen personnel are readily available to fill such vacancy.

(b) LICENSING RESTRICTIONS.—

(1) IN GENERAL.—Subsection (a)(1) only applies to a foreign citizen that holds a valid license or certificate issued—

(A) in accordance with the standards established by the 1995 amendments to the Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 95); and

(B) by an authority that the Secretary of the department in which the Coast Guard is operating recognizes as imposing competency and training standards equivalent to or exceeding those required for a United States license issued under chapter 71 of title 46, United States Code.

(2) TREATMENT OF EQUIVALENT LICENSE.—An equivalent license or certificate as recognized by the Secretary under paragraph (1) shall be considered as meeting the requirements of section 8304 of title 46, United States Code, but only while a person holding the license or certificate is in the service of a vessel to which this section applies.

(c) LIMITATION.—Subsection (a) applies only to vessels operating in and out of American Samoa.

(d) EXPIRATION.—This section expires 48 months after the date of enactment of this Act.

(e) REPORTS.—On March 1, 2007, and annually thereafter until the date of expiration of this section, the Coast Guard and the National Marine Fisheries Service shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Resources of the House of Representatives, providing the following information on the United States purse seine fleet referred to in subsection (a):

(1) The number and identity of vessels in the fleet using foreign citizens to meet manning requirements pursuant to this section and any marine casualties involving such vessel.

(2) The number of vessels in the fishery under United States flag as of January 1 of the year in which the report is submitted, the percentage ownership or control of such vessels by non-United States citizens, and the nationality of such ownership or control.

(3) Description of any transfers or sales of United States flag vessels in the previous calendar year, and the disposition of such vessel, including whether the vessel was scrapped or sold, and, if sold, the nationality of the new owner and location of any fishery to which the vessel will be transferred.

(4) Landings of tuna by vessels under flag in the 2 previous calendar years, including an assessment of landing trends, and a description of landing percentages and totals—

(A) delivered to American Samoa and any other port in a State or territory of the United States; and

(B) delivered to ports outside of a State or territory of the United States, including the identity of the port.

(5) An evaluation of capacity and trends in the purse seine fleet fishing in the area covered by the South Pacific Regional Fisheries Treaty, and any transfer of capacity from such fleet or area to other fisheries, including those governed under the Western and Central Pacific Fisheries Convention and the Inter-American Tropical Tuna Convention.

TITLE V—LIGHTHOUSES

SEC. 501. TRANSFER.

(a) JURISDICTIONAL TRANSFERS.—Administrative jurisdiction over the National Forest System lands in the State of Alaska described in subsection (b) and improvements situated on such lands is transferred without consideration from the Secretary of Agriculture to the Secretary of the department in which the Coast Guard is operating.

(b) AREAS REFERRED TO.—The areas of lands referred to in subsection (a) are the following:

(1) GUARD ISLAND LIGHT STATION.—The area described in the Guard Island Lighthouse reserve dated January 4, 1901, comprising approximately 8.0 acres of National Forest uplands.

(2) ELDRED ROCK LIGHT STATION.—The area described in the December 30, 1975, listing of the Eldred Rock Light Station on the National Register of Historic Places, comprising approximately 2.4 acres.

(3) MARY ISLAND LIGHT STATION.—The area described as the remaining National Forest System uplands in the Mary Island Lighthouse Reserve dated January 4, 1901, as amended by Public Land Order 6964, dated April 5, 1993, comprising approximately 1.07 acres.

(4) CAPE HINCHINBROOK LIGHT STATION.—The area described in the survey dated November 1, 1957, prepared for the Coast Guard for the Cape Hinchinbrook Light Station comprising approximately 57.4 acres.

(c) MAPS.—The Commandant of the Coast Guard, in consultation with the Secretary of Agriculture, shall prepare and maintain maps of the lands transferred by subsection (a), and such maps shall be on file and available for public inspection in the Coast Guard District 17 office in Juneau, Alaska.

(d) EFFECT OF TRANSFER.—The lands transferred to the Secretary of the department in which the Coast Guard is operating by subsection (a)—

(1) shall be administered by the Commandant of the Coast Guard;

(2) shall be considered to be transferred from, and no longer part of, the National Forest System; and

(3) shall be considered not suitable for return to the public domain for disposition under the general public land laws.

(e) TRANSFER OF LAND.—

(1) REQUIREMENT.—Subject to paragraph (2), the Administrator of General Services, upon request by the Secretary of Agriculture, shall transfer without consideration to the Secretary of Agriculture any land identified in subsection (b), together with the improvements thereon, for administration under the laws pertaining to the National Forest System if—

(A) the Secretary of the Interior cannot identify and select an eligible entity for such land and improvements in accordance with section 308(b)(2) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)(2)) not later than 3 years after the date the Secretary of the department in which the Coast Guard is operating determines that the land is excess property, as that term is defined in section 102(3) of title 40, United States Code; or

(B) the land reverts to the United States pursuant to section 308(c)(3) of the National Historic Preservation Act (16 U.S.C. 470w–7(c)(3)).

(2) RESERVATIONS FOR AIDS TO NAVIGATION.—Any action taken under this subsection by the Administrator of General Services shall be subject to any rights that may be reserved by the Commandant of the Coast Guard for the operation and maintenance of Federal aids to navigation.

(f) NOTIFICATION; DISPOSAL OF LANDS BY THE ADMINISTRATOR.—The Administrator of General Services shall promptly notify the Secretary of Agriculture upon the occurrence of any of the events described in subparagraphs (A) and (B) of subsection (e)(1). If the Secretary of Agriculture does not request a transfer as provided for in subsection (e) not later than 90 days after the date of receiving such notification from the Administrator, the Administrator may dispose of the property in accordance with section 309 of the National Historic Preservation Act (16 U.S.C. 470w–8) or other applicable surplus real property disposal authority.

(g) PRIORITY.—In selecting an eligible entity to which to convey under section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)) land referred to in subsection (b), the Secretary of the Interior shall give priority to an eligible entity (as defined in section 308(e) of that Act) that is the local government of the community in which the land is located.

SEC. 502. MISTY FIORDS NATIONAL MONUMENT AND WILDERNESS.

(a) REQUIREMENT TO TRANSFER.—Notwithstanding section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)), if the Secretary of the department in which the Coast Guard is operating determines that the Tree Point Light Station is no longer needed for the purposes of the Coast Guard, the Secretary shall transfer without consideration to the Secretary of Agriculture all administrative jurisdiction over the Tree Point Light Station.

(b) EFFECTUATION OF TRANSFER.—The transfer pursuant to this section shall be effectuated by a letter from the Secretary of the department in which the Coast Guard is operating to the

Secretary of Agriculture and, except as provided in subsection (g), without any further requirements for administrative or environmental analyses or examination. The transfer shall not be considered a conveyance to an eligible entity pursuant to section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)).

(c) RESERVATION FOR AIDS TO NAVIGATION.—As part of the transfer pursuant to this section, the Commandant of the Coast Guard may reserve rights to operate and maintain Federal aids to navigation at the site of the light station.

(d) EASEMENTS AND SPECIAL USE AUTHORIZATIONS.—Notwithstanding any other provision of law, including the Wilderness Act (16 U.S.C. 1131 et seq.) and section 703 of the Alaska National Interests Lands Conservation Act (16 U.S.C. 1132 note; 94 Stat. 2418), with respect to the light station transferred pursuant to this section, the Secretary of Agriculture—

(1) may identify an entity to be granted an easement or other special use authorization and, in identifying the entity, may consult with the Secretary of the Interior concerning the application of policies for eligible entities developed pursuant to subsection 308(b)(1) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)(1)); and

(2) may grant an easement or other special use authorization to the entity, for no consideration, to approximately 31 acres as described in the map entitled ''Tree Point Light Station'', dated September 24, 2004, on terms and conditions that provide for—

(A) maintenance and preservation of the structures and improvements;

(B) the protection of wilderness and national monument resources;

(C) public safety; and

(D) such other terms and conditions considered appropriate by the Secretary of Agriculture.

(e) ACTIONS FOLLOWING TERMINATION OR REVOCATION.—The Secretary of Agriculture may take such actions as are authorized under section 110(b) of the National Historic Preservation Act (16 U.S.C. 470h–2(b)) with respect to Tree Point Light Station if—

(1) no entity is identified under subsection (d) within 3 years after the date on which administrative jurisdiction is transferred to the Secretary of Agriculture pursuant to this section; or

(2) any easement or other special use authorization granted under subsection (d) is terminated or revoked.

(f) REVOCATION OF WITHDRAWALS AND RESERVATIONS.—Effective on the date of transfer of administrative jurisdiction pursuant to this section, the following public land withdrawals or reservations for light station and lighthouse purposes on lands in Alaska are revoked as to the lands transferred:

(1) The unnumbered Executive Order dated January 4, 1901, as it affects the Tree Point Light Station site only.

(2) Executive Order No. 4410 dated April 1, 1926, as it affects the Tree Point Light Station site only.

(g) REMEDIATION RESPONSIBILITIES NOT AFFECTED.—Nothing in this section shall affect any responsibilities of the Commandant of the Coast Guard for the remediation of hazardous substances and petroleum contamination at the Tree Point Light Station consistent with existing law and regulations. The Commandant and the Secretary shall execute an agreement to provide for the remediation of the land and structures at the Tree Point Light Station.

SEC. 503. MISCELLANEOUS LIGHT STATIONS.

(a) CAPE ST. ELIAS LIGHT STATION.—For purposes of section 416(a)(2) of the Coast Guard Authorization Act of 1998 (112 Stat. 3435), the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled ''Cape St. Elias Light Station'', dated September 14, 2004. The Secretary of the department in which the Coast Guard is operating shall keep such map on file and available for public inspection.

(b) POINT WILSON LIGHTHOUSE.—Section 325(c)(3) of the Coast Guard Authorization Act of 1993 (107 Stat. 2432) is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

''(C) all housing units and related structures associated with the lighthouse; and''.

SEC. 504. INCLUSION OF LIGHTHOUSE IN ST. MARKS NATIONAL WILDLIFE REFUGE, FLORIDA.

(a) REVOCATION OF EXECUTIVE ORDER DATED NOVEMBER 12, 1838.—Any reservation of public land described in subsection (b) for lighthouse purposes by the Executive Order dated November 12, 1838, as amended by Public Land Order 5655, dated January 9, 1979, is revoked.

(b) DESCRIPTION OF LAND.—The public land referred to in subsection (a) consists of approximately 8.0 acres within the external boundaries of St. Marks National Wildlife Refuge in Wakulla County, Florida, that is east of the Tallahassee Meridian, Florida, in Township 5 South, Range 1 East, Section 1 (fractional) and containing all that remaining portion of the unsurveyed fractional section, more particularly described as follows: A parcel of land, including submerged areas, beginning at a point which marks the center of the light structure, thence due North (magnetic) a distance of 350 feet to the point of beginning a strip of land 500 feet in width, the axial centerline of which runs from the point of beginning due South (magnetic) a distance of 700 feet, more or less, to the shoreline of Apalachee Bay, comprising 8.0 acres, more or less, as shown on the plat dated January 2, 1902, by Office of L. H. Engineers, 7th and 8th District, Mobile, Alabama.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—Subject to subsection (f) and paragraph (2), administrative jurisdiction over the public land described in subsection (b), and over all improvements located thereon, is transferred without reimbursement from the department in which the Coast Guard is operating to the Secretary of the Interior.

(2) RESPONSE AND RESTORATION.—The transfer under paragraph (1) may not be made to the Secretary of the Interior until the Coast Guard has completed any response and restoration action necessary under subsection (d)(1).

(d) RESPONSIBILITY FOR ENVIRONMENTAL RESPONSE ACTIONS.—The Coast Guard shall have sole responsibility in the Federal Government to fund and conduct any response or restoration action required under any applicable Federal or State law or implementing regulation to address—

(1) a release or threatened release on or originating from public land described in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative that is located on such land on the date of enactment of this Act; or

(2) any other release or threatened release on or originating from public land described in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative, that results from any Coast Guard activity occurring after the date of enactment of this Act.

(e) INCLUSION IN REFUGE.—

(1) INCLUSION.—The public land described in subsection (b) shall be part of St. Marks National Wildlife Refuge.

(2) ADMINISTRATION.—Subject to this subsection, the Secretary of the Interior shall administer the public land described in subsection (b)—

(A) through the Director of the United States Fish and Wildlife Service; and

(B) in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and such other laws as apply to Federal real property under the sole jurisdiction of the United States Fish and Wildlife Service.

(f) MAINTENANCE OF NAVIGATION FUNCTIONS.—The transfer by subsection (c), and the administration of the public land described in subsection (b), shall be subject to such conditions and restrictions as the Secretary of the department in which the Coast Guard is operating considers necessary to ensure that—

(1) the Federal aids to navigation located at St. Marks National Wildlife Refuge continue to be operated and maintained by the Coast Guard for as long as they are needed for navigational purposes;

(2) the Coast Guard may remove, replace, or install any Federal aid to navigation at the St. Marks National Wildlife Refuge as may be necessary for navigational purposes;

(3) the United States Fish and Wildlife Service will not interfere or allow interference in any manner with any Federal aid to navigation, and will not hinder activities required for the operation and maintenance of any Federal aid to navigation, without express written approval by the Secretary of the department in which the Coast Guard is operating; and

(4) the Coast Guard may enter, at any time, the St. Marks National Wildlife Refuge, without notice, for purposes of operating, maintaining, and inspecting any Federal aid to navigation and ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

TITLE VI—DELAWARE RIVER PROTECTION AND MISCELLANEOUS OIL PROVISIONS

SEC. 601. SHORT TITLE.

This title may be cited as the ''Delaware River Protection Act of 2006''.

SEC. 602. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

''SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

''(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

''(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) may not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.''.

SEC. 603. LIMITS ON LIABILITY.

(a) ADJUSTMENT OF LIABILITY LIMITS.—

(1) TANK VESSELS.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only, $3,000 per gross ton;

''(B) with respect to a vessel other than a vessel referred to in subparagraph (A), $1,900 per gross ton; or

''(C)(i) with respect to a vessel greater than 3,000 gross tons that is—

''(I) a vessel described in subparagraph (A), $22,000,000; or

''(II) a vessel described in subparagraph (B), $16,000,000; or

''(ii) with respect to a vessel of 3,000 gross tons or less that is—

''(I) a vessel described in subparagraph (A), $6,000,000; or

''(II) a vessel described in subparagraph (B), $4,000,000;''.

(2) OTHER VESSELS.—Section 1004(a)(2) of such Act (33 U.S.C. 2794(a)(2)) is amended—

(A) by striking ''$600 per gross ton'' and inserting ''$950 per gross ton''; and

(B) by striking ''$500,000'' and inserting ''$800,000,''.

(3) LIMITATION ON APPLICATION.—In the case of an incident occurring before the 90th day following the date of enactment of this Act, section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall apply as in effect immediately before the effective date of this subsection.

(b) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to read as follows:

''(4) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—The President, by regulations issued not later than 3 years after the date of enactment of the Delaware River Protection Act of 2006 and not less than every 3 years thereafter, shall adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index.''.

(c) REPORT.—

(1) INITIAL REPORT.—Not later than 45 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report on liability limits described in paragraph (2) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) CONTENTS.—The report shall include, at a minimum, the following:

(A) An analysis of the extent to which oil discharges from vessels and nonvessel sources have or are likely to result in removal costs and damages (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) for which no defense to liability exists under section 1003 of such Act and that exceed the liability limits established in section 1004 of such Act, as amended by this section.

(B) An analysis of the impacts that claims against the Oil Spill Liability Trust Fund for amounts exceeding such liability limits will have on the Fund.

(C) Based on analyses under this paragraph and taking into account other factors impacting the Fund, recommendations on whether the liability limits need to be adjusted in order to prevent the principal of the Fund from declining to levels that are likely to be insufficient to cover expected claims.

(3) ANNUAL UPDATES.—The Secretary shall provide an update of the report to the Committees referred to in paragraph (1) on an annual basis.

SEC. 604. REQUIREMENT TO UPDATE PHILADELPHIA AREA CONTINGENCY PLAN.

Not later than one year after the date of enactment of this Act and not less than annually thereafter, the Philadelphia Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) shall review and revise the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal and State surveys.

SEC. 605. SUBMERGED OIL REMOVAL.

(a) AMENDMENTS.—Title VII of the Oil Pollution Act of 1990 is amended—

(1) in section 7001(c)(4)(B) (33 U.S.C. 2761(c)(4)(B)) by striking ''RIVERA,'' and inserting ''RIVERA and the T/V ATHOS I,''; and

(2) by adding at the end the following:

''SEC. 7002. SUBMERGED OIL PROGRAM.

''(a) PROGRAM.—

''(1) ESTABLISHMENT.—The Under Secretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant of the Coast Guard, shall establish a program to detect, monitor, and evaluate the environmental effects of submerged oil in the Delaware River and Bay region. The program shall include the following elements:

''(A) The development of methods to remove, disperse, or otherwise diminish the persistence of submerged oil.

''(B) The development of improved models and capacities for predicting the environmental fate, transport, and effects of submerged oil.

''(C) The development of techniques to detect and monitor submerged oil.

''(2) REPORT.—Not later than 3 years after the date of enactment of the Delaware River Protection Act of 2006, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the activities carried out under this subsection and activities proposed to be carried out under this subsection.

''(b) DEMONSTRATION PROJECT.—

''(1) REMOVAL OF SUBMERGED OIL.—The Commandant of the Coast Guard, in conjunction with the Under Secretary of Commerce for Oceans and Atmosphere, shall conduct a demonstration project for the purpose of developing and demonstrating technologies and management practices to remove submerged oil from the Delaware River and other navigable waters.

''(2) FUNDING.—There is authorized to be appropriated to the Commandant of the Coast Guard $2,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 7001 the following:

''Sec. 7002. Submerged oil program.''.

SEC. 606. ASSESSMENT OF OIL SPILL COSTS.

(a) ASSESSMENT.—The Comptroller General shall conduct an assessment of the cost of response activities and claims related to oil spills from vessels that have occurred since January 1, 1990, for which the total costs and claims paid was at least $1,000,000 per spill.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the assessment conducted under subsection (a). The report shall summarize the following:

(1) The costs and claims described in subsection (a) for each year covered by the report.

(2) The source, if known, of each spill described in subsection (a) for each such year.

SEC. 607. DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the Delaware River and Bay Oil Spill Advisory Committee (in this section referred to as the ''Committee'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall consist of 27 members who are appointed by the Commandant of the Coast Guard and who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the Delaware River and Delaware Bay, as follows:

(A) Three members who are employed by port authorities that oversee operations on the Delaware River or have been selected to represent these port authorities, of whom—

(i) one member shall be an employee or representative of the Port of Wilmington;

(ii) one member shall be an employee or representative of the South Jersey Port Corporation; and

(iii) one member shall be an employee or representative of the Philadelphia Regional Port Authority.

(B) Two members who represent organizations that operate tugs or barges that utilize the port facilities on the Delaware River and Delaware Bay.

(C) Two members who represent shipping companies that transport cargo by vessel from ports on the Delaware River and Delaware Bay, of whom at least one may not be a representative of a shipping company that transports oil or petroleum products.

(D) Two members who represent operators of oil refineries adjacent to the Delaware River and Delaware Bay.

(E) Two members who represent State-licensed pilots who work on the Delaware River and Delaware Bay.

(F) One member who represents labor organizations whose members load and unload cargo at ports on the Delaware River and Delaware Bay.

(G) One member who represents local commercial fishing interests or an aquaculture organization the members of which organization depend on fisheries and resources in the waters of Delaware River or Delaware Bay.

(H) Three members who represent environmental organizations active with respect to the Delaware River and Delaware Bay, including a watershed advocacy group and a wildlife conservation advocacy group.

(I) One member who represents an organization affiliated with recreational fishing interests in the vicinity of Delaware River and Delaware Bay.

(J) Two members who are scientists or researchers associated with an academic institution and who have professional credentials in fields of research relevant to oil spill safety, oil spill response, or wildlife and ecological recovery.

(K) Two members who are municipal or county officials from Delaware.

(L) Two members who are municipal or county officials from New Jersey.

(M) Two members who are municipal or county officials from Pennsylvania.

(N) One member who represents an oil spill response organization located on the lower Delaware River and Delaware Bay.

(O) One member who represents the general public.

(2) EX OFFICIO MEMBERS.—The Committee may also consist of an appropriate number (as determined by the Commandant of the Coast Guard) of nonvoting members who represent Federal agencies and agencies of the States of New Jersey, Pennsylvania, and Delaware with an interest in oil spill prevention in the Delaware River and Delaware Bay.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Committee shall provide advice and recommendations on measures to improve the prevention of and response to future oil spills in the Delaware River and Delaware Bay to the Commandant, the Governors of the States of New Jersey, Pennsylvania, and Delaware, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) REPORT.—Not later than 18 months after the date that the Commandant completes appointment of the members of the Committee, the Committee shall provide a report to the entities referred to in paragraph (1) with the recommendations of the Committee, including a ranking of priorities, for measures to improve prevention and response to oil spills described in paragraph (1).

(d) MEETINGS.—The Committee—

(1) shall hold its first meeting not later than 60 days after the date on which the Commandant completes the appointment of members of the Committee; and

(2) shall meet thereafter at the call of the Chairman.

(e) APPOINTMENT OF MEMBERS.—The Commandant shall appoint the members of the Committee after soliciting nominations by notice published in the Federal Register.

(f) CHAIRMAN AND VICE CHAIRMAN.—The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence of or incapacity of the Chairman or in the event of vacancy in the office of the Chairman.

(g) PAY AND EXPENSES.—

(1) PROHIBITION ON PAY.—Members of the Committee who are not officers or employees of the United States shall serve without pay. Members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee.

(2) EXPENSES.—While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(h) FUNDING.—There is authorized to be appropriated $1,000,000 for each of fiscal years 2006 through 2007 to carry out this section.

(i) TERMINATION.—The Committee shall terminate 18 months after the date on which the Commandant completes the appointment of members of the Committee.

SEC. 608. NONTANK VESSELS.

Section 311(a)(26) of the Federal Water Pollution Control Act (33 U.S.C. 1321(A)(26)) is amended to read as follows:

''(26) 'nontank vessel' means a self-propelled vessel that—

''(A) is at least 400 gross tons as measured under section 14302 of title 46, United States Code, or, for vessels not measured under that section, as measured under section 14502 of that title;

''(B) is not a tank vessel;

''(C) carries oil of any kind as fuel for main propulsion; and

''(D) operates on the navigable waters of the United States, as defined in section 2101(17a) of that title.''.

TITLE VII—HURRICANE RESPONSE

SEC. 701. HOMEOWNERS ASSISTANCE FOR COAST GUARD PERSONNEL AFFECTED BY HURRICANES KATRINA OR RITA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may reimburse a person who is eligible for reimbursement under this section, for losses of qualified property owned by such person that result from damage caused by Hurricane Katrina or Hurricane Rita.

(b) ELIGIBLE PERSONS.—A person is eligible for reimbursement under this section if the person is a civilian employee of the Federal Government or member of the uniformed services who—

(1) was assigned to, or employed at or in connection with, a Coast Guard facility located in the State of Louisiana, Mississippi, Alabama, or Texas on or before August 28, 2005;

(2) incident to such assignment or employment, owned and occupied property that is qualified property under subsection (e); and

(3) as a result of the effects of Hurricane Katrina or Hurricane Rita, incurred damage to such qualified property such that—

(A) the qualified property is unsalable (as determined by the Secretary); and

(B) the proceeds, if any, of insurance for such damage are less than an amount equal to the greater of—

(i) the fair market value of the qualified property on August 28, 2005 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the qualified property on that date.

(c) REIMBURSEMENT AMOUNT.—The amount of the reimbursement that an eligible person may be paid under this section with respect to a qualified property shall be determined as follows:

(1) In the case of qualified property that is a dwelling (including a condominium unit but excluding a manufactured home), the amount shall be—

(A) the amount equal to the greater of—

(i) 85 percent of the fair market value of the dwelling on August 28, 2005 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the dwelling on that date; minus

(B) the proceeds, if any, of insurance referred to in subsection (b)(3)(B).

(2) In the case of qualified property that is a manufactured home, the amount shall be—

(A) if the owner also owns the real property underlying such home, the amount determined under paragraph (1); or

(B) if the owner leases such underlying property—

(i) the amount determined under paragraph (1); plus

(ii) the amount of rent payable under the lease of such property for the period beginning on August 28, 2005, and ending on the date of the reimbursement under this section.

(d) TRANSFER AND DISPOSAL OF PROPERTY.—

(1) IN GENERAL.—A person receiving reimbursement under this section shall transfer to the Administrator of General Services all right, title, and interest of the owner in and to the qualified property for which the owner receives such reimbursement. The Administrator shall hold, manage, and dispose of such right, title, and interest in the same manner that the Secretary of Defense holds, manages, and disposes of real property under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

(2) TREATMENT OF PROCEEDS.—Any amounts received by the United States as proceeds of management or disposal of property by the Administrator of General Services under this subsection shall be deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities.

(e) QUALIFIED PROPERTY.—Property is qualified property for the purposes of this section if as of August 28, 2005, the property was a one- or two-family dwelling, manufactured home, or condominium unit in the State of Louisiana, Mississippi, Alabama, or Texas that was owned and occupied, as a principal residence, by a person who is eligible for reimbursement under this section.

(f) SUBJECT TO APPROPRIATIONS.—The authority to pay reimbursement under this section is subject to the availability of appropriations.

SEC. 702. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding section 7106 and 7107 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a license or certificate of registry issued for an individual under chapter 71 of that title for up to one year if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina;

(2) the individual is a resident of Alabama, Mississippi, or Louisiana; or

(3) the records of an individual were damaged or lost as a result of Hurricane Katrina.

(b) MERCHANT MARINERS' DOCUMENTS.—Notwithstanding section 7302(g) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a merchant mariners' document issued for an individual under chapter 73 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina;

(2) the individual is a resident of Alabama, Mississippi, or Louisiana; or

(3) the records of an individual were damaged or lost as a result of Hurricane Katrina.

(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

(d) EXPIRATION OF AUTHORITY.—The authorities provided under this section expire on April 1, 2007.

SEC. 703. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF VESSEL CERTIFICATES OF INSPECTION.

(a) AUTHORITY TO EXTEND.—Notwithstanding section 3307 and 3711(b) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance issued under chapter 33 or 37, respectively, of that title for up to 6 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

(b) EXPIRATION OF AUTHORITY.—The authority provided under this section expires on April 1, 2007.

SEC. 704. PRESERVATION OF LEAVE LOST DUE TO HURRICANE KATRINA OPERATIONS.

(a) PRESERVATION OF LEAVE.—Notwithstanding section 701(b) of title 10, United States Code, any member of the Coast Guard who served on active duty for a continuous period of 30 days, who was assigned to duty or otherwise detailed in support of units or operations in the Eighth Coast Guard District area of responsibility for activities to mitigate the consequences of, or assist in the recovery from, Hurricane Katrina during the period beginning on August 28, 2005, and ending on January 1, 2006, and who would have otherwise lost any accumulated leave in excess of 60 days as a consequence of such assignment, is authorized to retain an accumulated total of up to 120 days of leave.

(b) EXCESS LEAVE.—Leave in excess of 60 days accumulated under subsection (a) shall be lost unless used by the member before the commencement of the second fiscal year following the fiscal year in which the assignment commences, or in the case of a Reserve member, the year in which the period of active service is completed.

SEC. 705. REPORTS ON IMPACT TO COAST GUARD.

(a) REPORTS REQUIRED.—

(1) INTERIM REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an interim report on the impact of Hurricane Katrina and the response of the Coast Guard to such impact.

(2) FINAL REPORT.—Not later than 180 days after the date of the submittal of the report under paragraph (1), the Secretary shall submit to the committees referred to in paragraph (1) a final report on the impact of Hurricane Katrina and the response of the Coast Guard to such impact.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) A discussion and assessment of the impact of Hurricane Katrina on the facilities, aircraft, vessels, and other assets of the Coast Guard, including an assessment of such impact on pending or proposed replacements or upgrades of facilities, aircraft, vessels, or other assets of the Coast Guard.

(2) A discussion and assessment of the impact of Hurricane Katrina on Coast Guard operations and strategic goals.

(3) A statement of the number of emergency drills held by the Coast Guard during the 5-year

period ending on the date of the report with respect to natural disasters and with respect to security incidents.

(4) A description and assessment of—

(A) the lines of communication and reporting, during the response to Hurricane Katrina, within the Coast Guard and between the Coast Guard and other departments and agencies of the Federal Government and State and local governments; and

(B) the interoperability of such communications during the response to Hurricane Katrina.

(5) A discussion and assessment of the financial impact on Coast Guard operations during fiscal years 2005 and 2006 of unbudgeted increases in prices of fuel.

SEC. 706. REPORTS ON IMPACTS ON NAVIGABLE WATERWAYS.

(a) REPORTS REQUIRED.—

(1) INTERIM REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the impacts of Hurricane Katrina on navigable waterways and the response of the Coast Guard to such impacts.

(2) FINAL REPORT.—Not later than 180 days after the date of the submittal of the report required by paragraph (1), the Secretary, in consultation with the Secretary of Commerce, shall submit to the committees referred to in paragraph (1) a report on the impacts of Hurricane Katrina on navigable waterways with respect to missions within the jurisdiction of the Coast Guard and the response of the Coast Guard to such impacts.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) A discussion and assessment of the impacts, and associated costs, of Hurricane Katrina on—

(A) the navigable waterways of the United States;

(B) facilities located in or on such waterways;

(C) aids to navigation to maintain the safety of such waterways; and

(D) any other equipment located in or on such waterways related to a mission of the Coast Guard.

(2) An estimate of the costs to the Coast Guard of restoring the resources described in paragraph (1) and an assessment of the vulnerability of such resources to natural disasters in the future.

(3) A discussion and assessment of the environmental impacts in areas within the Coast Guard's jurisdiction of Hurricane Katrina, with a particular emphasis on any releases of oil or hazardous chemicals into the navigable waterways of the United States.

(4) A discussion and assessment of the response of the Coast Guard to the impacts described in paragraph (3), including an assessment of environmental vulnerabilities in natural disasters in the future and an estimate of the costs of addressing such vulnerabilities.

(c) NAVIGABLE WATERWAYS OF THE UNITED STATES.—In this section, the term ''navigable waterways of the United States'' includes waters of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

TITLE VIII—OCEAN COMMISSION RECOMMENDATIONS

SEC. 801. IMPLEMENTATION OF INTERNATIONAL AGREEMENTS.

In consultation with appropriate Federal agencies, the Secretary of the department in which the Coast Guard is operating shall work with the responsible officials and agencies of other nations to accelerate efforts at the International Maritime Organization to enhance oversight and enforcement of security, environmental, and other agreements adopted within the International Maritime Organization by flag States on whom such agreements are binding, including implementation of—

(1) a code outlining flag State responsibilities and obligations;

(2) an audit regime for evaluating flag State performance;

(3) measures to ensure that responsible organizations, acting on behalf of flag States, meet established performance standards; and

(4) cooperative arrangements to improve enforcement on a bilateral, regional, or international basis.

SEC. 802. VOLUNTARY MEASURES FOR REDUCING POLLUTION FROM RECREATIONAL BOATS.

In consultation with appropriate Federal, State, and local government agencies, the Secretary of the department in which the Coast Guard is operating shall undertake outreach programs for educating the owners and operators of boats using two-stroke engines about the pollution associated with such engines and support voluntary programs that reduce such pollution and encourage the early replacement of older two-stroke engines.

SEC. 803. INTEGRATION OF VESSEL MONITORING SYSTEM DATA.

The Secretary of the department in which the Coast Guard is operating shall integrate vessel monitoring system data into its maritime operations databases for the purpose of improving monitoring and enforcement of Federal fisheries laws and work with the Under Secretary of Commerce for Oceans and Atmosphere to ensure effective use of such data for monitoring and enforcement.

SEC. 804. FOREIGN FISHING INCURSIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on steps that the Coast Guard will take to significantly improve the Coast Guard's detection and interdiction of illegal incursions into the United States exclusive economic zone by foreign fishing vessels.

(b) SPECIFIC ISSUES TO BE ADDRESSED.—The report shall—

(1) focus on areas in the exclusive economic zone where the Coast Guard has failed to detect or interdict such incursions in the 4-fiscal-year period beginning with fiscal year 2000, including such areas in the Western/Central Pacific and the Bering Sea; and

(2) include an evaluation of the potential use of unmanned aircraft and offshore platforms for detecting or interdicting such incursions.

(c) BIENNIAL UPDATES.—The Secretary shall provide biannual reports updating the Coast Guard's progress in detecting or interdicting such incursions to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

TITLE IX—TECHNICAL CORRECTIONS

SEC. 901. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) REQUIREMENTS FOR COOPERATIVE AGREEMENTS FOR VOLUNTARY SERVICES.—Section 93(a)(19) of title 14, United States Code, is amended by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively.

(b) CORRECTION OF AMENDMENT TO CHAPTER ANALYSIS.—Effective August 9, 2004, section 212(b) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1037) is amended by inserting ''of title 14'' after ''chapter 17''.

(c) RECOMMENDATIONS TO CONGRESS BY COMMANDANT OF THE COAST GUARD.—Section 93(a) of title 14, United States Code, is amended by redesignating paragraph (y) as paragraph (24).

(d) CORRECTION OF REFERENCE TO PORTS AND WATERWAYS SAFETY ACT.—Effective August 9, 2004, section 302 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1041) is amended by striking ''of 1972''.

(e) TECHNICAL CORRECTION OF PENALTY.—Section 4311(b) of title 46, United States Code, is amended by striking ''4307(a)of'' and inserting ''4307(a) of''.

(f) DETERMINING ADEQUACY OF POTABLE WATER.—Section 3305(a) of title 46, United States Code, is amended by moving paragraph (2) two ems to the left, so that the material preceding subparagraph (A) of such paragraph aligns with the left-hand margin of paragraph (1) of such section.

(g) RENEWAL OF ADVISORY GROUP.—Effective August 9, 2004, section 418(a) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1049) is amended by striking ''of September 30, 2005'' and inserting ''on September 30, 2005''.

(h) TECHNICAL CORRECTIONS RELATING TO REFERENCES TO NATIONAL DRIVER REGISTER.—

(1) AMENDMENT INSTRUCTION.—Effective August 9, 2004, section 609(1) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1058) is amended in the matter preceding subparagraph (A) by striking ''7302'' and inserting ''7302(c)''.

(2) OMITTED WORD.—Section 7302(c) of title 46, United States Code, is amended—

(A) by inserting ''section'' before ''30305(b)(5)''; and

(B) by inserting ''section'' before ''30304(a)(3)(A)''.

(3) EXTRANEOUS U.S.C. REFERENCE.—Section 7703(3) of title 46, United States Code, is amended by striking ''(23 U.S.C. 401 note)''.

(i) VESSEL RESPONSE PLANS FOR NONTANK VESSELS.—

(1) CORRECTION OF VESSEL REFERENCES.—Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended by striking ''non-tank'' each place it appears and inserting ''nontank''.

(2) PUNCTUATION ERROR.—Effective August 9, 2004, section 701(b)(9) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1068) is amended by inserting closing quotation marks after ''each tank vessel''.

(j) PUNCTUATION ERROR.—Section 5006(c) of the Oil Pollution Act of 1990 (33 U.S.C. 2736(c)) is amended by inserting a comma after ''October 1, 2012''.

(k) CORRECTION TO SUBTITLE DESIGNATION.—

(1) REDESIGNATION.—Title 46, United States Code, is amended by redesignating subtitle VI as subtitle VII.

(2) CLERICAL AMENDMENT.—The table of subtitles at the beginning of title 46, United States Code, is amended by striking the item relating to subtitle VI and inserting the following:

''VII. MISCELLANEOUS ..... 70101''.

(l) CORRECTIONS TO CHAPTER 701 OF TITLE 46, UNITED STATES CODE.—Chapter 701 of title 46, United States Code, is amended as follows:

(1) Sections 70118 and 70119, as added by section 801 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1078), relating to firearms, arrests, and seizure of property and to enforcement by State and local officers, are redesignated as sections 70117 and 70118, respectively, and moved to appear immediately after section 70116 of title 46, United States Code.

(2) Sections 70117 and 70118, as added by section 802 of such Act (118 Stat. 1078), relating to in rem liability for civil penalties and to certain costs and withholding of clearance, are redesignated as sections 70120 and 70121, respectively, and moved to appear immediately after section 70119 of title 46, United States Code.

(3) In section 70120(a), as redesignated by paragraph (2) of this section, by striking ''section 70120'' and inserting ''section 70119''.

(4) In section 70121(a), as redesignated by paragraph (2) of this section, by striking ''section 70120'' and inserting ''section 70119''.

(5) In the analysis at the beginning of the chapter by striking the items relating to sections 70117 through the second 70119 and inserting the following:

''70117. Firearms, arrests, and seizure of property.
''70118. Enforcement by State and local officers.
''70119. Civil penalty.
''70120. In rem liability for civil penalties and certain costs.
''70121. Withholding of clearance.''.

(m) AREA MARITIME SECURITY ADVISORY COMMITTEES; MARGIN ALIGNMENT.—Section 70112(b) of title 46, United States Code, is amended by moving paragraph (5) two ems to the left, so that the left-hand margin of paragraph (5) aligns with the left-hand margin of paragraph (4) of such section.

(n) TECHNICAL CORRECTION REGARDING TANK VESSEL ENVIRONMENTAL EQUIVALENCY EVALUATION INDEX.—Section 4115(e)(3) of the Oil Pollution Act of 1990 (46 U.S.C. 3703a note) is amended by striking ''hull'' the second place it appears.

(o) CORRECTIONS TO SECTION 6101 OF TITLE 46, UNITED STATES CODE.—Section 6101 of title 46, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by redesignating the second subsection (g) as subsection (h).

(p) DRUG INTERDICTION REPORT.—

(1) IN GENERAL.—Section 103 of the Coast Guard Authorization Act of 1996 (14 U.S.C. 89 note; 110 Stat. 3905) is amended to read as follows:

''SEC. 103. ANNUAL REPORT ON DRUG INTERDICTION.

''Not later than 30 days after the end of each fiscal year, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on all expenditures related to drug interdiction activities of the Coast Guard on an annual basis.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 2 of such Act is amended by striking the item relating to section 103 and inserting the following:

''Sec. 103. Annual reports on drug interdiction.''.

(q) ACTS OF TERRORISM REPORT.—Section 905 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (46 U.S.C. App. 1802; 100 Stat. 890) is amended by striking ''Not later than February 28, 1987, and annually thereafter, the Secretary of Transportation shall report'' and inserting ''The Secretary of the department in which the Coast Guard is operating shall report annually''.

(r) CORRECTIONS TO DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—

(1) SECTION 4.—Section 4(c) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended by striking '', for each of fiscal years 2006 through 2009,''.

(2) SECTION 14.—Section 14(a)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777m(a)(1)) is amended by striking ''For each of the fiscal years 2006 through 2009, not more than'' and inserting ''Not more than''.

SEC. 902. CORRECTION OF REFERENCES TO SECRETARY OF TRANSPORTATION AND DEPARTMENT OF TRANSPORTATION; RELATED MATTERS.

(a) GOVERNMENT ORGANIZATION.—Title 5, United States Code, is amended—

(1) in section 101 by inserting ''The Department of Homeland Security.'' after and immediately below ''The Department of Veterans Affairs.'';

(2) in section 2902(b) by inserting ''the Secretary of Homeland Security,'' after ''Secretary of the Interior,''; and

(3) in sections 5520a(k)(3), 5595(h)(5), 6308(b), and 9001(10) by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

(b) FINANCIAL MANAGEMENT.—Title 31, United States Code, is amended—

(1) in section 3321(c)(3) by striking ''of Transportation'' and inserting ''of Homeland Security.'';

(2) in section 3325(b) by striking ''of Transportation'' and inserting ''of Homeland Security'';

(3) in section 3527(b)(1) by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''; and

(4) in section 3711(f)(2) by striking ''of Transportation'' and inserting ''of Homeland Security''.

(c) PUBLIC CONTRACTS.—Section 3732 of the Revised Statutes (41 U.S.C. 11) is amended by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

(d) PUBLIC PRINTING AND DOCUMENTS.—Sections 1308 and 1309 of title 44, United States Code, are amended by striking ''Secretary of the Department of Transportation'' each place it appears and inserting ''Secretary of the department in which the Coast Guard is operating''.

(e) SHIPPING.—Title 46, United State Code, is amended—

(1) in section 2109 by striking ''a Coast Guard or'';

(2) in section 6308—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by striking subsection (a) and inserting the following:

''(a) Notwithstanding any other provision of law, no part of a report of a marine casualty investigation conducted under section 6301 of this title, including findings of fact, opinions, recommendations, deliberations, or conclusions, shall be admissible as evidence or subject to discovery in any civil or administrative proceedings, other than an administrative proceeding initiated by the United States.

''(b) Any member or employee of the Coast Guard investigating a marine casualty pursuant to section 6301 of this title shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary. The Secretary shall not withhold permission for such employee or member to testify, either orally or upon written questions, on solely factual matters at a time and place and in a manner acceptable to the Secretary if the information is not available elsewhere or is not obtainable by other means.'';

(3) in subsection (c), as redesignated by this section, by striking ''subsection (a)'' and inserting ''subsections (a) and (b)''; and

(4) in subsection (d), as redesignated by this section, by striking ''subsections (a) and (b)'' and inserting ''subsections (a), (b), and (c)''.

(f) MORTGAGE INSURANCE.—Section 222 of the National Housing Act of 1934 (12 U.S.C. 1715m) is amended by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

(g) ARCTIC RESEARCH.—Section 107(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4106(b)(2)) is amended—

(1) by redesignating subparagraphs (I) through (K) as subparagraphs (J) through (L), respectively; and

(2) by inserting after subparagraph (H) the following:

''(I) the Department of Homeland Security;''.

(h) CONSERVATION.—

(1) SECTION 1029.—Section 1029(e)(2)(B) of the Bisti/De-Na-Zin Wilderness Expansion and Fossil Protection Act of 1996 (16 U.S.C. 460kkk(e)(2)(B)) is amended by striking ''Secretary of Transportation, to represent the United States Coast Guard.'' and inserting ''Commandant of the Coast Guard''.

(2) SECTION 312.—Section 312(c) of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2441(c)) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

(i) INTERNAL REVENUE CODE OF 1986.—Section 3122 of the Internal Revenue Code of 1986 (26 U.S.C. 3122) is amended by striking ''Secretary of Transportation'' each place it appears and inserting ''Secretary of the Department in which the Coast Guard is operating''.

(j) ANCHORAGE GROUNDS.—Section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) is amended by striking ''of Transportation'' in each place it appears and inserting ''of Homeland Security''.

(k) BRIDGES.—Section 4 of the General Bridge Act of 1906 (33 U.S.C. 491) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

(l) OIL POLLUTION.—The Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) is amended—

(1) in section 5001(c)(1)(B) (33 U.S.C. 2731(c)(1)(B)) by striking ''Commerce, the Interior, and Transportation,'' and inserting ''Commerce and the Interior and the Commandant of the Coast Guard,'';

(2) in section 5002(m)(4) (33 U.S.C. 2732(m)(4)) by striking ''of Transportation.'' and inserting ''of the department in which the Coast Guard is operating.'';

(3) in section 7001(a) (33 U.S.C. 2761(a)) by striking paragraph (3) and all that follows through the end of the subsection and inserting the following:

''(3) MEMBERSHIP.—The Interagency Committee shall include representatives from the Coast Guard, the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology), the Department of Energy, the Department of the Interior (including the Minerals Management Service and the United States Fish and Wildlife Service), the Department of Transportation (including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration), the Department of Defense (including the Army Corps of Engineers and the Navy), the Department of Homeland Security (including the United States Fire Administration in the Federal Emergency Management Agency), the Environmental Protection Agency, the National Aeronautics and Space Administration, and such other Federal agencies the President may designate.

''(4) CHAIRMAN.—A representative of the Coast Guard shall serve as Chairman.''; and

(4) in section 7001(c)(6) (33 U.S.C. 2761(c)(6)) by striking ''other such agencies in the Department of Transportation as the Secretary of Transportation may designate,'' and inserting ''such agencies as the President may designate,''.

(m) MEDICAL CARE.—Section 1(g)(4)(B) of Public Law 87–693 (42 U.S.C. 2651(g)(4)(B)) is amended by striking ''of Transportation,'' and inserting ''of Homeland Security,''.

(n) SOCIAL SECURITY ACT.—Section 205(p)(3) of the Social Security Act (42 U.S.C. 405(p)(3)) is amended by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

(o) MERCHANT MARINE ACT, 1920.—Section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) is amended in the matter following the ninth proviso (pertaining to transportation of a foreign-flag incineration vessel) by striking ''Satisfactory inspection shall be certified in writing by the Secretary of Transportation'' and inserting ''Satisfactory inspection shall be certified, in writing, by the Secretary of Homeland Security.''.

And the Senate agree to the same.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

DON YOUNG,
FRANK A. LOBIONDO,
HOWARD COBLE,
PETER HOEKSTRA,
PETE SIMMONS,

MARIO DIAZ-BALART,
CHARLES W. BOUSTANY, Jr.,
JAMES L. OBERSTAR,
BOB FILNER,
GENE TAYLOR,
BRIAN HIGGINS,
ALLYSON Y. SCHWARTZ,

From the Committee on Energy and Commerce, for consideration of sec. 408 of the Hosue bill, and modifications committed to conference:

JOE BARTON,
PAUL GILLMOR,
JOHN D. DINGELL,

From the Committee on Homeland Security, for consideration of secs. 101, 404, 413, and 424 of the Hosue bill, and secs. 202, 207, 215, and 302 of the Senage amendment, and modifications committed to conference:

BENNIE G. THOMPSON,

From the Committee on Resources, for consideration of secs. 426, 427, and title V of the House bill, and modifications committed to conference:

RICHARD POMBO,
WALTER B. JONES,
Managers on the Part of the House.

TED STEVENS,
OLYMPIA SNOWE,
(except section 414),
TRENT LOTT,
GORDON SMITH,
DANIEL K. INOUYE,
MARIA CANTWELL,
(except section 414),
FRANK R. LAUTENBERG,
(except section 414),
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 889), to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

As of April 6, 2006 (4:00)

Section 1. Short title

Section 1 of the House bill states that the Act may be referred to as the ''Coast Guard and Maritime Transportation Act of 2005.''

Section 1 of the Senate amendment states the Act may be cited as the ''Coast Guard Authorization Act of 2005.''

The Conference substitute states that the Act may be referred to as the ''Coast Guard and Maritime Transportation Act of 2006''.

TITLE I—AUTHORIZATION

Section 101. Authorization of appropriations

Section 101 of the House bill authorizes funds for the Coast Guard in FY 2006. It authorizes approximately $8.7 billion in funding for the necessary expenses of the Coast Guard in FY 2006. Paragraph (1) of that section authorizes a funding level of $5,586,400,000 for the Coast Guard's Operating Expenses Account including an amount of $39 million to establish a second Helicopter Interdiction Tactical Squadron (HITRON) on the west coast.

Section 101(2) of the House bill authorizes $1,903,821,000 for the Coast Guard's Acquisitions, Construction and Improvements Accounting including approximately $1.6 billion for the Integrated Deepwater Systems program (Deepwater). Of the funding authorized for Deepwater in FY 2006, H.R. 889 authorizes an amount of $1,316,300,000 for the acquisition and construction of new vessels, aircraft, facilities, and support systems and an amount of $284,369,000 for the sustainment of the Coast Guard's legacy vessels and aircraft.

Section 101(3) of the House bill authorizes an amount of $24,000,000 for the Coast Guard's program to research and develop technologies, measures, and procedures to enhance the Coast Guard's capabilities to carry out all of the Service's many missions.

Section 101(5) of the House bill authorizes an amount of $35,900,000 for the Federal share of costs associated with alteration or removal of bridges that have been identified by the Coast Guard as obstructions to navigation.

Section 101 of the House bill also authorizes $12,000,000 for environmental compliance and restoration at Coast Guard facilities and $119,000,000 for the Coast Guard Reserve program. Lastly, this section authorizes $1,014,080,000 for retired pay, a mandatory expenditure.

Section 101 of the Senate amendment is similar to the House provision except that the Senate provision authorizes funds for FY 2006 and 2007 and contains different authorization levels than those that are included in the House bill. Section 101 authorizes $5.594 billion for operating expenses for FY 2006 and $6.042 billion for FY 2007. The Senate amendment also authorizes $1.424 billion for Acquisition, Construction and Improvements for FY 2006 and $1.538 billion for FY 2007. As a reflection of its support of the Coast Guard recapitalizing its fleet of cutters and aircraft, the reported bill would authorize $1.1 billion for Deepwater in FY 2006, $134 million above the President's request. Deepwater is authorized at $1.188 billion for FY 2007.

The Conference substitute authorizes funds for the Coast Guard in FY 2006 as follows:

Operation and Maintenance	$5,633,900,000
Acquisition, Construction and Improvement	1,903,821,000
Research, Development, Test and Evaluation	24,000,000
Retired Pay	1,014,080,000
Bridge Alteration	37,400,000
Environmental Compliance and Restoration	12,000,000
Coast Guard Reserve Training	119,000,000
TOTAL	$8,744,201,000

Of the amount authorized for OE, the conferees direct the Coast Guard to dedicate $39 million for the creation of an additional Coast Guard Helicopter Interdiction Tactical Squadron (HITRON).

Currently, the only Coast Guard HITRON squadron is based in Jacksonville, Florida. The Coast Guard's HITRON squadron carries out illegal drug interdiction missions in concert with Coast Guard vessels in the Caribbean Sea and in the Eastern Pacific Ocean. HITRON helicopters enhance the capabilities of Coast Guard cutters and associated small boats to pursue and apprehend 'go-fast' vessels that attempt to smuggle illicit drugs into the United States. The Coast Guard has estimated that the HITRON squadron has prevented an estimated 8.5 tons, or $6 billion in illegal drugs from entering the United States.

The authorization for the Coast Guard's Acquisitions, Construction and Improvement account includes $1.6 billion for Deepwater which includes an amount of $1,316,300,000 for the acquisition and construction of new vessels, aircraft, facilities, and support systems and an amount of $284,369,000 for the sustainment of the Coast Guard's legacy vessels and aircraft. The Conferees remain concerned that these assets are deteriorating at a faster pace than originally projected and require a dedicated funding stream. The conferees recommend that the Coast Guard examine ways to decrease the costs of maintaining and sustaining the Services' legacy assets, particularly the fleet of 110-foot cutters, and HH–65 helicopters. The rapid deterioration of these assets is draining funding and resources from the acquisition of replacement assets and lengthening the time before new assets will be employed by Coast Guardsmen in our waters and in our skies. The authorized funding level would also accelerate the purchase of new Deepwater assets, making assets with enhanced capabilities available more quickly to carry out the Service's many important traditional and homeland security missions.

The authorization for the Acquisitions, Construction and Improvement account AC&I account includes $101 million for the upgrading of the Rescue 21 program. The conferees are very concerned that the funding for this critically important program has significantly decreased over the past year, and would like to see funding restored to at least this level for FY 2006.

The conferees note that the Coast Guard and the State of Hawaii have been working jointly pursuant to a Memorandum of Understanding to develop an emergency communications system for state and federal officials, known as the Rainbow (Anuenue) Digitial Microwave Project, on a matched-funding basis. Rescue 21 in Hawaii will utilize the infrastructure provided by this project. Now that the State has its money in place, the conferees expect the Coast Guard to move forward with its obligations under the Memorandum of Understanding to complete the project.

The authorization for the Acquisitions, Construction and Improvement account also includes $8.7 million to be used for the construction of an Aquatic Training Facility for the Aviation Survival Technician ''A'' School located at Coast Guard Air Station Elizabeth City, NC, $10 million to complete the Vessel Traffic System upgrade for Puget Sound, and $3 million to complete the construction of the Sector Operations Building for Group Seattle.

With respect to the authorization of Research, Development, Test and Evaluation funding, the conferees strongly believe that this funding should remain under the Coast Guard's direct control and should not be transferred to any other entity within the Department of Homeland Security, as the President has again proposed. The Coast Guard's unique character as a military service with a wide scope of regulatory functions requires that this funding be available to support missions including defense readiness, search and rescue, marine environmental protection, providing aids to navigation and protecting America's maritime homeland security.

With respect to the funding for bridge alterations, the conferees recommend that $20 million of the total amount be utilized to make changes to the Galveston Causeway Railroad Bridge in Galveston, Texas to improve navigation safety and $2.5 million be

utilized to continue work on the Chelsea Bridge in Boston, Massachusetts.

The conferees recommend that the Coast Guard re-evaluate the categorization of both the Leeville Bridge and the Kerner Ferry Bridge in Louisiana. The Leeville Bridge provides the only access to Port Fouchon and Grand Isle, and has been struck 11 times in the past year while the Kerner Ferry Bridge has experienced several vertical clearance problems. These bridges are currently categorized as non-hazards to navigation, therefore making them ineligible for funds under the Truman-Hobbs Act.

The conferees are aware of the efforts of the Institute of Marine and Coastal Sciences at Rutgers University to develop a High Frequency Radar network for U.S. coastal waters. This technology was used in local search and rescue demonstration projects funded by the Coast Guard Research and Development Center in 2004. The conferees urge the Coast Guard to work with Rutgers to establish a regional pilot project in the Mid-Atlantic. The goal of the project should be to make CODAR an operational search and rescue tool.

The conferees are aware that the Coast Guard Cutter ACACIA is scheduled to be decommissioned in 2006. The conferees urge the Coast Guard to replace the ACACIA with a vessel that has icebreaking capabilities in order to maintain commercial shipping in the Great Lakes and particularly northern Lake Michigan. The need to ensure the availability of a ship that can assist in icebreaking is particularly important because the Canadian government has decommissioned one of its buoy tenders, which will increase the demands on U.S. icebreakers. Therefore, the Coast Guard should ensure that an icebreaking tug shall continue to be home ported on northern Lake Michigan and shall provide the necessary funding for operations and maintenance of such vessel.

The conferees recommend that the United States Coast Guard Captains of the Port be made aware that vessels that use certain valves manufactured by TankTech have been banned in Denmark and Italy because of safety concerns with those valves. That ban has been upheld by the European Union Commission based on tests at EU-approved laboratories. The American Bureau of Shipping is also recommending that these valves be removed from all vessels that they class. Additionally, the conferees recommend that the United States Coast Guard work more closely with its European Union maritime counterparts with regards to testing and test evaluation of those valves to ensure uniformity of test results.

Section 102. Authorized levels of military strength and training

Section 102 of the House bill authorizes a Coast Guard end-of-year strength of 45,500 active duty military personnel for FY 2006. This level maintains the personnel level that was authorized at the end of FY 2005. The section also authorizes average military training student loads for FY 2006 at the same level as was authorized in FY 2005. At the end of FY 2005, 39,717 active duty personnel were serving in the Coast Guard. The section also authorizes average military training student loads for FY 2006 as follows:

Training	Student years
Recruit/Special	2,500
Flight	125
Professional	350
Officer Acquisition	1,200

Section 102 of the Senate amendment is substantively similar to the House bill, except that it authorizes these personnel levels for FYs 2006 and 2007.

The Conference substitute adopts the House provision.

Section 103. Authorization of funding related to Katrina

Section 103 of the House bill authorizes $60,000,000 (above the amount authorized for the Coast Guard in Section 101) in FY 2005 for the Coast Guard's emergency hurricane expenses, emergency repairs, deployment of personnel, to support costs of evacuation, and other costs resulting from the immediate relief efforts related to Hurricane Katrina.

Section 702 of the Senate amendment similarly authorizes funding above the amount authorized in Section 101 in FY 2005. The Section specifically authorizes $200,000,000 for the operation and maintenance of the Coast Guard in responding to Hurricane Katrina, including for search and rescue efforts, clearing channels, emergency response to oil and chemical spills, and increased costs due to higher than expected fuel costs. Also, $300,000,000 is authorized for the acquisition, construction, renovation, and improvements of aids to navigation, shore and offshore facilities, and vessels and aircraft related to damage caused by Hurricane Katrina.

The Conference substitute adopts the Senate provision with an amendment that includes a supplemental authorization of $300,000,000 for the Coast Guard's Operating Expenses account and $200,000,000 for the Acquisitions, Construction and Improvements account for non-reimbursed expenditures associated with the Coast Guard's response to Hurricane Katrina and stipulates that amounts appropriated under this authorization are to remain available until expended.

Section 104. Web-based data management

The House bill does not contain a similar provision.

Section 104 of the Senate amendment provides an authorization of $1,000,000 for the Coast Guard to continue their development of a web-based risk management system that links occupational health and safety databases to reduce accidents and fatalities.

The Conference substitute adopts the Senate provision.

TITLE II—COAST GUARD

Section 201. Extension of Coast Guard vessel anchorage and movement authority

Section 201 of the House bill amends section 91 of title 14, United States Code, (relating to the Coast Guard's authority to establish security areas to ensure the safety and security of naval vessels) to redefine the term 'navigable waters of the United States' to include territorial waters out to 12 nautical miles from shore. This amendment updates existing law to reflect the expansion of U.S. territorial waters from 3 nautical miles to 12 nautical miles from shore that was made by Presidential Proclamation Number 5928 on December 27, 1988.

Section 201 of the Senate amendment is substantively similar to the House bill.

The Conference substitute adopts the House provision.

Section 202. International training and technical assistance

Section 202 of the House bill authorizes the Commandant of the Coast Guard to conduct international training and to provide technical assistance to international navies, coast guards and maritime authorities during regular Coast Guard operations without requiring a specific request from a third party U.S. Government agency.

Section 207 of the Senate amendment is substantively similar to the House bill.

The Conference substitute adopts the House provision.

Section 203. Officer promotion

Section 203 of the House bill authorizes the Secretary of the department in which the Coast Guard is operating to waive time in grade requirements for junior and midgrade officers to ensure that all officers are considered for promotion earlier than is currently possible under title 14, United States Code. This section would grant officers of the Coast Guard the same below grade promotion opportunity that is currently authorized for officers of the other military services. This change would allow the Coast Guard to have more flexibility in promoting the best qualified officers.

Section 406 of the Senate amendment is substantively similar to the House bill.

The Conference substitute adopts the House provision.

Section 204. Coast Guard Band Director

Section 204 of the House bill authorizes the Secretary to appoint the United States Coast Guard Band Director at a rank commensurate with the person's experience and training, rather than requiring the Director to be appointed as junior officer. The proposal would also allow the Secretary to appoint a person who is not a member of the Coast Guard as the Band Director rather than being limited to only members of the Coast Guard.

Section 402 of the Senate amendment is identical to the House bill, except for minor technical changes.

The Conference substitute adopts the House provision.

Sec. 205 Authority for one-step turnkey design-build contracting

Section 205 of the House bill authorizes the Secretary to award consolidated design-build contracts using a one-step turnkey selection procedure similar to the authority provided to the Department of Defense. One-step turnkey contracting authority would all the selection of a contractor on the basis of price and other evaluation criteria through a single proposal for both the design and construction of a facility.

Section 405 of the Senate amendment is identical to the House bill, except for minor technical changes.

The Conference substitute adopts the House provision.

Section 206. Reserve recall authority

Section 206 of the House bill authorizes the Secretary to order Coast Guard Reservists to active duty, for not more than sixty days in any four-month period and not more than one hundred twenty days in any two-year period, to augment Coast Guard active duty forces.

Section 403 of the Senate Amendment is substantively similar to the House provision; however it also expands the ability to use recalls for a threat of a terrorist attack. The provision also requires that, for purposes of calculating the duration of active duty, a period of active duty shall begin on the first day that a member reports to active duty, including for training.

The Conference substitute adopts the Senate provision with a technical amendment.

Section 207. Reserve Officer distribution

Section 207 of the House bill amends Section 724 of title 14, United States Code, to link Coast Guard Reserve officer authorization levels to active duty officer authorization levels for junior and mid-grade officers in order to properly distribute the numbers of Reserve officers in those grades. The proposal would also make clear that Reserve officers in an active status are counted only against the Reserve component strength.

Section 401 of the Senate amendment is identical to the House provision, except for a minor technical change.

The Conference substitute adopts the House provision.

Section 208. Expansion of use of auxiliary equipment to support

COAST GUARD MISSIONS

Section 208 of the House bill authorizes the Coast Guard to cover personal motorized vehicles of members of the Coast Guard Auxiliary, in limited circumstances, under Coast Guard claims procedures when an Auxiliary member is towing, under official Coast Guard orders and in support of Coast Guard missions, trailers that carry government owned boats and other equipment. Currently, an Auxiliary member is only eligible for liability coverage under Coast Guard claims procedures when the member uses his own vehicle to tow his own boat or Auxiliary equipment that has been designated for Coast Guard use.

Section 404 of the Senate amendment is substantively similar to the House provision.

The Conference substitute adopts the House provision with a clarifying amendment.

Section 209. Coast Guard History Fellowships

Section 209 of the House bill authorizes the Secretary to develop regulations to award Coast Guard History Fellowships to graduate students who agree to prepare their doctoral dissertations on issues related to the history of the Coast Guard.

The Senate amendment did not contain a similar provision.

The Conference substitute adopts the House provision with an amendment that limits the total amount of any fellowship to $25,000 per year and the number of fellowships awarded in each year to no more than two.

Section 210. Icebreakers

Sec. 210 of the House bill requires the Secretary to submit, not later than 90 days after the date of the enactment of the Act, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for operation and maintenance of Coast Guard icebreakers in the waters of Antarctica after FY 2006 that does not rely on the transfer of funds to the Coast Guard by any other Federal agency. The plan must be implemented after FY 2006, subject to the availability of appropriations.

Sec. 210 of the Senate amendment requires the Coast Guard to take all necessary measures to maintain, at a minimum, its current vessel capacity for carrying out icebreaking in the Arctic and Antarctic regions and for the long-term recapitalization of such vessels. It authorizes $100,000,000 for the Department in which the Coast Guard is operating to carry out this section.

The Conference substitute adopts a provision that requires the Coast Guard to submit to Congress not later than 90 days after enactment a plan to operate and maintain the POLAR STAR, POLAR SEA, and HEALY fleet after FY 2006 and for the long-term recapitalization of the Coast Guard's polar icebreaking fleet. The provision further directs the Coast Guard to take all measures necessary to maintain current operational capabilities to carry out icebreaking operations in the Arctic, the Antarctic, the Great Lakes and the Northeast. Lastly, the provision includes an authorization of $100,000,000 for FY 2006 to carry out these obligations with respect to the Coast Guard's polar icebreakers.

The conferees are extremely concerned by the Administration's continued proposals to divert funds to operate Coast Guard icebreakers from the Coast Guard's budget to that of another Federal agency. Such a transfer of funds from the Coast Guard's control could force the service to operate and maintain these vessels in the future without any reliable source of funding. The conferees strongly agree with the recommendations of the National Academy of Sciences' interim report that the United States retains icebreaking capabilities to assert significant geo-political, security, economic, and scientific interests in the Arctic and Antarctic.

Section 211. Operation as a service in the Navy

Section 211 of the House bill removes the automatic trigger in current law whereby the Coast Guard will operate as a service in the United States Navy upon the declaration of war. It retains the provision in current law whereby the Coast Guard will operate as a service in the Navy when the President directs.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts language that clarifies that the Coast Guard shall operate as a service in the Navy only upon positive action by Congress or the President.

Section 212. Limitation on transfer to St. Elizabeths Hospital

Section 215 of the House bill provides that the Coast Guard may not move any of its personnel, property, or other assets to the West Campus of St. Elizabeths Hospital until the Administrator of General Services submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate plans to provide road access to the site from Interstate 295 and for the design of facilities for at least one federal agency other than the Coast Guard that would house no less than 2,000 employees at such location.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment that adds several items to the scope of the plans that are required to be submitted to Congress.

Section 213. Cooperative arrangements

The House bill does not contain a comparable provision.

Section 204 of the Senate amendment would require the Coast Guard to submit a report on opportunities for and the feasibility of co-locating Coast Guard assets and personnel at facilities of other Armed Services branches as well as entering into cooperative agreements for carrying out Coast Guard missions.

The Conference substitute adopts the Senate provision with a technical modification. The conferees direct the Coast Guard to examine Naval Station Everett and Naval Station Pascagoula for such potential arrangements.

Section 214. Biodiesel feasibility report

The House bill does not contain a comparable provision.

Section 209 of the Senate amendment would require the Coast Guard to submit a report on the feasibility of using bio-diesel fuel in both new and existing vehicles and vessels.

The Conference substitute adopts the Senate provision. The conferees expect the Coast Guard to identify and consider analyses on the use of biodiesel fuel conducted by other agencies as part of its study.

Section 215. Boating Safety Director

The House bill does not contain a comparable provision.

Section 408 of the Senate amendment would ensure that the individual who is assigned as the Director of the Coast Guard's Office of Boating Safety office will be a uniformed officer in the rank of Captain.

The Conference substitute adopts the Senate provision.

Section 216. Hangar at Coast Guard Air Station Barbers Point

The House bill does not contain a comparable provision.

Section 409 of the Senate amendment would require the Coast Guard to submit a report that includes a proposal and cost analysis for constructing an enclosed hangar at Coast Guard Air Station Barbers Point. The current station is not enclosed and is not 10 large enough to house a single C–130. Due to the resulting exposure, aircraft are experiencing corrosion.

The Conference substitute adopts the Senate provision.

Section 217. Promotion of Coast Guard Officers

The House bill does not contain a comparable provision.

Section 410 of the Senate amendment modifies the requirement for advice and consent of the Senate for officer appointments to the rank of Lieutenant (O–3) and below in both peacetime and wartime.

The Conference substitute adopts the Senate provision.

Section 218. Redesignation of Coast Guard Law Specialists as Judge Advocates

The House bill does not contain a comparable provision.

Section 407 of the Senate amendment would redesignate Coast Guard ''law specialists'' as ''judge advocates.'' The Coast Guard is currently the only military service that does not use the title ''judge advocate'' for its military attorneys.

The Conference substitute adopts the Senate provision.

TITLE III—SHIPPING AND NAVIGATION

Section 301. Treatment of ferries as passenger vessels

Section 301 of the House bill amends the definition of ''passenger vessel'' and ''small passenger vessel'' to include ferries that carry passengers with or without charge.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision.

Section 302. Great Lakes pilotage annual ratemaking

Section 302 of the House bill requires the Coast Guard to review and adjust pilotage rates as necessary by March 1 of each year, which is in advance of the opening of the Great Lakes shipping season. Annual adjustments lend stability to the shipping system by avoiding the much larger increases that have occurred recently when multiple years lapse between adjustments.

The Senate amendment does not contain a comparable provision.

The Conference substitute includes a provision that requires the Secretary of the department in which the Coast Guard is operating to adjust Great Lakes pilotage rates annually based on an annual review of base pilotage rates that are required to be established not less than every 5 years following a full rulemaking process. It is not, however, the intent of the conferees that the adjustment of annual rates be subject to a full rulemaking process.

Section 303. Certification of vessel nationality in drug smuggling cases

Section 303 of the House bill amends the Maritime Drug Law Enforcement Act to strike the requirement that the United States receive a denial of a vessel's claim of

registry from a foreign country before asserting jurisdiction over a vessel. The revised language requires only that the United States receive a response from a foreign government regarding the claim of registry. Therefore, this amendment would allow the U.S. to prove that a flag State, which the defendant alleged has jurisdiction, does not have such jurisdiction if the flag State, in response to a U.S. inquiry, responds that it can neither confirm nor deny a suspect vessel's nationality.

Section 210 of the Senate amendment contains a substantively similar provision with a technical change that clarifies that the response of a foreign nation may be made by radio, telephone, or similar oral or electronic means and is conclusively proved by certification of the Secretary of State or the Secretary's designee.

The Conference substitute adopts the Senate provision with a technical amendment.

Section 304. LNG tankers

Section 304 of the House bill requires the Secretary of Transportation to develop a program to promote the transportation of liquefied natural gas (LNG) by the maritime transportation sector. The provision also amends the Deepwater Port Act to direct the Secretary to prioritize the processing of licenses for LNG facilities that would be supplied by U.S.-flagged LNG vessels.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision with an amendment that amends the Deepwater Port Act to require an applicant for a deepwater port license to include, as part of the application, information regarding the vessels that are reasonably expected to service the port upon construction. The provision also requires the Coast Guard to provide the same information to the Federal Energy Regulatory Commission as part of the Coast Guard's contribution to the Environmental Impact Statement for landside liquefied natural gas and liquefied petroleum facilities.

Section 305. Use of maritime safety and security teams

The House bill does not include a comparable provision.

Section 704 of the Senate amendment provides that the Secretary may use maritime safety and security teams to implement any mission of the Coast Guard.

The Conference substitute adopts the Senate provision with a technical amendment.

Section 306. Enhanced civil penalties for violations of the Maritime Transportation Security Act

The House bill does not include a comparable provision.

Section 704 of the Senate amendment would amend section 70119 of title 46, United States Code, to permit the Secretary to assess substantial separate and continuing civil penalties to compel owners and operators of vessels and facilities to comply with MTSA. The total fines per violation would not exceed $50,000 during FY2006, $75,000 during FY2007, and $100,000 after FY2007.

The Conference substitute adopts a provision that makes each day during which a violation of Chapter 701 of title 46, United States Code, a separate violation and caps a civil penalty for a violation at no more than $50,000. Additionally the conferees agree that the Secretary shall have the prerogative to take into account the nature, circumstances, and extent of the violation in assessing the penalty.

This section will add a dimension of enforcement flexibility for the Secretary to assess a civil penalty for each day an owner/operator remains non-compliant beyond the first day on which the violation was cited. Currently, the only alternative means of enforcement is for the Secretary to order cessation of vessel or facility operation until the owner or operator corrects the outstanding violation. This provision will expand the enforcement options available to the Secretary under MTSA, consistent with other statutes that provide for a separate violation for each day a violation remains outstanding.

Section 307. Training of cadets at United States Merchant Marine Academy

Section 406 of the House bill authorizes cadets at the Merchant Marine Academy to train aboard foreign-flagged liquefied natural gas (LNG) vessels if the Secretary determines that such training is in the interest of the United States.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision.

Currently, cadets at the Academy are prohibited from training aboard foreign-flagged vessels; however there are no U.S.-flagged LNG vessels in operation. Future national energy strategies will likely place increased emphasis on the transport of LNG to U.S. ports resulting in a high demand for merchant mariners with previous training and experience aboard LNG vessels. This authority will allow Merchant Marine Academy cadets to gain that training in the interim before U.S.-flagged LNG vessels come into operation.

Section 308. Reports from mortgagees of vessels

Section 411 of the House bill authorizes the Secretary to require reports from mortgagees in addition to those required of owners, masters and charterers. Section 12120 of Title 46, United States Code, authorizes the Secretary of the Department in which the Coast Guard is operating to require owners, masters and charterers of vessels engaged in the coastwise trade and the fisheries to submit reports to ensure compliance with vessel documentation laws. These reports may be in any reasonable form prescribed by the Secretary.

Section 206 of the Senate amendment is identical.

The Conference substitute adopts the House provision.

Section 309. Determination of the Secretary

Section 413 of the House bill would prevent the Secretary from considering any felony conviction that occurred more than 7 years prior to the date of the Secretary's determination when evaluating whether an individual poses a terrorism risk for the United States for the purpose of obtaining a transportation security card. This provision also specifies that an appeal of a denial of an application for a transportation security card must include an opportunity for a hearing before an administrative law judge.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provision that requires the Secretary of the department in which the Coast Guard is operating to establish a review process before administration law judges to consider an appeal of a denial of an application for a transportation security card.

Nothing in this section provides authority for the Secretary or the Administrative Law Judge to make a separate determination as to whether an individual may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act. Those determinations are to be governed by the Immigration and Nationality Act and not section 70105 of title 46, United States Code.

Section 310. Setting, relocating, and recovery of anchors

Section 415 of the House bill prohibits the use of a vessel that has not been documented under U.S. law with a registry endorsement to set or move anchors or other mooring equipment of a mobile offshore drilling unit located above or on the outer Continental Shelf.

Section 217 of the Senate amendment contains a similar provision that additionally prohibits the movement of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed or attached to the seabed but not actively exploring for oil and gas resources.

The Conference substitute adopts a provision that prohibits the use of a vessel that does not hold a registry endorsement to set or move anchors or other mooring equipment of a mobile offshore drilling unit located over the outer Continental Shelf or to transport merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed. The purpose of subsection (c)(1)(A) is to require that only an American registered vessel can engage in any activity performed in connection with the mooring or unmooring of a mobile offshore drilling unit located over the U.S. outer Continental Shelf.

Section 311. International tonnage measurement of vessels engaged in the Aleutian Trade

Section 416 of the House bill would amend Chapter 33 of title 46, United States Code, to apply the current exemption from Coast Guard inspection for certain fish tender vessels that are 500 gross tons or less, as measured under the regulatory tonnage system, and engaged in the Aleutian trade to such vessels that are 2,500 gross tons or less, as measured under the International Tonnage Convention.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision.

Under current law, fish tender vessels that are not more than 500 gross tons, as measured under regulatory tonnage, or an alternate tonnage to be prescribed by the Secretary and engaged in the Aleutian trade are exempt from Coast Guard inspection requirements. However, the Coast Guard has never completed the rulemaking process to establish an equivalent alternate tonnage under the international measurement system. As a result, the Aleutian trade fleet has experienced confusion and complications as vessel owners seek to proceed with fleet modernization plans that call for the replacement of current vessels with new vessels that have been measured under the International Tonnage Convention. This provision will alleviate the delay in implementing regulations establishing alternate tonnages as part of the transition from traditional regulatory tonnage to the international measures system.

The conferees recommend that the Coast Guard and the Secretary take swift action to complete the regulatory process to adopt alternate tonnage systems for all vessel classes in the U.S. fleet.

Section 312. Riding gangs

Section 425 of the House bill would authorize foreign citizens who are not considered seamen and who do not carry out watchstanding functions aboard a vessel to carry out certain repair work on U.S.-flag vessels while underway. The provision also requires that any such foreign personnel

must possess a valid transportation security card that is required for maritime workers under section 70105 of title 46, United States Code.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provision that would authorize the use of foreign citizens who are not considered seamen and who do not carry out watchstanding functions aboard a vessel to carry out certain repair work on U.S.-flag vessels while underway when U.S. citizens or residents are unavailable to complete the work and for not more than 60 days in each calendar year.

The conferees intend to allow for the employment of certain individuals on freight vessels on international voyages for extended periods qualifying as ''riding gang members'' without placing these vessels at a competitive disadvantage against similar foreign flag vessels. Under this section, riding gang members may only perform repairs consistent with the provisions of the section, as deemed necessary by the Master, acting on behalf of the vessel operator. This language in no way prevents or limits a vessel's Master from obtaining necessary personnel to perform unforeseen emergency repairs when such circumstances arise. Under the section, the Master, acting on behalf of the vessel operator, may utilize riding gang personnel, in addition to the 60 days allowed under this section, under certain situations when a riding gang member is necessary to perform warranty work.

This section requires each riding gang member to undergo a criminal background check and requires the vessel owner or operator to certify that these checks have been completed. New section 8106(a)(1)(A) of title 46 U.S. Code requires that such individuals possess a valid United States nonimmigrant visa for persons desiring to enter the United States temporarily if they are not a U.S. citizen or alien lawfully admitted for permanent residence.

The section also provides for chemical testing, as well as compliance with shipboard familiarization training in accordance with the International Convention of Training, Certification, and Watchkeeping for Seafarers, 1978, as amended. The Coast Guard is expressly authorized to order the removal of an individual found with probable cause to have committed certain criminal offenses or otherwise constitutes a threat to the safety of U.S. flag freight vessels.

The conferees do not intend to alter collective bargaining agreements that freight vessel owners or operators may have with U.S. maritime labor unions or their documented mariners through this section; nor is it intended in any way to derogate from the traditional maritime jurisdiction of any maritime labor unions. Owners and operators will be required to ensure that an agreement be entered into with each riding gang member that meets or exceeds the minimum international standards of all applicable ILO conventions to which the United States is a party, and shall, at a minimum, include all of the merchant seamen protection and relief provisions contained in the United States Code, including but not limited to those that are set forth in Chapter 103 of Title 46 of the United States Code.

Under this section, violations are punishable by a civil penalty of not more than $10,000 a day, and each day of a continuing violation constitutes a separate violation. The legislation further establishes maximum penalties for continuing violations. Moreover, in determining the amount of the penalty, the Secretary is authorized to take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history or prior offenses, ability to pay, and such other matters as justice may require.

TITLE IV—MISCELLANEOUS

Section 401. Authorization of Junior Reserve Officers Training Program Pilot Program

Section 402 of the House bill authorizes the Secretary to carry out a pilot program to establish a Coast Guard junior reserve officers training program in Camden County, North Carolina.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision with an amendment to clarify that active duty officers and members of the Coast Guard, including reservists on active duty, may not be stationed as administrators or instructors as part of the pilot program.

Section 402. Transfer

Section 403 of the House bill authorizes the Secretary to convey the decommissioned Coast Guard cutter PLANTREE to the CAS Foundation, Inc., a nonprofit corporation in the State of Indiana.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision with an amendment that permits the vessel to be used for humanitarian purposes.

Section 403. LORAN-C

The House bill does not include a comparable provision.

Section 214 of the Senate amendment would authorize the Department of Transportation to transfer $25,000,000 in FY 2006 and in FY 2007 from the Federal Aviation Administration to the Coast Guard for recapitalization of the LORAN-C radio navigation system.

The Conference substitute adopts the Senate provision.

Section 404. Long-range vessel tracking system

Section 404 of the House bill directs the Secretary to carry out a pilot program to demonstrate long-range vessel tracking systems pursuant to 46 U.S.C. 70115. The section also authorizes an amount of $4 million in FY 2006 to carry out the pilot project.

Section 215 of the Senate amendment includes a similar provision with an additional requirement that the project be conducted with the assistance of an existing non-profit maritime organization that has a demonstrated capability of operating satellite communications systems able to transmit this type of data. In addition, it authorizes funding for each of FYs 2006, 2007, and 2008.

The Conference substitute adopts the Senate provision with an amendment to make the program subject to the availability of appropriations.

Section 405. Marine vessel and cold water safety education

The House bill does not include a comparable provision.

Section 216 of the Senate amendment requires the Coast Guard to continue existing agreements with organizations that provide marine vessel safety training and cold water immersion education to fishermen and children.

The Conference substitute adopts the Senate provision.

Section 406. Reports

Section 405 of the House bill requires the Secretary to review and report to Congress on the adequacy of Coast Guard air and surface assets at several Coast Guard stations and sectors to carry out the Service's traditional missions of search and rescue, drug and migrant interdiction, and marine environmental protection in addition to homeland security responsibilities.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provision that is similar to the House-passed provision.

Section 407. Conveyance of the Decommissioned Coast Guard Cutter MACKINAW

Section 408 of the House bill directs the Commandant of the Coast Guard to convey the USCGC MACKINAW to the City and County of Cheboygan, Michigan upon the vessel's scheduled decommissioning. The section requires that the cutter be used as a museum and be made available to the Federal Government if needed in time of war or national emergency.

Section 408 of the Senate amendment contains a similar provision but requires the Commandant to deliver the vessel to the City between June 10, 2006 and June 30, 2006.

The Conference substitute adopts the Senate provision with a slight modification to the delivery schedule to allow for a change in the date of decommissioning and an adjustment to convey the vessel directly to a non-profit museum.

Section 408. Deepwater reports

Section 409 of the House bill requires the Secretary of the department in which the Coast Guard is operating to submit a complete implementation plan for the Deepwater program not later than 30 days after the enactment of the Act. The plan was required to include a complete timeline for the acquisition of each new Deepwater asset and the phase-out of legacy assets for the life of the program, a projection of the remaining operational lifespan of each legacy asset, a detailed justification for each modification in each Integrated Deepwater Program asset that fulfills the revised mission needs statement for the program, and a total cost of the program that aligns with the revised mission needs statement for the program.

Sections 212 and 213 of the Senate amendment are substantively similar provisions. Section 212 of the Senate amendment would require the Coast Guard to submit a report on the status of their compliance with the GAO's recommendations in report GAO–04–380, ''Coast Guard Deepwater Program Needs Increased Attention to Management and Contractor Oversight.'' Section 213 would require the Coast Guard to provide an acquisition time line and associated costs for each asset that reflects project completion in 10 years and 15 years. It also would require the Coast Guard to contract with an independent entity to analyze the plan and assess whether the mix of assets and capabilities selected as part of that plan will meet the Coast Guard's criteria of performance, minimizing total ownership costs, and whether additional or different assets should be considered as part of the plan.

The Conference substitute adopts a provision that require the Coast Guard to submit reports that include components from both the House- and Senate-passed provisions.

The conferees remain concerned that legacy assets are deteriorating at a much faster rate than was originally expected when the Deepwater plan was first developed. Coast Guard vessels and aircraft are increasingly unavailable to carry out the Service's missions due to unscheduled maintenance and repairs. The conferees again support acceleration of the Deepwater program to, in part, provide new assets to replace aging legacy assets that are jeopardizing the success of Coast Guard missions, putting at risk the lives of the men and women of the Coast Guard and siphoning away funding from the acquisition of new assets.

The conferees expect that the reports required under this section will contain a complete delivery schedule for each asset to be

acquired, a projection of the remaining operational lifespan of each legacy asset, a detailed justification for each modification to the original Deepwater plan to meet the Service's revised mission needs statement, and an explanation of the costs that will be required above the estimated costs of the original Deepwater program resulting from such modifications.

Section 409. Helicopters

Section 410 of the House bill would limit the number of HH–65 helicopters that the Coast Guard may acquire to no more than four and prohibit the Commandant from acquiring such helicopters until 90 days after the submission to Congress of a determination that the cost of acquiring used HH–65 helicopters and the cost to modifying those helicopters or airframes to meet the same design, construction, and equipment standards that apply to the current fleet of HH–65 helicopters is more cost-effective than an acquisition or leasing of a similar number of MH–68 helicopters.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provision that requires the Coast Guard to study and report to Congress an analysis of the potential impacts, including costs and benefits, of a requirement that the Coast Guard only acquires helicopters or major helicopter components built in the United States. The conferees understand that some foreign helicopter manufacturers own U.S. manufacturing facilities capable of building helicopters and some helicopter components, but that some components of those helicopters are only manufactured outside the United States.

Section 410. Newton Creek, New York City, New York

Section 412 of the House bill requires the Coast Guard to carry out a study and report to Congress on the pollution of Newtown Creek in the city of New York, New York caused by oil seepage.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with a modification to require the Environmental Protection Agency to carry out the study rather than the Coast Guard.

Section 411. Report on technology

Section 414 of the House bill requires the Commandant of the Coast Guard to submit a report that includes an assessment of the availability and effectiveness of technologies that evaluate and identify inbound vessels and their cargo for potential threats before they reach United States ports, including technologies already tested or in testing at joint operating centers, as well as the costs associated with implementing such technology at all United States ports.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provision that is substantively similar to the House-passed provision.

Section 412. Assessment and planning

Section 417 of the House bill authorizes an amount of $400,000 to be appropriated to the Coast Guard to carry out an assessment of and planning for the impact of an Arctic Sea Route on the indigenous people of Alaska.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment to authorize the funding to the Maritime Administration to carry out the assessment and planning rather than the Coast Guard.

Section 413. Homeport

Section 418 of the House bill requires, subject to the availability of appropriations, the Commandant of the Coast Guard to homeport the Coast Guard cutter HEALY in Anchorage, Alaska.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts a provision that requires the Coast Guard to conduct a study to assess the current homeport for the Coast Guard polar icebreaker HEALY and to assess whether that site or alternative homeporting arrangements would enhance the Coast Guard's capabilities to meet the recommendations of the Interim Report of the National Academy of Sciences (Polar Icebreaker Roles and U.S. Future Needs: A Preliminary Assessment), namely that the United States should maintain dedicated, year-round icebreaking capability in the Arctic. The provision further requires the Coast Guard to report the findings of the study to Congress not later than one year after the enactment of this Act.

Section 414. Opinions regarding whether certain facilities create obstructions to navigation

Section 419 of the House bill requires the Coast Guard to provide an opinion in writing that states whether a proposed wind energy facility would create an obstruction to navigation in any case in which a person requests the Secretary of the Army to take action to permit a wind energy facility under the authority of section 10 of the Act of March 3, 1899 (33 U.S.C. 403).

The Senate bill does not contain a comparable provision.

The Conference substitute adopts a provision that prohibits the construction of an offshore wind energy facility in Nantucket Sound unless approved by the Commandant of the Coast Guard.

Section 415. Port Richmond

Section 424 of the House bill would prohibit the Commandant of the Coast Guard from approving a security plan under section 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

The Senate bill does not contain a comparable provision.

The Conference substitute adopts the House provision.

Section 416. Eligibility to participate in Western Alaska Community Development Quota Program

Section 426 of the House bill clarifies that the approval by the Secretary of Commerce of a community development plan for a Western Alaska Community Development Group does not constitute a major Federal action under Federal law.

The Senate bill does not contain a comparable provision.

The Conference substitute establishes the Western Alaska Community Development Quota program and lists the purposes of the program. It is the intent of Congress that all activities of the CDQ groups continue to be considered tax-exempt (as has been the practice since the program's inception in 1992) so that the six CDQ groups can more readily address the pressing economic needs of the region.

The Conference substitute requires that the CDQ program continue to receive the same annual percentage allocations of each fishery as it does now under existing Federal statute and regulation. It also requires that the percentage of a particular fishery allocated to the CDQ program shall be a directed fishing allowance if treated as such under existing practice and law (such as in the Bering Sea and Aleutian Islands pollock fishery), or in the alternative to include both directed fishing and non-target fishing allocation needs in fisheries where that is the current practice and law for the CDQ allocation. It is not the intent of the conferees to either change the current allocations to the CDQ program or create ''squid box'' problems where minor species such a squid inhibit any directed fishing under the CDQ program.

The Conference substitute provides that the allocation to the CDQ program of certain Bering Sea and Aleutian Islands groundfish species (including Pacific cod, mackerel, and flatfish species) be permanently increased to 10 percent (up from 7.5 percent) and treated as directed fishing allocations as soon as any quota-type programs are established in any sector of the applicable fishery or sector allocations are adopted in the fishery.

The Conference substitute requires that a directed fishing allocation of 10 percent be made to the CDQ program in any new fishery that is opened in the Bering Sea and Aleutian Islands.

The Conference substitute codifies existing practice with respect to processing and any other rights related to CDQ allocations. It specifies that the allocations to the CDQ program itself, as well as the allocations to each of the CDQ groups include the harvesting rights, the rights to process the fish, and any other rights or privileges related to the fish that are associated with the allocations as of March 1, 2006. This is not intended to give the CDQ program or the CDQ groups processing privileges that they do not already have. The language is also not intended to change the inshore/offshore split contained in the American Fisheries Act.

The Conference substitute requires that the harvest of the CDQ allocations be regulated in a manner no more restrictive or costly than for other participants in the applicable sector of the fishery. This section only applies to fisheries with individual quotas or fishing cooperatives.

The Conference substitute allocates to each CDQ group the same percentage of each species that it was authorized to harvest annually by the Secretary as of March 1, 2006. It codifies the existing allocations among the groups dating back to 2003 as well as allocations for new crab CDQ allocations which were approved by the National Marine Fisheries Service in 2005. This includes all species for which the CDQ groups receive an allocation. Additionally, the provision establishes a new system to reallocate up to 10 percent of a CDQ group's allocation if the group fails to meet goals and criteria weighted by the group itself and based on the needs of its region.

By eliminating short term changes in fishery allocations, the conferees intend for the CDQ groups to be able to more readily address the economic needs of western Alaska.

The Conference substitute clarifies existing law by naming the 65 communities and six entities eligible to participate in the CDQ program.

The Conference substitute establishes the requirements that each of the six CDQ groups must fulfill to maintain eligibility in the CDQ program. Each group must be governed by a board of directors, at least 75 percent of the members of which are resident fishermen from the CDQ group's member villages, and have at least one director from each of its member villages. Each CDQ group must select a representative to serve on the CDQ panel.

The Conference substitute allows each CDQ group to make up to 20 percent of its annual investments: (I) on non-fishery projects in its member villages; (II) on pooled or joint investments with other CDQ groups in their regions; or (III) for the purpose of matching Federal or State grants for projects or programs in its member villages. Any remaining

investments must be in fishery related projects or for purposes consistent with the current practices of the CDQ groups. It also requires each CDQ group to submit an annual written statement to the Secretary of Commerce and the State of Alaska which summarizes its investments for the previous year.

The Conference substitute requires CDQ groups to comply with any excessive share limitations in the BSAI fisheries only to the extent of their proportional ownership in any other entities. This provision is intended to address the inherent conflict between excessive share limitations in the fisheries and the CDQ program goal to expand the economic base of the adjacent communities through investment in the fisheries.

The excessive share limitations imposed by the North Pacific Council, Secretary, and Congress are mainly intended to prevent for-profit entities and individuals from acquiring excessive shares of fishing privileges in the fisheries. The excessive share concept stems from National Standard Four of the Magnuson-Stevens Act. It pre-dates the CDQ program and fails to take into account the unique characteristics of the CDQ program.

The Conference substitute would therefore exempt CDQ groups from the ''attribution'' requirements of the American Fisheries Act, the crab quota program, and other federal regulations. Under the ''attribution'' rules, an entity is attributed with the entirety of another entity's harvesting or processing capacity even if the original entity only owns as little as 10 percent of the other entity. Under the substitute, if a CDQ group owns 25 percent of another entity, only 25 percent of the other entity's harvesting or processing capacity would be counted against the CDQ group in determining compliance with any excessive share limitation. Similarly, if a CDQ group owns 77 percent of another entity, only 77 percent of the other entity's capacity would be counted against the CDQ group. The provision is intended to allow the CDQ groups to continue to expand in the BSAI fisheries off their shores, while not completely exempting CDQ groups from excessive share limitations.

The Conference substitute requires each CDQ group to comply with State of Alaska law for the purpose of ensuring that the group provides an annual report to its member villages describing its financial operations, including its general and administrative costs and compensation levels. This provision ensures that the State of Alaska's role is to ensure adequate ''transparency'' to the member villages, particularly with respect to administrative costs.

The Conference substitute requires CDQ groups to additionally comply with State of Alaska banking and securities law to prevent fraud. This requirement removes the State of Alaska from the investment planning and decisions of the CDQ groups, but creates anew, narrower role, to assist the member villages in ensuring against any fraud by the CDQ group. The provision also Clause (iii) requires that the CDQ group and State of Alaska keep confidential from public disclosure any information the disclosure of which would be harmful to the entity or its investments.

The Conference substitute exempts CDQ groups from compliance with any State approval of financial transactions, community development plans, and community development plan amendments, however the provision requires CDQ groups to comply with the decennial review conducted by the State of Alaska.

The Conference substitute establishes a community development quota program panel. The CDQ Panel will consists consist of a member from each of the six CDQ groups. The CDQ Panel removes the need for governmental oversight of the CDQ program and encourages the CDQ groups to work together. Decisions by the CDQ Panel require the unanimous vote of all six Panel members. The Panel may not act if there is a vacancy.

The Conference substitute requires a decennial review of the CDQ program by the State of Alaska. The first review will be in 2012. The CDQ Panel establishes a system to be used by the State of Alaska for purposes of the decennial review that allows each CDQ group to assign relative values to certain criteria in order to match the relative weights of the criteria to the specific needs identified by the CDQ group for its villages. The criteria are: (I) changes in the population, poverty level, and economic development in the CDQ group's member villages; (II) the overall financial performance of the CDQ group, including its fishery and non-fishery investments; (III) the employment, scholarships, and training supported by the CDQ group; (IV) the achievement of the goals of the entities Community Development Plan. Each CDQ group would weight these criteria to reflect the needs of its member villages.

The Conference substitute requires the State of Alaska to use the criteria as weighted by each CDQ group to determine the performance of each CDQ group under the decennial review. The State of Alaska is required to make each performance determination on the record and after an opportunity for a hearing. If the State applies the CDQ group's weightings and determines that a CDQ group has maintained or improved its overall performance, the allocations to the CDQ group are automatically extended for the next 10-year period. If, on the other hand, the State determines that a CDQ group has failed to maintain or improve its performance as measured under the weighted criteria, then at least 90 percent of the CDQ group's allocation of each species under is automatically extended, and the State may determine an appropriate reduction of up to 10 percent of each species for all or part of the next 10-year period. If State law prevents the State from making this determination then the Secretary may make the appropriate reduction. Any reductions imposed by the State of Alaska or the Secretary under shall be reallocated for the period of the reduction to the other non-penalized groups in proportion to each non-penalized group's allocation of the applicable species.

The Conference substitute eliminates the requirement that CDQ groups seek either the review or approval by the Secretary of community development plans or amendments to community development plans. The Conference agreement does not require the State of Alaska to approve community development plans and amendments.

Nothing in the Conference substitute should be construed or implemented in a way that causes any interruption to the CDQ program or to the opportunity of CDQ groups to harvest their allocations.

Subsection (b) would amend existing CDQ loan authority to set the upper limit for the total of the CDQ loans provided by the recent bill language, and paragraph (2) would clarify that CDQ loans under the 1998 CDQ program may be used for the purchase of vessels, processors, permits, quota, and cooperative rights.

Section 417. Quota share allocation

Section 427 of the House bill provides that a portion of the total crab processing quota shares equal to 1.5 percent of the total allowable catch for the Bristol Bay red king crab fishery and the Bering Sea C. Opilio crab fishery be made available to the vessel Blue Dutch, LLC in years when the total allowable catch for that fishery is more than 2 percent higher than the total allowable catch for that fishery during calendar year 2005.

The provision further provides that the Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands implementing regulations shall thereafter be adjusted so that the total of all crab processing quota shares for each fishery referred to equals 90 percent of the total allowable catch.

The Senate bill does not contain a comparable provision.

The Conference substitute adopts a provision that directs the Secretary of Commerce to modify the Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands to provide 0.75 percent of the processor quota share units for the Bristol Bay red king crab fishery and the Bering Sea C. Opilio crab fishery to the vessel Blue Dutch, LLC in years when the total allowable catch for that fishery is more than 2 percent higher than the most recent total allowable catch for that fishery prior to September 15, 2005.

Section 418. Maine fish tender vessels

The House bill does not contain a comparable provision.

Section 211 of the Senate amendment would establish a waiver that would allow vessels not built in the United States to transport fish and shellfish within the coastal waters of the State of Maine if that vessel is ineligible for documentation under chapter 121 of title 46, United States Code because it measures less than 5 net tons and has transported fish or shellfish within the coastal waters of the State of Maine prior to December 31, 2004.

The Conference substitute adopts a provision that authorizes foreign-built vessels that are less than 5 net tons to transport fish or shellfish between places in the State of Maine if that vessel transported fish or shellfish between places in Maine prior to January 1, 2005; the owner. of such vessel owns a valid wholesale seafood license to conduct such transportation that was issued under the Revised Maine Statutes prior to January 1, 2005; the vessel is owned by a person or persons that meet U.S. citizenship requirements under section 2 of the Shipping Act, 1996; and the owner of the vessel submits within 180 days of enactment of this Act an affidavit to the Secretary in which the Coast Guard is operating that certifies that the owner and vessel meet the requirements of this section.

Section 419. Automatic identification system

The House bill does not contain a comparable provision.

Section 219 of the Senate amendment authorizes the Secretary to transfer $1,000,000 to the Department of Commerce for the purposes of awarding a competitive grant to design, develop, and prototype a device that integrates a Class B Automatic Identification System (AIS) transponder with an FCC-approved wireless maritime data device. The Senate-passed amendment also expresses the Sense of the Senate that the Federal Communications Commission should quickly resolve the disposition of its rulemaking on the AIS and licensee use of AIS frequency bands.

The Conference substitute adopts the Senate provision.

Section 420. Voyage data recorder study and report

Section 429 of the House bill would require the Secretary to prescribe regulations to require ferries that carry more than 399 passengers be equipped with a voyage data recorder and to establish standards, methods

for approval of models, and procedures for annual performance testing.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provision that requires the Coast Guard to conduct a study that examines the costs and benefits of carriage of a voice data recorder aboard ferries that carry 400 or more passengers. The Coast Guard is required to submit the findings of the study to Congress not more than 1 year after enactment and to include a recommendation for proposed legislative language if it is deemed appropriate and necessary.

Section 421. Distant water tuna fleet

The House bill does not contain a comparable provision.

Section 218 of the Senate amendment would permit U.S.-flag purse seine fishing vessels that operate out of American Samoa and that fish exclusively for highly migratory species under a fishing license issued pursuant to the 1987 Treaty of Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America to utilize non-United States licensed and documented personnel to meet manning requirements for a 48-month period beginning on the date of enactment of this Act if, after timely notice of a vacancy, no United States-licensed and documented personnel are readily available.

The Conference substitute adopts a provision that would permit such U.S.-flag vessels to utilize foreign citizens that hold a valid license issued in accordance with the standards established by the 1995 amendments to the Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 95) and under competency and training standards that are equivalent or exceed such standards, in the determination of the Secretary, that are required for U.S. licensed personnel. The provision maintains the requirement that the vessel's master be a U.S. citizen licensed by the Coast Guard and provides that this exemption applies only when no U.S. licensed and documented personnel area available. The substitute maintains the sunset and geographical restrictions that were included in the Senate amendment.

TITLE V—LIGHTHOUSES

Section 501. Transfer

Section 501 of the House bill transfers administrative jurisdiction from the Secretary of Agriculture to the Secretary of the department in which the Coast Guard is operating over several National Forest System lands in the State of Alaska upon which are located certain Coast Guard facilities, and over improvements situated on the lands, without requiring consideration and directs the Secretary of Interior to select an eligible entity under the National Historic Lighthouse Preservation Act to take custody of the structures and surrounding lands once the Coast Guard has determined that the land is excess property.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision.

Section 502. Misty Fiords National Monument and Wilderness

Section 502 of the House bill permits the Secretary of the department in which the Coast Guard is operating to transfer to the Secretary of Agriculture all administrative jurisdiction over the Tree Point Light Station, without consideration, if the Secretary determines that the Tree Point Light Station is no longer needed for the purposes of the Coast Guard. The Commandant of the Coast Guard, however, may reserve rights to operate and maintain Federal aids to navigation at the site.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision.

Section 503. Miscellaneous light stations

Section 503 of the House bill specifies that, for purposes of section 416(a)(2) of Public Law 105–383, the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled 'Cape St. Elias Light Station,' dated September 14, 2004. That law authorized the Commandant of the Coast Guard, or the Administrator of the General Services Administration, as appropriate, to convey all right, title, and interest of the United States to Cape St. Elias Light Station to the Cape St. Elias Light Keepers Association; however, it did not clearly describe the property to be conveyed. This provision provides. a description of this property.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment that amends Section 325(c)(3) of the Coast Guard Authorization Act of 1993 (Public Law 103–206; 107 Stat. 2432) to include several housing units and related structures with the property that was transferred in association with Point Wilson Lighthouse in the State of Washington under that Act.

Section 504. Inclusion of lighthouse in St. Marks National Wildlife Refuge, Florida

Section 504 of the House bill revokes the reservation of public land described in subsection (b) for lighthouse purposes by the Executive Order dated November 12, 1838, as amended by Public Land Order 5655, dated January 9, 1979, consisting of approximately 8.0 acres within the external boundaries of St. Marks National Wildlife Refuge in Wakulla County, Florida. Administrative jurisdiction over this land, and over all improvements, structures, and fixtures located thereon, is transferred from the department in which the Coast Guard is operating to the Secretary of the Interior, without reimbursement. However, any Federal aids to navigation located at the Refuge will continue to be operated and maintained by the Coast Guard for as long as they are needed for navigational purposes, and the Coast Guard may remove, replace, or install any Federal aid to navigation at the Refuge as may be necessary.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment that prohibits the transfer of the property until the Coast Guard has completed all response and restoration activities at the site.

TITLE VI—DELAWARE RIVER PROTECTION AND MISCELLANEOUS OIL PROVISIONS.

Section 601. Short title

Section 601 of the House bill states that the legislation may be referred to as the ''Delaware River Protection Act of 2005''.

The Senate amendment does not contain a comparable provision.

The Conference substitute states that this title may be referred to as the ''Delaware River Protection Act of 2006''.

Section 602. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States

Section 602 of the House bill establishes a requirement to notify the Coast Guard of a release of an object from a vessel or facility that creates an obstruction to navigation. Individuals who fail to ''promptly'' notify the Coast Guard of a loss of such an object will be subject to existing civil and criminal penalties under the Ports and Waterways Safety Act.

Under Subchapter C of title 33, Code of Federal Regulations, owners of sunken or submerged vessels that could obstruct navigation in U.S. waters must mark and report the existence of the obstruction. However, there is no current statutory or regulatory requirement that an owner of an object, other than a vessel, notify the Coast Guard after the release of such an object into the navigable waterways of the United States. This provision will address that discrepancy and will improve the Coast Guard's capabilities to maintain safe and efficient navigation on U.S. waterways.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision.

Section 603. Limits on liability

Section 603 of the House bill amends the Oil Pollution Act of 1990 (OPA) to adjust oil spill liability limits to reflect the change in the Consumer Price Index (CPI) since the Act's passage in 1990. The provision would increase liability limits to the December, 2004 CPI-adjusted level (approximately $1,700 per gross ton) over a three year period. The provision makes distinctions between single-hull vessels and double-hull vessels. Liability levels for double-hull vessels would be increased by $500 per gross ton over 3 years, while liability levels for single-hull vessels would be increased by $1,050 per gross ton over three years. This amount is equal to twice the adjustment (approximately $525 per gross ton) based on the increase in the CPI from 1990–2004. The provision also requires the President to adjust the liability limits within three years of the enactment of the Act and every three years thereafter.

OPA established liability limits for tank vessels at a level of $1,200 per gross ton. Under OPA, liability for cleanup costs and damages resulting from oil spills rests with a ''responsible party'' who is either the owner or operator of a vessel. In the event of a spill, the responsible party must pay removal costs incurred by the government or others and damages to claimants who are injured by the spill. Damages may include natural resources damages, damages to real or personal property, damages for loss of use of a natural resource such as a fishery, damages for lost revenue or profit caused by a spill, and damages for the cost of government response necessitated by the spill.

Under OPA, the President is required to adjust these limits every three years according to changes in the Consumer Price Index (CPI). Despite this requirement, no such adjustments have ever been made. The Secretary of the Department of Homeland Security has recently delegated this authority to the Coast Guard.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment to increase liability limits for single-hull tank vessels to $3,000 per gross ton; for double-hull tank vessels to $1,900 per gross ton; and for nontank vessels to $950 per gross ton. These adjustments are based on the projected increase in the end-of-year CPI figure for calendar year 2006.

The substitute also requires the Coast Guard to provide a report within 45 days of enactment of the Act on the extent to which oil discharges from vessels and non-vessel sources have or are likely to result in response costs and damages that exceed these

new limits, the impact on the Oil Spill Liability Trust Fund, and recommendations on whether the liability limits need to be further adjusted. This report is to be updated annually.

Section 604. Requirement to update Philadelphia area contingency plan

Section 604 of the House bill requires the Philadelphia Area Committee to annually update its area contingency plan to include the most recent environmental sensitivity data that has been collected by State and Federal agencies.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision.

Section 605. Submerged oil removal

Section 605 of the House bill requires the National Oceanic and Atmospheric Administration (NOAA), in conjunction with the Coast Guard, to establish a submerged oil research program to research methods to detect, monitor and remove submerged oil and improve modeling capabilities to better predict the movement and behavior of submerged oil. The provision also requires the Coast Guard to carry out a demonstration project to demonstrate technologies and processes to detect and remove submerged oil from waterways including the Delaware River.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment to limit the scope of the submerged oil research program to the Delaware River and Delaware Bay region.

Title VII of the Oil Pollution Act establishes an Oil Pollution Research and Development Program and an Interagency Coordinating Committee on Oil Pollution Research to carry out the Program. The program established under this section would carry out specific research on the effects and persistence of submerged oil in addition to the research program that is carried out by the Committee. A large percentage of the oil that was released from the ATHOS I was or still remains submerged at the bottom of the river, and little work has been done to increase capabilities to predict the persistence of or vertical and horizontal movement of oil within the water column.

The conferees recommend that the efforts of the research program be focused on developing methods and technologies to remove or diminish the persistence of submerged oil that is currently found in the Delaware River. Further, the conferees recommend that the effort of the demonstration program be concentrated on evaluating methods and technologies of removing submerged oil of the type that was released into the Delaware River as a result of the grounding of the ATHOS I and under the conditions that are observed in the area of the Delaware River that was impacted by such oil.

Section 606. Assessment of oil spill costs

The House bill does not contain a comparable provision.

The Senate amendment does not contain a comparable provision.

The Conference substitute requires the Government Accountability Office to assess the costs of response activities and claim that resulted from oil spills into U.S. waters since January 1, 1990.

Section 607. Delaware River and Bay Oil Spill Advisory Committee

Section 606 of the House bill establishes an advisory committee composed of representatives from port authorities, shipping interests, oil refineries, labor, river pilots, environmental groups and the general public. The Committee is tasked with developing recommendations for Congress on the prevention of and response to future oil spills on the Delaware River and Bay.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment to increase the membership of the advisory committee.

The conferees do not intend the advisory committee established under this section to, in any way, assume or duplicate the roles and responsibilities inherent to any existing advisory committees including the Mariners Advisory Committee for the Delaware River and Bay, as well as any committees established under the Oil Pollution Act of 1990 or under Chapter 701 of title 46, United States Code, nor do the conferees wish the advisory committee to duplicate the work of these other entities.

Section 608. Nontank vessels

The House bill does not contain a comparable provision.

Section 519 of the Senate amendment would clarify the applicability of section 701 of P.L. 108–293 (Coast Guard and Maritime Transportation Act of 2004) to nontank vessels within 12 nautical miles of the United States.

The Conference substitute adopts the Senate provision with a technical amendment.

TITLE VII—HURRICANE RESPONSE

Section 701. Homeowners assistance for Coast Guard personnel affected by Hurricanes Katrina or Rita

Section 213 of the House bill authorizes the Secretary to purchase the primary residences of Coast Guard personnel who were assigned to a facility in Louisiana, Mississippi, or Alabama prior to the landfall of Hurricane Katrina that were damaged or destroyed by the storm. Eligible personnel would receive up to 85 percent of fair market value or the amount of any outstanding mortgage, minus an amount of money received from insurance and would transfer to the Secretary all title and interest to the property. The authority to make such purchases is subject to the availability of appropriations.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment to make personnel assigned to facilities in the State of Texas and properties damaged as a result of Hurricane Rita eligible for reimbursement under this section.

The conferees believe that this provision recognizes the unique situation in which the men and women of the Coast Guard are placed. The Coast Guard was among the first on the scene after (and during) Hurricanes Katrina and Rita and rescued approximately 35,000 Americans. At the same time, members suffered great personal losses. Instead of going home to save personal items, they remained on duty.

Section 702. Temporary authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents

Section 420 of the House bill would authorize the Secretary through December 31, 2006 to temporarily extend the duration of a license or certificate of registry or merchant mariners' document issued for an individual for up to one year if the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina or the individual is a resident of Alabama, Mississippi, or Louisiana.

Section 705 of the Senate amendment contains a similar provision but authorizes extensions ''when such action is deemed appropriate and necessary'' and extends the authority to grant exemptions through September 30, 2007.

The Conference substitute adopts the House provision with an amendment to permit the Secretary to provide an extension to a mariner whose records were damaged or lost as a result of Hurricane Katrina and provides that the authority to grant extensions will expire on April 1, 2007.

The conference adopts this provision to address the concerns of the Coast Guard and Gulf merchant mariners affected by Hurricanes Katrina and Rita. The extension will allow merchant mariners to continue working in the region to while the Coast Guard continues its efforts to recover documents that were held in the Regional Examination Center in New Orleans.

The conferees also direct the Coast Guard to expedite the processing of merchant mariner documents for new applicants from the Gulf Coast region. The dislocation of the local population due to Hurricanes Katrina and Rita left many Gulf Coast vessel operators without enough employees to meet the offshore repair workload. As the speed with which these repairs are made have a significant impact on U.S. energy supplies, the Coast Guard should make every effort to expedite the processing of merchant mariner documents for new applicants required to do this work.

Section 703. Temporary authorization to extend the duration of vessel certification of vessel certificates of inspection

Section 421 of the House bill authorizes the Secretary through December 31, 2006 to temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance for up to 6 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

Section 705 of the Senate amendment contains a similar provision except that it does not limit the application of the provision to vessels inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana. Also, the Senate amendment extends authorization through September 30, 2007.

The Conference substitute adopts the House provision with an amendment to extend the authority through April 1, 2007.

Section 704. Preservation of leave lost due to Hurricane Katrina operations

The House bill does not contain a comparable provision.

Section 707 of the Senate amendment would preserve up to 90 days of accumulated leave that would otherwise be lost for Coast Guardsmen who were stationed in or assisted with operations in the areas that were affected by Hurricane Katrina. This section also provides that any leave in excess of 60 days that is preserved under this language will be lost if not used prior to the end of FY 2006.

The Conference substitute adopts the Senate provision.

The conference adopts this provision to rectify the inequity that would occur to certain Coast Guard personnel who worked in the region affected by hurricane Katrina and did not take accumulated leave.

Section 705. Report on impacts to Coast Guard

Section 214 of the House bill requires the Coast Guard to submit a report on the personnel and assets deployed to assist in the response to Hurricane Katrina and the costs incurred as a result of such response that are in addition to funds already appropriated for the Coast Guard for FY 2005.

Section 708 of the Senate amendment contains a comparable provision that requires

the Coast Guard to analyze the impacts of Hurricane Katrina on Coast Guard assets and operations, the Coast Guard's preparedness for such a storm, the Coast Guard's capabilities to communicate during and after the storm, and the financial impacts unbudgeted increases in the price of fuel on Coast Guard operations in FYs 2005 and 2006.

The Conference substitute adopts the Senate provision.

Section 706. Report on impacts on navigable waterways

The House bill does not contain a comparable provision.

Section 709 of the Senate amendment requires the Coast Guard to submit a report on the impacts of Hurricane Katrina on navigable waterways and the response of the Coast Guard to such impacts.

The Conference substitute adopts the Senate provision.

TITLE VIII—OCEAN COMMISSION RECOMMENDATIONS

Section 801. Implementation of international agreements

The House bill does not contain a comparable provision.

Section 302 of the Senate amendment requires the Secretary to work with responsible officials and agencies of other nations to accelerate efforts at the International Maritime Organization (IMO) to enhance flag state oversight and enforcement of security, environmental, and other agreements adopted within the IMO, including implementation of a code outlining flag state responsibilities and obligations, an audit regime for evaluating flag state performance, measures to ensure that responsible organizations, acting on behalf of flag states, meet established performance standards, and cooperative arrangements to improve enforcement on a bilateral, regional or international basis.

The Conference substitute adopts the Senate provision with a technical amendment to clarify that the Secretary shall work with our international partners to accelerate the implementation and enforcement of those international agreements to which those nations are a party.

Section 802. Voluntary measures for reducing pollution from recreational boats

The House bill does not contain a comparable provision.

Section 303 of the Senate amendment requires the Secretary to, in consultation with appropriate federal, state, and local government agencies, undertake outreach programs for educating the owners and operators of boats using two-stroke engines about the pollution associated with such engines, and to support voluntary programs to reduce such pollution and encourage the early replacement of older two-stroke engines.

The Conference substitute adopts the Senate provision.

Section 803. Integration of vessel monitoring system data

The House bill does not contain a comparable section.

Section 304 of the Senate amendment requires the Secretary to integrate vessel monitoring system data into its maritime operations databases for the purpose of improving monitoring and enforcement of federal fisheries laws and to work with the Undersecretary of Commerce for Oceans and Atmosphere to ensure effective use of such data for monitoring and enforcement.

The Conference substitute adopts the Senate provision.

Section 804. Foreign fishing incursions

The House bill does not contain a comparable provision.

Section 304 of the Senate amendment requires the Secretary to report on steps that the Coast Guard will take to significantly improve the Coast Guard's detection and interdiction of illegal incursions into the United States exclusive economic zone by foreign fishing vessels.

The Conference substitute adopts the Senate provision with an amendment to also include incursions in the Bering Sea within the scope of the report.

TITLE IX—TECHNICAL CORRECTIONS

Section 401 of the House bill makes several technical corrections to current law related to the Coast Guard and maritime transportation.

Sections 501–518 of the Senate amendment make several conforming amendments to current law to reflect the transfer of the Coast Guard to the Department of Homeland Security from the Department of Homeland Security.

Sections 208, 520 and 521 of the Senate amendment make several other amendments that are technical or conforming in nature.

Section 601 of the Senate amendment establishes an effective date for technical amendments that were included in the Senate amendment.

The Conference Report makes several technical and conforming amendments to statutes related to Coast Guard and maritime transportation and establishes an effective date for those amendments.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

DON YOUNG,
FRANK A. LOBIONDO,
HOWARD COBLE,
PETER HOEKSTRA,
PETE SIMMONS,
MARIO DIAZ-BALART,
CHARLES W. BOUSTANY, Jr.,
JAMES L. OBERSTAR,
BOB FILNER,
GENE TAYLOR,
BRIAN HIGGINS,
ALLYSON Y. SCHWARTZ,

From the Committee on Energy and Commerce, for consideration of sec. 408 of the Hosue bill, and modifications committed to conference:

JOE BARTON,
PAUL GILLMOR,
JOHN D. DINGELL,

From the Committee on Homeland Security, for consideration of secs. 101, 404, 413, and 424 of the House bill, and secs. 202, 207, 215, and 302 of the Senage amendment, and modifications committed to conference:

BENNIE G. THOMPSON,

From the Committee on Resources, for consideration of secs. 426, 427, and title V of the House bill, and modifications committed to conference:

RICHARD POMBO,
WALTER B. JONES,
Managers on the Part of the House.

TED STEVENS,
OLYMPIA SNOWE,
(except section 414),
TRENT LOTT,
GORDON SMITH,
DANIEL K. INOUYE,
MARIA CANTWELL,
(except section 414),
FRANK R. LAUTENBERG,
(except section 414),
Managers on the Part of the Senate.

THE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore (Mr. FORTENBERRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY. Mr. Speaker, I am very happy, of course, to be here tonight to take this leadership hour and talk about something that is really near and dear to my heart but, more importantly, near and dear to the hearts of 41, 42 million seniors in this country who finally, because of the leadership of this Congress, the Republican leadership and this President, have delivered on a promise that was made years ago. And that delivery, I know a lot about them because as an OB/GYN physician before coming to Congress, I delivered 5,200 babies, but this may be the best delivery that I have ever been a part of, Mr. Speaker, and that is delivering, as I say, on a promise made by former Congresses and other Presidents over the 45-year history of the Medicare program, which was introduced in 1965 with no prescription drug benefit. And what we have done here is add part D, the ''D'' for ''drugs'' or, if you want, the ''delivery'' that we have finally provided to our American seniors.

This prescription drug benefit is a wonderful thing, and, of course, we are going to talk about that tonight. I have a number of my colleagues that have joined me, and we will be getting information from them, from their districts. We will be engaging in colloquy as we go through the hour, Mr. Speaker, talking about the success stories because we do not want to stand up here for an hour and expect people to take our word for this. I think it is very important, Mr. Speaker, that we hear from our seniors, whether they are from the 11th District of Georgia that I represent or whether they are from the gentlewoman's Virginia District, Representative THELMA DRAKE, who is here with us, and others.

But when we passed this bill in November of 2003 and the President signed it into law shortly thereafter in December, we had so much criticism from the other side of the aisle, it was really amazing. Of course, maybe I could understand the politics of it back then because we had finally delivered on a promise that maybe they had made and not delivered on. But we are into the sign-up period, and, in fact, May 15, after that date there is a penalty for late signing up, and yet the other side is still discouraging the 8 million that have not yet signed up. And that is, Mr. Speaker, I think just so disappointing.

I have heard for the last 1½ years the criticism from the Democrats about this program being nothing but a giveaway to the pharmaceutical industry, that the program was designed by them, that the government cannot negotiate price controls.

Well, I want to take a few minutes, Mr. Speaker, before yielding to my good friend from Virginia. Listen to this: on March 9, 2000, the Clinton

White House released the following ''united vision for a new Medicare prescription drug benefit.'' Many parts of this vision closely mirror the Republican-passed plan that the Democrats have been opposing and criticizing for a 1½ years. And I take this text that I am going to read directly from the Clinton White House Web site.

The White House, Office of the Press Secretary: ''President Clinton and Senate Democrats unified in vision for new Medicare prescription drug benefit for immediate release March the 9th, 2000. Senate Democrats agree on principles for a new Medicare prescription drug benefit. Today Senator Daschle and the Senate Democratic Caucus released a set of prescription drug principles that will guide the current congressional debate over the provision of a new Medicare prescription drug benefit to millions of seniors. These principles state that any new benefit should be: Number one, voluntary.'' Sound familiar? ''Medicare beneficiaries who now have dependable, affordable coverage should have the option of keeping that coverage.

''Accessible to all beneficiaries.'' Again, sound familiar? ''All seniors and individuals with disabilities, including those in traditional Medicare, should have access to a reliable benefit designed to give beneficiaries meaningful protection and bargaining power. A Medicare drug benefit should help seniors and the disabled with the high cost of prescription drugs and protect against excessive out-of-pocket costs.'' The catastrophic coverage in our plan. ''It should give beneficiaries bargaining power that they lack today and include a defined benefit, assuring access to medically necessary drugs.'' Exactly what this Republican Medicare modernization part D bill does.

''Affordable to all beneficiaries and the program, Medicare should contribute enough towards a prescription drug premium to make it affordable for all beneficiaries. While subsidies should be provided to all to assure the benefit is affordable, low-income beneficiaries should receive extra help with the cost of premium and cost sharing.''

Again, Mr. Speaker and my colleagues, does that sound familiar? That is exactly what this bill does.

Let me continue because this is just so instructive. Again, this is the Bill Clinton Presidency and Democratic Congress plan back in 2000.

''Administered using private sector entities and competitive purchasing techniques. Discounts should be achieved through competition, not regulation or price controls.''

They have been griping about this for 1½ years, and their plan calls for private competition and no price controls.

□ 2200

It should mirror practices employed by private insurers in delivering prescription drugs. Private organizations should negotiate prices with drug manufacturers and handle the day-to-day administrative responsibilities of the benefit.'' That is exactly what this plan does and what they have been railing about, again, for the past year-and-a-half. So hypocritical, it is unbelievable.

So I just wanted to bring this press release, this Clinton press release, and show you that the Democrats really wanted to do this, but they couldn't deliver. They could not deliver on the goods, and they can't stand it. They literally cannot stand the fact that this President, who they despise, who they detest, and this Republican leadership, who has been in control of this Congress for the last 12 years and is delivering, is getting things done, is not just simply sitting back and throwing bricks and screaming and hollering. And as we get closer and closer to the deadline, the rhetoric will continue to increase.

Well, I just wanted to start the hour, Mr. Speaker, certainly not on a negative tone, because we are very positive about this. I personally as a physician Member am extremely excited that we are leaving tomorrow, most of us will be leaving tomorrow, to go back to our districts for a 2-week work period.

I am told by our Conference chairperson, the gentlelady from Ohio, DEBORAH PRYCE, that the Republicans, the 231 of us in this body, have scheduled over 200 town hall meetings over this 10-day period while we go back home and work for our seniors, not against our seniors.

I am excited about it, because I have four of those 200 scheduled in my district, and I am really looking forward to it and looking forward to help get those few, I think I said at the outset that some 27 million of 41 million eligible have now signed up, probably 5 or 6 million of those who have not already have a drug plan. We understand that. They have a plan, whether it is TRICARE, if they happen to be a veteran, or the widow or widower of a veteran, or they are signed up under a company that they worked many years for and retired with not only health insurance benefits, but a prescription drug coverage. They don't need it. But there are still 6 or 8 million that do, and that is why I am excited to get home and bring the good news to them.

At this point I want to yield to my colleagues. We have several with us here on the floor tonight, Mr. Speaker. The gentleman from Pennsylvania is the first to stand, and I want to recognize him.

I want to say a little bit about him before I turn the microphone over to Dr. MURPHY.

Dr. TIM MURPHY is a classmate of mine. We came in the 108th Congress. We have served together now for about 3½ years. He and I actually cochair the Republican Health Care Public Relations Committee. We could probably spend this hour talking about any number of issues regarding health care that the Republicans have done.

But we are going to concentrate, as I said at the outset, and talk about this Medicare modernization. We don't want to forget that part, because that is almost as important as the prescription drug part.

At this time, I am very proud to yield to my friend from Pennsylvania, Dr. Representative TIM MURPHY.

Mr. MURPHY. I thank the distinguished doctor from Georgia for yielding to me and for your important information for our colleagues and really for our Nation to understand the importance of the Medicare prescription drug plan.

Some of the things said will bear repeating several times over the next few weeks, and one of the points I want to talk about, as you have discussed as well, is misinformation that is sent out about this plan.

Any time something is new, there is going to be some glitches. All of us, when our children were new, well, we knew as parents we didn't exactly know everything we were doing and we had a foul-up or two, but we persevered and our children turned out well. No matter what one does in life, when it is something new in learning the ropes of it, it is going to take a little adjustment.

But as we were signing up 27 million seniors at a rate sometimes approaching 400,000 a week, the system wasn't always perfectly ready for all of them, and there were some glitches, particularly for some folks who were dual eligible.

But the point is HHS or Medicare responded, put extra people on board, worked out some of the glitches, and I am pleased to say that many of the seniors that I talked to are very pleased with this program.

As a matter of fact, I was recently giving a town hall meeting, there must have been 200 people in the audience there, and I asked how many of them have yet to sign up for a Medicare plan? Not a single hand went up. It seems that all of them had looked at the plan at that point, and that Pennsylvania had chosen a number of things.

One gentleman decided to stick with the veterans plan. He liked that. He had served in the military for many years now as a veteran. Another woman was pleased that she could maintain the Pennsylvania PACE plan for low income seniors that worked well for her. Another woman said she was actually saving several hundred dollars so far, and it was only March, with the Medicare prescription drug plan.

It is folks like this who really tell the truth about what is going on. While politicians may be out there trying to scare seniors, it is the seniors themselves that are perhaps the best salesmen saying it is valuable.

It was only a short period ago that the stories that were always in the newspapers were of seniors getting on board busses and going off to Canada to pick up their prescription drugs, or perhaps using mail order systems to

try to pick up prescription drugs. But I want to point out a couple of things that is important that.

One, a study of the overall costs of traveling off to Canada, it turns out that the overall cost savings was probably only around 1 percent when you looked at it. But AARP and others have said that actually the savings that comes from the Medicare prescription drug plan are at least equal to and sometimes better than traveling across the Nation's lines to pick up drugs.

Also a very, very important savings factor here is not just a matter of saving money, but saving lives. And in the process of seniors trying to find drugs that are affordable to them, Mr. Speaker, what they are also doing is getting on the Internet or going through mail order houses and trying to pick up prescription drugs from foreign sources and tragically finding that those sources contain counterfeit drugs.

One, a drug used to treat schizophrenia, it turned out to be nothing more than white pills that said the word aspirin on them. Other medications had water in them that was tainted. Other ones may have had paint or foreign substances in them.

The point is, not only were they sometimes toxic in and of themselves, but in not treating the illness, the things that went with that is sometimes having seniors take medications that they could have been allergic to or take medications that certainly, at the very least, were not treating their illness.

By having an affordable prescription drug plan, what we have instead is getting the right medicines to the right people so that they are taking medications that are valuable to them and can help treat their illnesses.

But let me point out some more things we have to understand, because as people also look at the expense of a prescription drug plan, we have to understand that, unfortunately, the way this system works in this Federal Government, the Congressional Budget Office doesn't ever tell us how much we save. But take a listen at a couple of these points.

First of all, ulcer surgery has become a relic of the past. New drugs, Nexium, Prilosec, other things we have seen advertised, really have ended up treating ulcers so well that surgical procedures to correct ulcers has fallen, and today it is really a thing of the past.

Medicines also reduce hospitalizations and surgery for heart disease. Drugs that reduce, for example, cholesterol levels and other things that in the past had been an automatic admission to a hospital and bypass surgery and angioplasty now we find are going down.

Medications to treat Alzheimer's diseases. Medications that have also worked out there to improve the cognitive functioning over time and keeping people out of long-term care and nursing care longer.

Also, listen to this, overall new medicines play a significant role in the life expectancy gains made in the U.S. and around the world. Recent research published in the Journal of Health Affairs concludes that new medicines generated 40 percent of the 2-year gain in life expectancy achieved in 52 countries between 1986 and 2000. In other words, we are not only providing medications that are affordable, but medications are now there that providing better and longer life for many seniors.

The list goes on with so many more, cancer drugs, drugs to treat AIDS, HIV, drugs that prevent stroke, that improve quality of life of children. There is a wide range.

But the main thing is before the Medicaid prescription drug plan came into effect, so many seniors, well, it was much like window shopping. You could look in the shop and admire the merchandise, but you couldn't go in to get it. Now that has changed. And that is a message that we need to be telling across America as we are doing tonight and our colleagues are going to do during this break.

It is of no value, as a matter of fact, it is a negative value and of questionable ethical value I think sometimes if people only spend their time criticizing the glitches that have been in the program, as with any program that occurs, whether it is a public or private program, criticizing it, standing on the outside and frightening seniors, frightening seniors into thinking that because there was complexities and difficulties, therefore they should not sign up.

I worry about this, Mr. Speaker. I worry because when I have held town meetings and I have heard seniors say ''I heard this is difficult; I don't think I can understand it so I have been holding off doing it,'' my worry in those circumstances, when the people are just playing politics with patients and frightening seniors away from this program, what happens if a senior needed medication and they did not get it because someone frightened them away?

The point is, if one dials 1–800–Medicare, they can talk to someone who is helpful. If they go on to web sites, Medicare.gov, they can get the information that they need. They can sit down with a family member or friends. And many drugstores, many pharmacists throughout the Nation will provide the kind of consultation free of charge to help seniors walk through this. But they need their name, address, their Social Security number, the names of the drugs they are on, the dosage levels they take, the prices they pay.

And don't just compare what it is today when you have the deductibles and copays. Look at what happens to the long-term costs throughout the year and look at those prices and determine which of the many plans available are the best ones for you. That is the message we should be telling seniors.

You know, so often in America we criticize that costs go up when people do not have a choice. Here with Medicare, people do have a choice. They have a choice of looking through many, several plans. They have a choice of doing nothing at all, quite frankly. But it is something that is available to seniors. And the main thing about this is having the availability of medications which can be lifesaving and life extending and help the quality of life, make the difference between someone who may be bound up in a nursing home and someone who is still at their home, those are the kinds of stories that Americans need to be talking about.

While there are those criticizing frightening seniors, let's remember this. Instead of frightening seniors, we should be thinking this: 27 million seniors have signed up for this program so far, and many more will sign up in the next few weeks. Those 27 million seniors can't all be wrong. And instead of politicians mocking them and mocking the program, maybe, just maybe, we would all do better to link our arms and say let's do what we can to help every senior get the medications they need. And even if they don't need them now, to sign up for a program, just like you don't need homeowner's insurance today if your house isn't on fire, you don't need automobile insurance today if you haven't had an accident, but you have it there in case you do.

Sometimes with low costs in Pennsylvania, I know it can be as little as $10 a month. Someone can at least have the piece of mind of knowing it is there when they need it. These are the things we need, Mr. Chairman. And to my colleague, Dr. GINGREY, I am so pleased that you have done so much to help seniors throughout the Nation know this and help our colleagues know this.

There is the deadline coming up next month for seniors to sign up, and it is good news that so many seniors are looking towards that deadline to sign up. Some have waited a little bit and want to see some glitches out of the program. Many of those are being addressed now. I certainly congratulate the Secretary of Health and Human Services for all of the work he has been doing to get this message out.

But we are not done, and as colleagues we need to be working together for the sake of our patients. Let's stop playing political games and really do what is right and decent and honorable for America's seniors.

I yield back to the gentleman from Georgia, and I thank you so much for sharing the time.

□ 2215

Mr. GINGREY. Mr. MURPHY, thank you so much for that and for your insights.

As I was standing here listening to Mr. MURPHY, I cannot help but, Mr. Speaker, wanting to go back just for a moment to this press release of March 9, 2000, from the Bill Clinton White House. There were a couple of things that I did not mention that I want to read to you before we yield to Representative DRAKE.

In this press release it says, and this is one of the bullet points, ''Consistent with broader reform. The addition of a Medicare drug benefit should be considered as part of an overall plan to strengthen and modernize Medicare. Medicare will face the same demographic strain as Social Security when the baby boom generation retires. Improving benefits is only one step in preparing Medicare for this new century's challenges.''

I will say one thing about the Democrats, they are pretty consistent because they opposed any changes to Social Security as well. In fact, this is exactly what they called for but, once again, as I said at the outset, they could not deliver and it is killing them. But unfortunately, their continuing rhetoric runs the risk of killing some of our seniors, the six or so million of them, who need this benefit. And it is just shameful. Shameless, as Garth Brooks sings the title of one of my favorite songs. But they keep on. But hopefully maybe over the next couple of weeks, maybe during this 2-week recess they will get religion. It is certainly a time for religion. And they will understand that it is time to stop playing footsie with our seniors and misleading them and trying to be part of the solution and not part of the problem.

Mr. Speaker, it is a pleasure at this time to introduce my colleague for her remarks, the gentlewoman from the Second District of Virginia (Mrs. DRAKE). She is a freshman but you would not know that. Her experience and the things that she has done in a short period of time in this body, on our side of the aisle, has just been amazing. She is a member of the House Armed Service Committee. She is passionate about veterans health care and health care for our military. So it is indeed an honor to have Representative DRAKE with us tonight.

Mr. Speaker, I yield to the gentlewoman from Virginia.

Mrs. DRAKE. Mr. Speaker, I would like to thank the gentleman for that very kind introduction and also for the opportunity to come and talk about such a wonderful program. You used the term that it is the modernization of Medicare, and often we only talk about the prescription drug benefit and seldom do we hear that we now have welcomed to Medicare checkups for our seniors as they are entering into Medicare.

But I would like to take a moment first and thank all of the people across America who have worked so hard to bring this program to our seniors, to explain it, so that our seniors have the information and can make the best choice for them. I know that the CMS employees have worked very hard. Our Agencies on Aging, our Senior Services Agencies have already been side-by-side with us in Virginia working, and many Members of Congress have been holding meetings since last fall.

Now, of course I have seen a great number of increase in people once we got into the first of the year after last fall. But I would also like to thank our pharmacists. I have had town hall meetings where pharmacists have come. I have had people in the Second District tell me they go to the pharmacy at their drugstore, leave their information they have filled out with their pharmacists, come back later and the pharmacist has run the program for them.

Well, as you said, I am a freshman so I was not involved in the debate or the vote in 2003, but by holding meetings throughout the district I have learned an incredible amount about this program, and I have heard what our seniors are concerned about and certainly I have read the newspaper articles that say it is a confusing program. I would disagree with that completely. But I didn't know that not only were our seniors hearing from Medicare, they were hearing from me, and they were hearing from all of the 18 companies in Virginia that offer 42 programs. And I think that was one of the concerns in 2003, was would companies step up, would they offer this? And what we have seen overwhelmingly is yes, companies have stood up. Companies have created competition. They have reduced the price on the programs.

Our seniors have not only a voluntary program in this Medicare program, if they choose to do exactly what they are doing and do not want the program that is entirely up to them as long, in my mind, that they know there are other options out there for them that are certainly much less expensive. And I know that the underlying premise when this was passed was that if we keep people well our overall health costs would be less. And as Congressman MURPHY just told us, it is much cheaper to provide a prescription drug for heart disease than it is to do heart surgery.

We have also heard the stories in 2003 about our seniors who either were not eating, were not heating their homes or were not buying their prescription drugs. I commend Congress for passing this legislation and all the people that have worked to put it in place. 42 million Medicare recipients and of that we know we are at 27, 28 million people right now. Six million do not need to sign up because they have as good or better coverage through a better plan. And our goal between now and May 15 is find those other 6 million people and make sure they know about the program.

Some of the things I have learned in the district, first of all, seniors did not understand that this is available to everyone. There is no income qualification. If you are eligible for Medicare you are eligible for this program.

I had one couple come just to ask me one question and they raised their hands early in the program and the man said, I have a wonderful health care coverage through my employer. I am retired. He said, but when I die my wife cannot continue in the program. So what does she need to do? And the answer was she is completely covered. When she loses that coverage, then she can go into Medicare part D with no penalty and she can go in within 60 days of losing that coverage. So little things like that.

One man raised his hands and he said, I was talking to my insurance agent, because it is important to remember that Medicare part D is not a government program. It is private sector insurance policy with a reduced premium because of the Federal Government. He said, my insurance agent told me it was okay to buy a plan that didn't cover my prescriptions. And I said, no, that is the wrong answer. You call that agent today and say your Member of Congress says you may not buy his plan until he gets your prescription drugs.

And what our seniors will find if they call, come to one of the seminars, we have asked people in our district to feel free to call us. We are happy to get them in the right place. But if you sit down at the computer, and I have done it myself, and I just go to www.medicare.gov and you scroll down very slowly and you do not go off into space somewhere on the left-hand side of the screen, you just keep scrolling down. Answer the questions. Put in the information and, most importantly, what are the drugs that you take, and that will sort through all the programs and give you the very best options.

I stopped and visited a friend on New Year's Eve. She had recently lost her husband and I thought that would probably be a tough time of the year for her. While I was there I asked the question I seemed to ask all seniors today and that is, what are you doing about Medicare part D? When I asked I was surprised that she had no prescription drug coverage. And she said, I only take one prescription. It is $78 a month and I am not going to do anything. And I said, well, there are choices out there and maybe you should call or you should write and you should get the information.

She said, I have already done that and she had the chart laid out of three plans that covered her drug. As she talked to me and looked at the plans, it became very apparent that there was one plan that would cost her $25 a month, $35 for her prescription, and she was going to save $28 a month just by signing up for that plan and that makes the assumption she won't take any additional drugs over the course of this year.

I think it is important, and you have talked about the May 15 date, and our seniors I think are well aware that since this is a private sector insurance policy and it has open enrollment, it has penalties. If you do not sign up in time, just like a lot of other insurance products, there will be a penalties after May 15. But the other thing that is so important to remember is that if you do not sign up, May 15 enrollment is closed until November 15 and then you

can sign up for January 1. So our seniors could be facing 7 months of not being able to get into the program simply because they didn't realize that. They didn't understand what their real choices were.

So I applaud everyone who is working hard to tell them. Thank you for holding this tonight. Thank you for giving me the opportunity to talk. There are lots of success stories in the Second District. And I know you have other Members that want to talk about it as well. So thank you for giving me the opportunity. I certainly am grateful. I know our seniors are once they are signed into the plan for what this plan offers to them.

When I talk to people my age or their parents, because they will come to our meetings, their first question is, How do I get it? My answer is, You have to be 65. So thank you very much.

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman so much for being with us tonight and I want to maybe expand just a little bit on her comments in regard to the penalty, as she explained it very carefully as to why that is necessary part of an insurance program.

By the way, Mr. Speaker, that is the exact same situation that exists with Medicare part B. Medicare part B was there in 1965 but it was the optional part. I think former President Truman was the first person to actually voluntarily sign up for part B, the doctor part where it is premium based, and the individual Medicare beneficiary pays 25 percent of the costs and the taxpayer and Medicare, if you will, pays 75 percent.

I will bet you, Mr. Speaker, I will bet you that 98, 99 percent of seniors voluntarily sign up for part B and they do it within the 6-month window of opportunity because if they go beyond that then just like in this part D, because a person on part D is an example, as Representative DRAKE pointed out. If they do not sign up for it and they go beyond the sign-up period, and then all of the sudden they get sick and they go from taking that one drug a month at $78 that she talked about to taking five at $5,000 a month, then they should pay more for their premium. So it is very important and it is not a punitive thing, but it is there to make the program work.

Mr. Speaker, we are again honored by one of our colleagues who has served in this House. I think this is his fourth term, and I am talking about the gentleman from Minnesota who I think very soon after November will be the United States Senator from Minnesota, and I am speaking none other than Representative MARK KENNEDY.

Representative KENNEDY, thank you for being with us tonight. I yield to you at this time.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman for his leadership on this issue and all that he has done to make sure that that our seniors understand how important this program is and how it can really benefit them. Too many are out there trying to just dish the program and spread really complicating lies about it and scaring seniors. That is not what we ought to be doing to our seniors.

We ought to be out there making sure they understand the benefits that can be available to them. Through the efforts of you, so many in the community, as was mentioned, more than 27 million seniors are now enrolled in the Medicare part D prescription drug benefit. They are seeing hundreds, even thousands of dollars of savings. In fact, CMS, the Centers for Medicare and Medicaid Services, have projected that the benefit will save the average senior $1,100 this year. Meanwhile, the AARP and others have found that the benefit lowers the cost of drugs for seniors by an average of 44 percent, with low income seniors seeing price reductions of up to 90 percent.

Better yet, the average senior's monthly premium is 32 percent below the average estimate, a third. This terrific reduction is evidence that the market base competition used by Medicare part D is working to drive down prices and increase the benefits for our seniors. At the same time, CMS has reported that the projected costs of administering the benefit has come down $7.6 billion in 2006 from what they originally estimated, and States will see at least $700 million in additional savings this year.

All of this is very good news. However, the May 15 deadline for eligible seniors to sign up for the plan without penalty is fast approaching. Well, the program's enrollment has surpassed earlier estimates. There is now still more that needs to be done. That is why it is important that community activists and we as Members of Congress have been holding sign-up forms in our districts to spread the facts about this great new voluntary program.

□ 2230

These forums bring together CMS, trained volunteers, seniors and their families together in an environment where questions can be answered and seniors can become informed about which plan best fits their needs so they can begin saving on their drug costs.

I was pleased to hold two large forums in my district in Minnesota earlier this year, and I am working hard with other groups to help hold forums of their own. I want to thank those community groups who work in towns and cities all over this Nation to make sure seniors know their options. These events and other forums are essential to making sure that seniors who want to sign up for the Medicare drug plan are able to do so before May 15.

Mr. Speaker, it is easy for me to stand here and talk about the benefits of this plan, but do not just take it from me. Take it from the seniors who are realizing, in some cases, hundreds of dollars in savings every month. Countless seniors are reporting that they now have more money to use for other things, like paying for their bills or visiting their grandchildren.

Before the Republican Congress acted, we heard terrible stories of seniors forced to choose between life-saving medication and food. We heard these stories years, but we never saw action from our friends on the other side of the aisle, but we acted. Seniors are saving as a result.

I encourage my colleagues, and I thank Dr. GINGREY for his leadership on this, to continue to educate seniors in their districts before this May 15 deadline so every senior has access to affordable drug coverage, and I would turn it back over to the distinguished doctor from Georgia to continue to talk about what kind of benefit seniors are getting and why it is important that we take the time to make sure they understand before the May 15 deadline.

Mr. GINGREY. Mr. Speaker, I would just like to say I thank the gentleman, and I think the seniors are very fortunate, whether MARK KENNEDY is serving in this United States House of Representatives or representing them in the other body soon as a senator in the United States Senate. They are indeed fortunate to have his compassion and caring attitude, and I commend him for that.

Mr. Speaker, I think what I would like to do here for a minute is sort of frame this problem, before we delivered on this prescription drug benefit, to make sure that our colleagues and anybody within shouting or listening distance might possibly be watching our proceedings tonight, did they understand the situation that existed before we delivered on this promise of a prescription drug benefit part D under the Medicare program. Where were the seniors getting their prescription drug coverage before this plan?

Well, this first slide, Mr. Speaker, I want to make sure that my colleagues can see this. There were a number of people. This is about 26 percent, an estimate of seniors that had employment-based plans. We talked about that. We have talked about the fact that people worked 25, 30 years for a company, and part of their retirement benefit may be a little pension hopefully and a little health care benefit, in many cases to include a prescription drug coverage.

Now, there has been concern among these 26 percent because even before we brought forward this well-conceived, well-thought-out plan, in fact it was thought out pretty well, as I pointed out earlier on March 9, 2000, by President Clinton and the Democratic leadership in the Senate. They just did not deliver on it, but the 26 percent were concerned because employers were dropping these plans or changing the guidelines. All of a sudden a senior gets a letter in the mail, and it says, oh, by the way, first of the year, you are going to have to pay, instead of 20 percent of the premium, you are going to

have to pay 30, and oh, by the way, it is no longer going to cover prescription drugs or we have got a very limited formulary; it is not going to cover your hearing aid or your eyeglasses or whatever or even worse than that, Mr. Speaker, would be the ultimate dear John letter. That is a letter, that pink slip, that says, guess what, we are dropping your coverage; we are going to completely drop your prescription coverage or may, in fact, drop the whole health insurance coverage, and this has happened.

It was happening, and under this plan, though, to prevent that, to try to stop that, we, in designing this plan, this Republican majority, this President, under our leadership, we said, look, we will help you, John Q. Employer, if you will continue these plans and you will not renege on these promises. We will reimburse you, really, for some of the cost of those plans so that you do not drop them.

Again, I go back to my Clinton press release. One of the things that they called for in 2000, optional of course for all beneficiaries as we said earlier, but also provides financial incentives for employers to develop and retain their retiree health coverage. That is what Clinton and the Democrats called for. This is another thing that they have been railing against, the fact that we have incentivized these employers not to drop these plans.

Well, okay, 26 percent have employment-based plans. Three percent individually purchase policies. That would be like my mom, Helen Gingrey, my precious mom who has a medigap policy, but now, unfortunately, the prescription part of that was so expensive that she had to drop it. Of course, the Department of Veterans Affairs and TRICARE, we talked about that. That is about 3 percent. About 12 percent are covered by the State Medicaid program. Some are more generous than others, I think very generous in my State of Georgia, and then some other State-based programs and other sources, 6 percent.

But the real eye-opener on this chart, on this pie graph, is that 40 percent before this plan, 40 percent were getting prescription drug coverage out of their own pocket. In other words, they had no coverage, and they had no bargaining power, Mr. Speaker. They simply went to the drugstore and they paid sticker price, you know, like buying an automobile and not getting any discount because you did not know to ask for one. They had no clout, one individual and elderly, frail senior, and so they were paying sticker price, and that was the problem. That is why we knew that we had to do something, especially for the neediest, especially for those who literally were breaking pills, running out of medication, not going to the drugstore because they are embarrassed that they could not pay.

It is an act of compassion on our part, really, for the neediest seniors especially, and of course, now, the good news is that, and this next slide shows, a total of 27 million seniors now have coverage under Medicare Part D.

I see that the gentlewoman from Virginia has been kind enough to stay with us, despite the lateness of the hour, and I want to yield a little time to her and maybe we can get engaged in a little bit of a colloquy in talking about the some of the things that we both notice in our district.

Mrs. DRAKE. Mr. Speaker, I thank you for that, and you brought up the issue of your mother, and that is a very important thing for us seniors to be thinking about because many of our seniors did buy the supplements that you are talking about that gave them some health care coverage as well as their prescription drug benefits.

My daughter's mother-in-law has one of those, and she is paying over $300 a month for it. So we went online, and we looked at what can she get today under this new program. So I think it is important that people like your mother do not think that because they have one of those plans from before that that is good enough, that they can go on today and save an incredible amount of money. You can go into plans today that give you the health care coverage, as well as the prescription drug coverage, but there, again, with that reduced premium, my daughter's mother-in-law is going to save over $100 a month by going in and revamping that policy.

I know a lot of our seniors got kind of hung up on the thought of deductibles and things like that, but there again, you need to understand that when Medicare set the plan, when Congress passed the plan, they put a cap on what a deductible could be of $250, and many of these plans have no deductibles. We keep talking about a donut hole where there will be a gap in coverage at a certain point, and what I say in my meetings is, if you did not have any coverage, you have been living in a black hole. You can pick a plan that has no gap in coverage based on what you want to pay monthly and how to streamline it for you.

The other point I wanted to make as you continue on is one of the questions I have really been asked is what if I take no medication. Isn't that a wonderful thing for our seniors today? I always look at them and say I bet you bought a homeowner's policy and you have insurance on your car and you buy those before you need them. Same thing for our seniors with prescription drug coverage.

When they go in and look at these programs, there are so many options, low-price options, that it is worth that for the peace of mind to know that next year when you go to open enrollment, you can always change the plan, upgrade the plan, but you are in the plan.

So I thank you for letting me talk about your mother.

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman and my mother thanks the gentlewoman, but you have made such a great point about the option, and Representative DRAKE talked about the number of plans in Virginia. It is kind of similar in Georgia. There may be almost 50 plans, but there are only 18 companies.

But what that means is companies, good companies, offer more than one plan, so that seniors have the option, as she described, to say, well, if somebody says well I do not need that, I have got the Methuselah gene, that means you live a long, healthy life. A person like that might say, well, I do not take anything, I buy a few over-the-counter drugs a year and I bet I do not spend $200 a year. Well, God bless them. They are lucky. They are fortunate, but what Representative DRAKE is talking about is that very next week may be the time that the chest pain strikes and all of the sudden you have a coronary bypass or stints put in and you are on five or six medications. That happened to yours truly a couple or 3 years ago, and then all of the sudden you are kind of stuck.

So what the gentlewoman from Virginia was saying is look, seniors, if you are in that fortunate situation, do not roll the dice on this because you could come up snake eyes. Go ahead and take one of these plans where the monthly premium is 20 bucks a month. There is no deductible. There is a donut hole, but you are not worried about that donut hole because you are blessed with that Methuselah gene. Then later on, as she so correctly pointed out, if something does happen, then you can switch, and you do not have to pay a penalty because you did not sign up; you did not roll the dice and come up snake eyes.

Then the corollary to that is say someone who has a lot of prescription drug costs, they are already on six or eight drugs and they are spending $10,000 a year, and they look at that and they say hey, look, give me one, I will pay a higher monthly premium, I may pay 60 bucks a month premium, but that plan gives me coverage in that so-called donut hole. That is important because they are already spending a lot of money, and so you tailor these. The companies are actually doing that. I think it is a great thing.

Mrs. DRAKE. That is what is so important is that our seniors have choices, and you mentioned our veterans. I just wanted to finish up with them and let you finish up this evening and to remind our veterans that they are the only group of people that keep their veterans benefits and can purchase into Medicare Part D as well. So that gives them the ability, if there are medications they need that are not covered by the VA, that they can be covered by Medicare Part D. So I want to make sure that they understand that since they are the only group that can have both.

So certainly thank you again for letting me be here. Thank you for letting me talk about your mom and talking

about our veterans, and there are so many things to talk about with the program. I would like to encourage everyone, if there is a workshop in their area, to please attend because it is amazing the questions and the answers and the much better understanding and that you realize this is a good product for seniors. The price is so much lower, and it gives them so many choices.

Mr. GINGREY. Well, I thank the gentlewoman, and I know she is looking forward to going back into the 2nd District of Virginia tomorrow, and I am sure she is one of the many Republican Members who have got those town hall meetings scheduled to get those remaining 6 or 8 million signed up, and I thank her.

At the outset, I said do not just take our word for it, and I have been expounding a little bit for the last 50 minutes, but I did want to give some anecdotal stories, and let us do that for a moment, Mr. Speaker.

□ 2245

Barbara W. From El Mirage, Arizona, had no prescription drug coverage. She spent more than $2,600 a year on medication just this past year. She wanted an inexpensive plan with a low premium, so she did enroll in the part D plan, and it only had a $6.14 monthly premium. In 2006, she will save $1,800, nearly $200 a month, the lady from Arizona. God bless her.

Here is another, Mr. Speaker. Sandra S. from Woodland Hills, California. In 2005, she spent $4,600 per year on prescription drugs. She read about Medicare part D in the Los Angeles Times. I am sure they weren't praising it, but thank goodness she read about it. She called 1–800–MEDICARE for help. She wanted a plan with no donut hole. We just talked about that a minute ago. Her plan has a $50 monthly premium, no deductible, no gap in coverage and, of course as all those plans, it has that catastrophic coverage. So that if you really get into a year where you have out-of-pocket expenses of $3,600, out of your own pocket, then after that, the insurance pays 95 percent and you only pay 5 percent. What a godsend. Total savings for Sandra, $2,400 a year.

I think we have a couple more that I wanted to show. Barbara L. from Kemp, Texas. In 2005, spent $2,100 on prescription drugs. She enrolled in an AARP part D plan. They have a very good plan. So in 2006 she expects to pay $360. Barbara saved $1,740.

Well, I could go on and on, but let me just say one other thing, because I mentioned AARP, the American Association of Retired Persons. I am proudly one of them. I am not retired, but I was eligible and got my card at age 50, so I have had it a while. Thirty-seven million seniors are members. And AARP is not typically a conservative organization, supportive of Republican ideas. More typically, they are supportive of the Democrat line of thought, and yet they have supported this program.

My colleagues on the other side of the aisle came down to the well, Member after Member after Member, telling members of AARP to tear up their cards and throw them out the window. Thank God for AARP.

In fact, we had a press conference today, Mr. Speaker, talking about the plan and what the Republican Members are going to do when we go back to our districts, and we have 76, count them, 76 organizations that are supporting this program. The AIDS Institute, Alzheimer's Association, American Geriatric Society, American Pharmacists Association, Association of Black Cardiologists, National Hispanic Medical Association, National Alliance For the Mentally Ill, National Alliance for Hispanic Health, the Generic Pharmaceutical Association, and Easter Seals. I could go on and on, but there are 76.

Let me talk briefly as we close about groups misleading seniors about Medicare part D. In fact, they were out there protesting our press conference on the terrace of the Cannon Building this afternoon. Guess who was there chanting against seniors? MoveOn.org and far left shadow groups.

So let's see. Doctors, pharmacists, hospitals, health care providers and AARP, versus MoveOn.org, NANCY PELOSI, and other far-left groups. Who do you trust with senior health? I think the answer is pretty obvious, Mr. Speaker, and I am proud to be part of the solution and not part of the problem.

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

Mr. GINGREY. Mr. Speaker, I want to yield very quickly to the chairman of the House Armed Services Committee, my chairman, and I am talking about the gentleman from California, Representative DUNCAN HUNTER. I gladly yield to the chairman.

Mr. HUNTER. I thank my friend for yielding, Mr. Speaker, and I would just take a minute. I have been watching my friend and the gentlewoman from Virginia (Mrs. DRAKE), and I just wanted to tell you how proud I am of the job that you do representing your districts and representing those great contingencies of American veterans and active duty service people in your district.

I wanted to say, and I know you have been talking about health care, but I wanted to talk about another type of security just for one second, and that is national security. And I know my friend has been to Iraq, and I think he is going again soon, and many other Members of this body, Democrat and Republican, are going. Now is the time when America should take heart.

I have watched the newspapers and the mood of this House as of late, and I feel, especially coming from the Democrat side, the message is one that I have seen before. It is a message that we saw in the 1980s, when Ronald Reagan faced down the Soviet Union, and you had calls from the far left to the effect that President Reagan was going to have a war with the Soviets, that he needed to acquiesce, he needed to engage, even as they ringed our allies in Europe with SS–20 missiles. And yet Ronald Reagan stood tough. He stood for a policy of peace through strength. And at one point the Soviets picked up the phone and said, can we talk? And when we talked, we talked about the disassembly of the Soviet empire.

Similarly he stood tough in Central America, and today those two nations in question, El Salvador and Nicaragua, have fragile democracies because of America. Today, we are providing that military shield in Iraq while we put this fragile government together, a government based on something new in that part of the world: Freedom and representative government.

You know, this has been done on the shoulders of the great American servicemen and women who serve us in that very troubled and difficult part of the world. And their job is dusty and dirty and sometimes bloody, but it is worthwhile. And what they are giving to us, if we can stabilize that country and that neighborhood and have a country that has a benign relationship towards the United States, will accrue to the benefit of generations of Americans.

So now is the time to take heart. Now is the time to not fail. Now is the time to stand firm, and I want to thank the gentlemen for his work on Armed Services and the Rules Committee, for the great work he does in that regard.

Mr. GINGREY. Mr. Speaker, I thank the gentleman so much in these closing seconds. And of course we know of the work of the esteemed chairman of the House Armed Services Committee, Representative DUNCAN HUNTER. What a wonderful way to close this hour.

What is more important than the defense of this Nation, as this great patriot just described, and providing health care for our precious seniors?

IN SUPPORT OF NOGORNO-KARABAKH

The SPEAKER pro tempore (Mr. FORTENBERRY). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise tonight to lend my support to the Republic of Nogorno-Karabakh in its pursuit of independence and international recognition. I believe that U.S. recognition of the Republic of Nogorno-Karabakh would greatly contribute to stability and peace in the South Caucasus region.

Nogorno-Karabakh is a country of proud citizens committed to the values of freedom, democracy, and respect for human rights. We as Americans cherish and defend these same values at home and internationally. The path to freedom has not been easy for the people of

Nogorno-Karabakh. Following a peaceful demand by Karabakh's legislative body to reunite the region with Armenia in 1988, Azerbaijan launched an ethnic cleansing campaign against individuals of Armenian descent in both Karabakh and Azerbaijan. As a result, thousands of ethnic Armenians were killed, while some 400,000 fled Azerbaijan to escape the killings.

Mr. Speaker, on September 2, 1991, the people of Nogorno-Karabakh, consistent with their status as an oblast, or autonomous region, under the Soviet constitution, declared their independence. The declaration of independence noted Azerbaijan's policies of discrimination against the Armenian people, the need to restore friendly relations between Armenia and Azerbaijani people, and respect for the universal declaration of human rights. In response, Azerbaijan launched an all-out war against Nogorno-Karabakh.

Mr. Speaker, the people of Nogorno-Karabakh have steadily progressed on the path of democracy and conducted regular elections for president and the legislature. I actually acted as an observer for the last presidential election, and those elections were praised by international observers, including the United States, as free, fair and transparent.

While strengthening its democratic institutions, Nogorno-Karabakh has also successfully transitioned from a Soviet-inherited centrally planned economy to a market economy. Despite significant setbacks, it has largely restored its infrastructure and introduced reforms to encourage private enterprise and foreign investments.

With its democratically elected government, capable armed forces, and an independent foreign policy, Nogorno-Karabakh clearly satisfies the international criteria for statehood. Throughout its 14-year history of independence, it has proven to be a reliable partner of the international community and has contributed meaningfully to peace and stability in the strategic south caucuses.

Mr. Speaker, the United States should formally recognize the Republic of Nogorno-Karabakh, basically expand its relationship with the democratically elected Republic of Nogorno-Karabakh, and provide increased U.S. humanitarian and development assistance. It is crucial for the U.S. to unequivocally support the right of the people of Nogorno-Karabakh to decide their own future.

Mr. Speaker, the Nogorno-Karabakh Republic's democratic regime is in sharp contrast to its neighbor, Azerbaijan. Azerbaijan has evolved since its succession from the Soviet Union into an autocratic dictatorship.

Finally, Mr. Speaker, there should not be a double standard. Since its independence, the Republic of Nogorno-Karabakh has enjoyed all attributes and institutions of statehood. Currently, its de facto statehood fully satisfies the requirements of conventional and customary international laws for de jure recognition.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for half the time remaining before midnight.

Mr. MEEK of Florida. Thank you, Mr. Speaker. It is an honor to come before the House once again. And once again, the 30-something Working Group comes to the floor to share with the American people and to report what is happening here under the Capitol dome.

We look forward to continuing to do this in the future. We know we are going to be off for 2 weeks for the Easter break; all of next week, all of the week after, and we come back at the end of the month to try to do the business of the people of the United States of America.

I think it is important for us to understand what took place here, Mr. Speaker, in the Capitol just today. As you know, we have been working throughout the week and sharing with not only the American people but also with the Members of Congress the importance of what we do here under the Capitol dome. When I say under the Capitol dome, I am talking about the legislating that is supposed to be taking place on behalf of the American people.

I think it is important for us to not lose or miss the occurrence that did not take place here tonight or tomorrow. We were supposed to be in session tomorrow. We were supposed to vote on the budget that many Members on the majority side and the Republican side, Mr. Speaker, said was a good budget; that it is fiscally sound and we know what we are doing.

Well, we debated all day here on this floor. I was here a little earlier today, Mr. Speaker, maybe some 13 hours ago on this floor when we opened this Chamber at 10 a.m. this morning. And I pulled my chart out to talk about the borrowing that this Republican majority has done with the President of the United States, record-breaking borrowing from foreign nations and selling off the United States of America where foreign countries own our debt. And all day today I saw Members after that on the Republican side saying we are proud of this budget, this budget is going to put America back on track.

On this side, the Democratic side, we were talking about fiscal responsibility, we were talking about being reasonable with our spending and also making sure that we prioritize every day working Americans and not just the special interests and the super wealthy. I think that argument prevailed. Because I understood at the end of the day that there weren't enough Members on the majority side to pass President Bush's budget, because that is what it is.

This House has been just saying, yes, Mr. President, whatever you want. No matter what the Constitution says, no matter what our responsibility is to our constituents, we are going to do it the way you say you want it done.

□ 2300

That is what has gotten this House in a bad light with the American people.

Now, I am here tonight and the 30-something Working Group is here tonight to make sure that the American people and the Members of the majority side understand, we were united in voting for our budget which is a pay-as-you-go budget and that will balance the budget in 6 years. We were united. When I say ''we,'' House Democrats are united. If they were from the west coast or South Or North, whichever way you cut it, you can go all of the way to Hawaii, House Democrats were united in bringing America back into a fiscal responsibility era when we balanced the budget. We are the only party in this House that can say, We balanced the budget.

Now, I used to play football for Florida A&M, and it was kind of hard for the coach to talk about the national championship if the coach has never been to the national championship or played in the national championship game. Might have read about it, but it is hard for someone to tell you how it feels if you have never been there.

We have been there on the Democratic side. We have balanced the budget. We come to this floor to say if you are going to spend, then you better show where the money is coming from and how you are going to replace it. You just cannot say I am going to take the credit card out and I am going to put it on the backs of Americans, and I am going to come to the floor, and I am talking about, say for instance, hypothetically if I was on the majority side being a Republican, and it bothers me just saying it because the Republican majority has made history in all of the wrong places and for all of the wrong reasons over the past years of borrowing and spending. Borrowing and spending. Borrowing from whom? Let me just take my little map out here.

The Republican majority and President Bush, $1.05 trillion that foreign nations own that did not exist prior to this Republican majority having the opportunity to have their way along with following the President and bad policy. Japan, they own a part of the American pie. Did the American people do that? No. Did the Democrats do that? No. Remember, the Republican majority did it with the President of the United States. $682.8 billion is what Japan owns of U.S. debt. That is not my doing. That is the President and the Republican majority.

Red China, and we have major, major problems with China. I am talking about China as it relates to Red China, Communist China. We have a number of our jobs, we have U.S. workers training to do their job in China. Ninety

percent of the engineers will no longer be in the United States of America; they will be in China. They will be in Asia. They will be in other countries and so we have folks that are attending school now, those that can afford to, and I will get to that in a minute, those that can still afford to go to school, without the help of the Federal Government because the Republican majority would like to cut that in the budget also. They would like to attend school, but that is something that the Democratic Congress in the next Congress will hopefully be able to provide for them. China owns $248.8 billion of the American apple pie.

The United Kingdom owns $223.2 billion. They are buying our debt. If I was a Republican, it would be hard for me to go back home and share that I am a fiscal conservative. Just because you say you are, does not necessarily mean you are. These are the facts. Caribbean nations, all of them put together, $115.3 billion in foreign debt that they own of the United States because of the Republican majority and the President's policies.

Taiwan, $71.3 billion.

OPEC nations, we have a lot of problems with OPEC nations, and not only are we paying through the nose at the pump, countries like Iran that own a part of the American apple pie as it relates to foreign debt, $67.8 billion.

Germany. Germany, that means something to some of our veterans, $68.7 billion of our debt.

Korea, $66.5 billion of our debt. Once again, to our veterans, that means something.

Canada, just north of us, $53.8 billion of our debt.

I say to the majority Members, they do not want to lead on the Republican side of the aisle and they do not want to work in a bipartisan way and pick up the Democratic policies as it relates to governing in a way where everyone can participate and be a part of the United States of America, then they can join us because I believe the American people may very well see fit, not just Democrats and not just Independent, but there are some Republicans out there saying, what happened? What happened to the folks that lined up out here on the steps, Mr. Speaker, and said with this Contract on America, or for America or whatever it was called, that we were going to balance the budget and be fiscally sound and we were not going to be spenders? The biggest spenders in this Chamber are the Republican majority. If you want to clear that up, you can vote for a Democratic Congress.

I am glad to be joined by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ). I was just going down the line, and I will also share with the Speaker and other Members the fact that we were supposed to vote on the budget if not tonight, tomorrow. It was pulled. Some may go home and say, and I want to make sure that there is not one American confused on why we did not vote for the budget. Somebody may say, The Democrats stopped us from voting for the budget. No, the Democrats pointed out what was in President Bush's budget, and the Republicans said, as they have been doing for the last 6, 7 years that the President has been in office, Oh, Mr. President, we are right with you. We do not have a process. You send it to us and we will rubber-stamp it and send it on out. Foreign countries may own our debt. We may go into deficits. Student loans may be cut. We can train the next generation to make us the leaders of the free world and continue to keep us in front. That is fine, Mr. President, whatever you send, we will do.

The bottom line is that the pressure was too great, and we were the ones that called out what was wrong.

I think some Members on the majority side felt a little bit uncomfortable going home for a couple of weeks sharing, and a big holy week coming up, some folks might have leaned over and said, Mr. Congressman, Madam Congresswoman, why do I have to pay more for my child's education? Why do we pay more for debt than we invest in education and homeland security?

I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. You asked why we were unable to vote on the budget. It is simple. Finally, finally, it obviously became clear to many of our Republican colleagues because we were all unified on the Democratic side, there was not going to be a single Democratic vote for this budget because we are not going to put a vote up for increasing the deficit or maintaining the deficit or increasing our national debt. We are not going to put a vote up on that board that makes drastic cuts in education or cuts in veterans health care. We are not going to put a vote up on that board that fails to protect the environment.

This Republican budget would have done all of those things. I have been here 15 months. I am a freshmen. This is my first year. I just completed my first year in Congress, and finally someone found a conscience on the other side of the aisle. Finally, it was not that they just put that bill out there and you saw enough arms being twisted and the board being held open long enough so they could wrench the votes that they needed.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, it was not ''finally''; it was because the American people were saying, what's wrong with you guys? What is going on? I did not elect you all to go up there and represent the super-wealthy, and I didn't elect you all to make specials deals with special interests. I did not elect you to be fiscally irresponsible. They are reading the same papers. Somebody give me a newspaper. I just need a newspaper. They are reading the same newspapers and watching the same news and getting the same phone calls we are getting in our office about, are you all still with us? Are you with us or are you with them?

I need to get my Newt Gingrich quote up here because I just want to make sure that folks do not get confused. Ms. WASSERMAN SCHULTZ, I want to make sure that we tell it the way it is because I believe the American people and some Members are getting what we are sharing with them. You have the Gingrich quote. I think it is important that we continue to share this information.

When we talk about third-party validators, this is not just something that we talk about over lunch and say that sounds good. No, this is from government offices and former Members of this Chamber and generals that are out there that are retired and some are still serving.

Ms. WASSERMAN SCHULTZ. Let's just look at the record here. What we are talking about and what our colleagues on the other side of the aisle would have been faced with is going home for the next 2 weeks and looking their constituents in the eye and having to tell them if this budget had gone forward and they had supported it, that they would be supportive of the five largest deficits in history. The top-ranking deficit in history was in 2004 when we had a $412 billion deficit.

Number two was in 2003 when we had a $378 billion deficit.

Number three was 2006, the current year, when we had a $372 billion deficit.

The fourth largest year is 2007, still a $348 billion deficit.

And the fifth largest deficit, 2005, the year that just ended, with a $318 billion deficit.

Now these numbers jump all over the board, but if you go in order, the deficit is going in the wrong direction. 2006 is when you had the third highest deficit in history.

If, like the President said he was committed and his Republican leadership was committed to cutting the deficit in half, I don't know. It does not appear like it does. Is 318 half of 412? Are any of these numbers half of any other number here? I am not very good at math, but not the math I am familiar with.

Now let us look at the debt limit because we have also been careening every year towards the debt ceiling. You have held up letter after letter after letter from Secretary Snow, the Secretary of the Treasury who begs us, who was begging us recently to please increase the debt limit so the United States of America does not default on its loans, the loans that you were just outlining that cover the country. Can you pull those up?

Mr. MEEK of Florida. This was letter one, December 29th of 2005, the Secretary came into the office days before the New Year and said please raise the debt limit because we are about to run out of money.

February 16, he got a little nervous and said, Listen, the Federal retirement program, we are not going to be able to make the payments. This went to Mr. SPRATT, our ranking member.

Again on the 6th of March, 2006, it is almost like we are having problems and we may not be able to pay the light bill, in so many words. Those were written by Secretary Snow, appointed by the President and confirmed by the Senate.

Ms. WASSERMAN SCHULTZ. Lest people think that the increases we are talking about are small and insignificant, let's go through the kind of numbers that we are talking about and the increases we are referring to.

The Republicans have increased the debt limit by $3 trillion since 2002. That is since 2002. This is 2006. In 2002 they increased it by $450 billion. In 2003, May of 2003, by another $984 billion.

In November of 2004, the month I was elected, another $800 billion.

□ 2315

Now, where is the planning? I mean, what is going on? They are spending like drunken sailors. That is what is going. They have no self-control.

Let's go to March 2006, which was just last month. $781 billion. And you know it would be nice if we could have some transparency and some clarity and honesty in this Chamber, which would mean that we would have had a straight up or down vote on the debt limit. But this last time it was tucked into legislation. I bet you most Members, I can assure you, most Members had no idea that the increase in the debt limit was in there.

They do everything, the Republican leadership does everything possible to avoid us taking a straight up or down vote because, oh, my God, I mean, if they have to go home and face the families that they represent, who every day are struggling, Mr. RYAN, to make ends meet and not run up debt on their credit cards, and not spend more than they take in, well, it is a little tough to face your constituents when you don't do that with their money.

There is no regard here for the use of the American taxpayers dollars because it apparently doesn't matter to the Republican leadership here that we are spending more than we have. Clearly, it is baffling. It really is. And this is the party, supposedly, at least in name only, of fiscal responsibility, of smaller government, of reducing spending.

Mr. RYAN of Ohio. Will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. I will be happy to yield.

Mr. RYAN of Ohio. I think that we are starting to see, every single day in the news, and we don't need to bring up all the different topics, but every single day over the course of the last couple of years, we have seen the dismantling of the credibility of the Republican majority.

The party that came in saying they were going to balance the budget, gone. The party that came in and said they were in charge of real security in the United States, gone. Smuggling in nuclear material. The party that said that they were going to get the economy up and moving hasn't happened. All of the promises pre-war, none have happened. None. The party that said America first, well, Mr. MEEK, you have the beautiful poster, beautiful in the sense that it illustrates the point of where this Republican Congress is borrowing their money from. That is not America first. That is not taking care of home. I mean, we have got to get back to the basics.

And so every single day this Republican majority and this President are getting dismantled day by day by day in news accounts from people who work, underlings who have diminished the credibility of this administration. They have Republican generals coming out talking about how this has been such a foolhardy effort, and how the execution of the war has been an atrocity, how Katrina just fell apart right before the country's eyes on all of the cable news channels and on the network news channels.

And now, my friend, we have the father of the Republican revolution. I yield to my friend to talk about that because this it is one thing for Ms. WASSERMAN SCHULTZ, Tim Ryan from Ohio, Mr. MEEK from Florida, it is one thing for us to be critical. It is not just us. I yield to my friend.

Mr. MEEK of Florida. Well, what I am going is do is just pepper in, Mr. Speaker, the difference from what the Republican majority is proposing and ran out of town without voting on because it is a budget of shame versus what we have put forth as our budgets. And then Ms. WASSERMAN SCHULTZ is going to share with us what the former Speaker, the first Republican Speaker in a number of years, when the Republicans took over the House, what he has to say about the Republican majority.

But let me just, once again, you know, more of the same versus change. Okay? And the bottom line is, is this budget that we were supposed to vote on, either tomorrow or today, you let the majority tell it, is it fiscally responsible?

Number 1, we have a chart, and this chart, Mr. Speaker, for the majority Members and also for the American people, will be on housedemocrats.gov website starting tomorrow. Is it fiscally responsible? No. The GOP budget calls for deficits as far as the eye can see. Never achieving balance, a balanced budget, adding another $2.3 trillion to the national debt over the next 5 years.

Democratic budget, yes. Fiscally responsible. The deficit is lower than the GOP budget over the next 5 years and gets to a balanced budget, balanced budget, Mr. Speaker, in 6 years basically using pay-as-you-go rules which require that spending increases and tax cuts be paid for, and which brought us into a budget surplus in the 1990s. That is fact. That is not fiction.

I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. And when you are dealing with the facts staring you in the face like that, then even their former leader, the chief architect of what was then called the Republican revolution that began in 1994 and the run up to the 1994 election, when he begins to use ''us'' and ''they'' terminology, then you know they have really made some serious mistakes. They, the Republican leadership here has really made some serious mistakes.

And let's just go through what former Speaker Gingrich has said about what they are doing. He cited a series of blunders. Our third party validator for this evening is the Knight Ridder news papers. And Speaker Gingrich was quoted in their papers on Friday, March 31, 2006. He cited a series of blunders under Republican rule, from failures in the aftermath of Hurricane Katrina to mismanagement of the war in Iraq. He said, the government has squandered billions of dollars in Iraq.

But that is not all he said. He also noted that a congressional watchdog agency, and I will note that I can recall watching Speaker Gingrich on the House floor a number of times, and when he was in the minority, would cite the congressional watchdog either when the facts helped him, and then when he was in the majority, disparaging what the congressional watchdog that he was referring to said, depending on which side he felt like taking.

But in this case he noted that a congressional watchdog agency recently smuggled a truck carrying nuclear material in the country to test security. He said, why isn't the President pounding on the table? Why isn't he sending up 16 reform bills?

And that is the lack of outrage that we have talked about here on the House floor in the 30-something Working Group. Where is the outrage? I mean, if we have nuclear material being smuggled into this country, and no one knows it, where is their outrage? Where is the oversight? Where is the committee hearing?

Another thing he said, here is where he calls them ''they''. In the same article, he says, they are seen by the country as being in charge of a government that can't function.

Now, if the architect of the Republican revolution is calling the Republican leadership and the rank and file here ''they'', then I think it is clear that it is time for a change. It is time that we restore the PAYGO rules. It is time that we restore some fiscal responsibility. It is time that we make sure that actions match words. The American people, in each of their families, they struggle to spend only what they have.

Mr. RYAN of Ohio. Can I make a point?

Ms. WASSERMAN SCHULTZ. Yes, absolutely.

Mr. RYAN of Ohio. The point I want to make is one that we have made many, many times here, is that this outfit, on the other side of the aisle,

has for the last 14 or 16 years run down government. The only problem in society is government.

And so, when it comes to Katrina or comes to a war and you actually need government or education, you actually need government to work on behalf of the American people, all of a sudden it doesn't work. And it doesn't work because you have disrespected it for the last 14 or 16 years. You have appointed people to positions that are not qualified to actually run it.

And I think what we see here, with the Defense Department and Secretary Rumsfeld and the Pentagon and the way they have executed the war has been atrocious. Katrina, you have people who are not qualified to run the emergency management system in the country. And you get the kind of results that you have talked about. You get what you think about it. If you have a good attitude about things, good things will happen. Run it down, you get crap. And that is basically what has happened.

I yield to my friend.

Ms. WASSERMAN SCHULTZ. We have been talking about the pay-as-you-go needs that we have here. Because we are the 30-something Working Group, what we try to do really often is explain the multi generational impact that these fiscal policies and decisions have.

Let's take a look at the economic impact on college students, Mr. MEEK. We are talking about, in this chart, you have the average tuition and fees, which is this line here that has gone up and up and up. Yet, the Pell Grant average award has remained completely flat. The maximum award has also remained completely flat and doesn't even come anywhere close to meeting the needs that the students who are trying to attend college and who are struggling to get a higher education need the two to coincide. There is an impact seniors, an impact on college students.

I would be happy to yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Well, I just want to say what we are spending our money on, instead of spending it on the Pell Grants, this is what we are spending it on, just the interest on the debt that we have been talking about, and this is what we are spending on education.

We have got to balance the budget, implement these PAYGO rules that say that you are not going to spend any money in this government unless you know how to pay for it. And you are not going to go out and borrow it. We tried to do it with H. Con. Res. 95, couldn't do it. Zero Republicans voted to put PAYGO rules on to reign in spending. We tried it again with roll call vote Number 91 on March 25 of 2004. Dennis Miller tried to do it in Kansas. Charlie Stenholm tried to do it. Democrats have tried to reign in spending here in the United States Congress by putting these PAYGO rules in, Mr. MEEK, by putting these rules in. And no Republican, ladies and gentlemen, we had a huge vote today and the Republicans kept talking about we are reigning in spending. Baloney. We have tried to put these restraints on time and time again and no Republican, not one, tried to implement these rules.

I yield to my friend from Florida.

Mr. MEEK of Florida. I would appreciate, Mr. RYAN, while you are at it, if you give the website out to the Members.

Mr. RYAN of Ohio. www.housedemocrates.gov/30something. All of the charts that folks see here tonight, Mr. Speaker, can be accessed on this website. www.housedemocrats.gov/30something.

Mr. MEEK of Florida. Thank you, Mr. RYAN, and thank you Ms. WASSERMAN SCHULTZ. And Mr. Speaker, basically what we are talking about is change. We are giving the American people an alternative to where we are headed now, which is down a dark tunnel, and it very well can be a train versus the sunlight. And we believe the numbers that we showed here today, we want to make sure that everyone knows that all of these charts will be on the website, housedemocrats.gov. You can get that information. And we would like to thank the democratic leadership for allowing us to have this hour.

REPUBLICAN REBUTTAL

The SPEAKER pro tempore (Mr. FORTENBERRY). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 30 minutes.

Ms. FOXX. Mr. Speaker, I am very much aware that I am the only thing standing between everybody going home tonight, so while I have 30 minutes, I am not sure that I am going to use all of them. But I have been listening to some of the things being said tonight. I listened to them last week when I was in the Chair. And I get pretty wrought up about some of those things. And so I am going to talk a little bit about some of the comments that have been made tonight and present some facts.

Now, I don't have tonight with me our great poster that says ''The Truth Squad''. But I am going to leave this white chart up here for just a few minutes. So imagine that that says on it ''The Truth Squad''. I couldn't find the poster tonight. I am sort of filling in for someone else tonight.

But I want to say that, you know, I am a rather plainspoken person. I come from the mountains of North Carolina and generally am known as pretty plainspoken. And tonight, when I was listening to some of the rhetoric that was going on over here, I thought, one of the first things I want to say, if you believe that the Democrats will do a better job of providing for national security, then I have got some swamp land in New Mexico for sale for a great price for you.

□ 2330

I have not been a big watcher of C–SPAN before I came to the House of Representatives. I know we have got a lot of great folks who watch it, and I am grateful to you for doing that. But my guess is that there have been more untruths told in this Chamber in the past 15 months than maybe any other period of time in the history of this country. I have been watching it and I know other people have been too. That is what caused us to form the Truth Squad so that we could come out and set the facts straight.

I get very concerned when people play fast and loose with the truth and particularly when they play fast and loose with talking about national security. You see, I take that very, very seriously; and I think most of my colleagues on the Republican side of the aisle do too. The role of the Federal Government is to provide for the national security of this Nation. We were savagely attacked on 9/11, and we have responded to that, I think, in an appropriate way. These are people that hate us, that hate our way of life, and that want to take us back to the 5th century and have us live the way they live.

I do not think the American people want to do that. I think the American people love their freedom and want to maintain that freedom, and we are interested in helping other people gain their freedom.

What I am curious about, the Democrats get up here and say, We could provide better for the national security. I just have a couple of questions to ask them: Where were they and their President when the World Trade Center was first hit? Where were they and their President when we got hit several other times and we could have had a response to that? My guess is if we had had a Democratic President when we were facing 9/11, we would still be negotiating at the U.N. somewhere and pretty soon we would be losing our freedoms in this country.

I do get a little upset about it. I think that they are absolutely ridiculous in the things that they say about how they would keep us safer than the Republicans have kept us safe. We are in a terrible time. We did not ask for the war. We are not imperialistic people, but we know how to protect ourselves when we are attacked, and we are going to continue to do that. The Democrats are Johnny-come-latelies on all of this stuff. They know that the American people see the Republican Party as the party that will protect us and protect our freedoms, and that is the number one role of the Federal Government and that is where our money should be spent. So I am very happy for us to be doing our job when it comes to national security. And we are going to be working on all of those things. Our budget will address that. Our budget has addressed that, and we will continue to do that.

I want to make another comment to sort of clear up the facts tonight, comments made about the fact that we did not pass President Bush's budget today and somehow or another that is terrible. Well, we have never passed President Bush's budget, and there is no intention of passing President Bush's budget now. The President does submit a budget. The Constitution requires him to do so. However, it is the Congress's responsibility to take that budget and to look at what is proposed and then to come up with our own budget. And we will do that. But to be so duplicitous as to say that we are going to rubber-stamp the President's budget is just unbelievable to me.

To talk about cutting student loans, as my colleague says here all the time, Representative PRICE of Georgia, you can have your opinions, but you cannot make up the facts. And there is no way that you can distort the facts in what we have done for the education budget and particularly the higher education budget.

They talk all the time about what they would do, what they would do, what they would do. Well, I want to show you what they would have done had we let the Democrats have their way in Appropriations Committee meetings and in Budget Committee meetings.

I am going to turn this chart around now. For all their rhetoric about cutting spending and doing something about the deficit, during the markup of the budget, they proposed new spending of $26.9 billion and new taxes of $19.3 billion. How much savings? Zero. Now, they can get up on the floor of the House and they can say lots of things, but when we bring out the facts, the comments that they make just do not hold true. They think people are just going to ignore what they really do and believe what they say.

I said this the other night: our motto in the State of North Carolina is to be, rather than to seem. Some day I am going to figure out a clever way to show how the Democrats want to seem, rather than to be, instead of reversing that. But that is what they want to do. They want the American people to believe that what they are saying is true when they live a totally different kind of life-style. And I think it is very important that every time this happens that we respond to it. It is very, very important that we do that and not let them get by with it.

I want to say a couple of things about the effect of what we have done in terms of cutting taxes. The difference between Democrats and Republicans is that the Democrats think they know how to spend your money better than you do and the Republicans think that the American people know how to spend their money better than the Federal Government knows how to spend it. So we want the American people to keep more of their money than they have been. So the Republicans instituted tax cuts, and what we have done is we see that tax receipts rebound with record increases based on tax cuts.

They want you to believe that all the ills of the world have come as a result of tax cuts. Well, the good things that have happened in this economy, most of them have come as a result of our having cut taxes. We want to let you keep your money in your pocket and spend it the way you want to and not turn it over to bureaucrats in Washington, D.C. who waste a lot of it and then spend a little bit of it maybe on some good things. That is not the way it ought to be. We want you to keep your money.

Let me show one other chart here that I have to talk about the projected growth of revenue and what will happen. We need to make the tax cuts that were instituted permanent, and that is one of the things that we need to be able to do so that we can keep this economy going in the right direction. And this is what will happen with tax relief made permanent. And, yes, indeed, we can cut the deficit in half by 2009, which is when the President said that it would be cut in half, and there is another chart over there to show that.

They just very, very cavalierly leave out certain things when they are talking, like the President said that the deficit would be cut in half. The President did not say the deficit would be cut in half this year. He said very clearly in 2009. And it will be if we can make the tax cuts permanent. The biggest fight we are having around here is how do we make those tax cuts permanent and keep that money in your pocket instead of putting it into the hands of people who will not spend it nearly as well as you do.

And you notice again that the Democrats are very, very selective in the things that they tell you in terms of their own actions and the things that they have done. They are fond of quoting third sources, and I want to quote something for you too tonight that you probably will not hear about in the mainstream media, the best friend of the Democrats. But Roll Call, one of the local newspapers here in town that is read primarily inside the Beltway, April 6, states: ''House Democrats have spent hundreds of thousands of dollars in taxpayer funds over the past several years on the party's annual retreats. Democrats have used official money to pay for a portion of their retreats for at least a decade. And a review of disbursement reports from the chief administrative officer shows that the House Democratic Caucus has spent more than $200,000 directly out of the caucus's official budget since 2003 on chartered jets, rented buses, entertainers, brochures, staff travel, and a host of other retreat expenses.''

These are not allowed. The Republicans do not do that. We pay for our retreats ourselves. But you are never going to hear this again from the mainstream media because they do not want you to know about the way Democrats abuse taxpayer funds.

I want to talk just a little bit tonight about some of the good and great things that have been done in this session of the Congress. It is the ''do big things Congress.'' The Democrats would like you to believe that we have not accomplished a great deal. They are focused tonight on the budget. We did not get the budget passed. Well, we do not have any deadline for doing that until the end of the session, actually. But we set ourselves to task at doing that, and we will do that. And it will be a good budget when we do it, and it will cut spending, which is what we need to be doing. And it will rein in some of the spending that is on automatic pilot because programs set up under Democratic administrations are difficult to cut back.

We passed the energy bill, H.R. 6, which brings America's energy system into the 21st century, signed into law by the President. We passed the highway bill, which creates millions of new jobs and improves public transportation and highways and other things all across the country, public law. We passed the Deficit Reduction Act, which provides $39.732 billion in savings by reforming the government, reducing the deficit, and renewing our commitment to hardworking American taxpayers.

How many Democrats voted for reducing the deficit? Zero. None of them. They can stand up here again and talk all they want, but they have got to walk the walk. And when it comes to that, they just do not do it.

We have passed liability reform, several liability reform bills. We have passed class action reform legislation to reduce frivolous lawsuits, to reduce all this money going into the hands of the trial lawyers.

We have passed a Combat Meth Act. Methamphetamines are a terrible scourge on our country, and we are doing something about that.

We passed the PATRIOT Act, again, something that we need to do to protect Americans, to allow our government to do proper investigations of the people who may be harming us. What did the Democrats do? They bragged that they killed it.

We passed a United Nations Reform Act in the House with very little support from Democrats. We are mandating budget oversight, accountability, and ethics into U.N. reforms. You do not hear that coming out of the Democrats.

We passed the Health Act, making positive changes to the health care liability system.

We have extended the death tax repeal permanently. Help from the Democrats, very little.

We passed the Tax Relief Extension Act. We are going to extend the tax provisions expiring in 2005. No Democrats helping with that.

We passed the Job Training Improvement Act of 2005, enhancing the workforce investment system of the Nation.

We have passed lots and lots of bills. We passed in December the Border Protection, Antiterrorism, and Illegal Immigration Control Act. Any help from the Democrats? No.

We are working hard to protect the American people in the way that they should be protected. And one of the ways that we need to be doing that is to be reducing the spending of the Federal Government and reducing the burden on hardworking Americans.

We also need to make sure that we maintain our freedom so that we can do all the other things that we want to do. That is what the Republicans are doing.

What you hear out of the Democrats is a lot of empty rhetoric, and I am afraid that it just won't wash anymore, because the Truth Squad is going to be around all the time calling their hand on the things that they are saying that are simply not true.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LANGEVIN (at the request of Ms. PELOSI) for today after 5:30 p.m.

Ms. SCHAKOWSKY (at the request of Ms. PELOSI) for April 5.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. KILDEE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. TIERNEY, for 5 minutes, today.

(The following Members (at the request of Mr. HOEKSTRA) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FITZPATRICK of Pennsylvania, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mrs. Hass, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 81. Joint resolution providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 82. Joint resolution providing for the reappointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

Ms. FOXX. Mr. Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Monday, April 10, 2006, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 382, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at 11 o'clock and 45 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 2 p.m. on Monday, April 10, 2006, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 382, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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. OXLEY: Committee on Financial Services. H.R. 4973. A bill to restore the financial solvency of the national flood insurance program, and for other purposes (Rept. 109–410). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOEKSTRA: Permanent Select Committee on Intelligence. H.R. 5020. A bill to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 109–411). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee of Conference. Conference report on H.R. 889. A bill to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes (Rept. 109–413). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. OXLEY: Committee on Financial Services. 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; with an amendment (Rept. 109–412, Pt. I). Referred to the Committee on the Judiciary for a period ending not later than May 26, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(l), rule X. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia (for himself, Mr. WAXMAN, Mr. SHAYS, Mr. LANTOS, Mr. GUTKNECHT, Mr. OWENS, Mr. PLATTS, Mr. TOWNS, Mrs. MILLER of Michigan, Mrs. MALONEY, Mr. ISSA, Mr. CUMMINGS, Mr. DENT, Mr. KUCINICH, Ms. FOXX, Mr. CLAY, Ms. WATSON, Mr. LYNCH, Mr. VAN HOLLEN, Mr. HIGGINS, Ms. NORTON, Mr. KANJORSKI, and Mr. DAVIS of Illinois):

H.R. 5112. A bill to provide for reform in the operations of the executive branch; to the Committee on Government Reform.

By Mr. CONYERS:

H.R. 5113. A bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies; to the Committee on the Judiciary.

By Ms. HART (for herself, Ms. ESHOO, Ms. ZOE LOFGREN of California, Mr. TIAHRT, Mr. DOOLITTLE, Mrs. NORTHUP, Mr. GOODLATTE, Mr. POMBO, Mr. CLEAVER, Mr. SHIMKUS, Mr. SIMMONS, Mr. SESSIONS, Mr. GRAVES, Mr. PENCE, Mr. WESTMORELAND, Mr. CAMPBELL of California, Mr. CONAWAY, Mr. MCCAUL of Texas, Mr. CROWLEY, Mr. OTTER, Mr. PEARCE, Mr. GOODE, Miss MCMORRIS, Mr. HOEKSTRA, Mr. ISSA, Mrs. BLACKBURN, Mr. KENNEDY of Minnesota, Mr. BOOZMAN, Mrs. MILLER of Michigan, Mr. MCHUGH, Mr. BACHUS, Mr. NEUGEBAUER, Mr. SHUSTER, Mr. CANNON, Mr. MARIO DIAZ-BALART of Florida, Mr. HERGER, Ms. HARRIS, Mr. GERLACH, Mr. INGLIS of South Carolina, Mr. ENGLISH of Pennsylvania, Mr. SULLIVAN, Mr. CALVERT, Mr. CULBERSON, Mr. SIMPSON, Mr. KLINE, Mr. THOMPSON of California, Mr. ROSS, Mr. LEWIS of Kentucky, Mr. MCKEON, Mr. FLAKE, Mr. ROYCE, Mr. MANZULLO, Mrs. MYRICK, Mr. PORTER, Mr. CARTER, Mrs. MUSGRAVE, Ms. BEAN, Mr. REYNOLDS, Mr. CANTOR, Mr. LANGEVIN, Mr. MCHENRY, Mr. CARDOZA, Mr. PETERSON of Minnesota, Mr. WILSON of South Carolina, Mr. TAYLOR of North Carolina, Mr. NORWOOD, Mr. HONDA, Mr. HASTINGS of Washington, Mr. BEAUPREZ, Mr. JINDAL, Mr. SWEENEY, Mr. BOUSTANY, Mr. SOUDER, Mr. WAMP, Mr. FORBES, Mrs. CAPITO, Mr. POE, Mrs. KELLY, Mr. GARY G. MILLER of California, Mr. WALSH, Mr. MURPHY, Mr. AKIN, Mr. GALLEGLY, Mr. SAM JOHNSON of Texas, Mr. ADERHOLT, Mr. BERRY, Mr. BOYD, Mr. MELANCON, Mr. CAPUANO, Mr. FRANKS of Arizona, Mr. RENZI, Mr. ROGERS of Michigan, Mr. GUTKNECHT, Mr. HALL, Mrs. JO ANN DAVIS of Virginia, Mr. GOHMERT, Mr. LOBIONDO, Mr. CHOCOLA, Mr. WELLER, and Mr. FOLEY):

H.R. 5114. A bill to limit the development or implementation of a return-free tax system; to the Committee on Ways and Means.

By Ms. HART (for herself, Mr. ENGLISH of Pennsylvania, and Mr. WELLER):

H.R. 5115. A bill to amend the Internal Revenue Code of 1986 to modernize the tax treatment of biomedical research corporations; to the Committee on Ways and Means.

By Mrs. TAUSCHER (for herself, Mr. SMITH of Washington, Mr. DAVIS of Alabama, Mr. KIND, Mrs. MCCARTHY, Mr. INSLEE, Ms. HERSETH, Mr. CROWLEY, Mr. MEEKS of New York, Mr. EMANUEL, Ms. MILLENDER-MCDONALD, Mr. HIGGINS, Ms. HARMAN, Mr. PRICE of North Carolina, Mr. BAIRD, Ms. SCHWARTZ of Pennsylvania, Mr. MCINTYRE, Mr. ENGEL, Mr. ISRAEL, Mr. CHANDLER, Mr. BOSWELL, Ms. LORETTA SANCHEZ of California, Mr. LARSON of Connecticut, Mr. DAVIS of Florida, Mr. MOORE of Kansas, and Ms. HOOLEY):

H.R. 5116. A bill to amend title XVIII of the Social Security Act to extend the 2006 initial enrollment period for the Medicare prescription drug benefit by six months, to suspend the late enrollment penalty for such benefit during 2006, to permit Medicare beneficiaries to change enrollment in a prescription drug plan once a year, and to prevent changes in formularies other than at the time of open enrollment periods and only with advance notice; 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 Ms. PRYCE of Ohio (for herself, Mr. HOBSON, Mr. TIBERI, Mr. NEY, and Mr. LEACH):

H.R. 5117. A bill to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students; to the Committee on Financial Services.

By Mr. WALDEN of Oregon (for himself, Mr. POMEROY, Mr. ALEXANDER, Mr. ALLEN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOUCHER, Mr. BOYD, Mrs. CAPITO, Mr. CASE, Mr. COSTELLO, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mr. DEFAZIO, Mrs. EMERSON, Mr. EVANS, Mr. GRAVES, Mr. HASTINGS of Washington, Ms. HERSETH, Mr. HINCHEY, Mr. HINOJOSA, Ms. HOOLEY, Mr. KIND, Ms. JACKSON-LEE of Texas, Mr. MARSHALL, Mr. MATHESON, Mr. MCHUGH, Mr. MCINTYRE, Miss MCMORRIS, Mr. MORAN of Kansas, Mr. OBERSTAR, Mr. ORTIZ, Mr. PAUL, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, Mr. RENZI, Mr. ROSS, Mr. SANDERS, Mr. SHUSTER, Mr. SIMPSON, Mr. SKELTON, Mr. STUPAK, Mr. SWEENEY, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. UDALL of New Mexico, Mr. WHITFIELD, Mr. WICKER, and Mr. YOUNG of Alaska):

H.R. 5118. A bill to amend title XVIII of the Social Security Act and the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend certain Medicare payment methodologies provided for rural health care providers; 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 Ms. BERKLEY (for herself, Mr. BERMAN, Mr. EVANS, Mr. FILNER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. STRICKLAND, Mrs. MALONEY, Mr. CHANDLER, and Mr. MICHAUD):

H.R. 5119. A bill to amend title 38, United States Code, to improve the pension program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. JENKINS (for himself, Mr. DELAHUNT, Mr. DUNCAN, and Mr. MEEHAN):

H.R. 5120. A bill to amend title 35, United States Code, to conform certain filing provisions within the Patent and Trademark Office; to the Committee on the Judiciary.

By Mr. NEY (for himself, Ms. WATERS, Mr. GARY G. MILLER of California, and Mr. TIBERI):

H.R. 5121. A bill to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes; to the Committee on Financial Services.

By Mr. HUNTER (for himself and Mr. SKELTON) (both by request):

H.R. 5122. A bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes; to the Committee on Armed Services.

By Mr. DOGGETT (for himself, Mr. RANGEL, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. JEFFERSON, Mr. BECERRA, Mr. POMEROY, Mrs. JONES of Ohio, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. ALLEN, Mr. CONYERS, Mr. GRIJALVA, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SHERMAN, Ms. SLAUGHTER, and Ms. SOLIS):

H.R. 5123. A bill to amend the Internal Revenue Code of 1986 to simplify and provide greater uniformity for child-related tax benefits and to eliminate the potential for abuse created by the uniform definition of child in the Working Families Tax Relief Act of 2004; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself and Mr. GREEN of Wisconsin):

H.R. 5124. A bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COSTA (for himself and Mr. CARDOZA):

H.R. 5125. A bill to amend the Indian Gaming Regulatory Act to provide that the Secretary of the Interior shall not approve a Tribal-State gaming compact under that Act unless the State involved has a State law providing for a gaming master plan that has been approved by the Secretary; to the Committee on Resources.

By Mr. BARTON of Texas (for himself, Mr. ENGEL, Mr. SIMMONS, and Mr. REICHERT):

H.R. 5126. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BEAUPREZ:

H.R. 5127. A bill to prohibit the Department of Energy from obligating funds for appropriation earmarks in the Energy Efficiency and Renewable Energy program; to the Committee on Science, 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. CARDOZA (for himself, Mr. RADANOVICH, and Ms. MATSUI):

H.R. 5128. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to make grants to facilitate the establishment of the National Ag Science Center in Stanislaus County, California; to the Committee on Agriculture.

By Mr. CHOCOLA (for himself, Mr. KIRK, and Mr. COOPER):

H.R. 5129. A bill to amend title 31, United States Code, to require certain additional calculations to be included in the annual financial statement submitted under section 331(e) of that title; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 5130. A bill to extend Federal recognition to the Rappahannock Tribe, and for other purposes; to the Committee on Resources.

By Mr. LINCOLN DIAZ-BALART of Florida (for himself, Mr. BERMAN, Ms. ROYBAL-ALLARD, Ms. HART, Mr. LEACH, Mr. LAHOOD, Mr. SKELTON, Ms. ROS-LEHTINEN, Ms. HARMAN, Mr. MARIO DIAZ-BALART of Florida, Mr. GUTIERREZ, Mr. FORTUÑO, and Mr. SABO):

H.R. 5131. 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, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL:

H.R. 5132. A bill 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 Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812; to the Committee on Resources.

By Mr. DINGELL:

H.R. 5133. A bill to direct the Secretary of the Interior to accept the donation of certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812 for inclusion in the National Park System; to the Committee on Resources.

By Mrs. EMERSON (for herself, Mr. BERRY, Mr. CHANDLER, Mr. BROWN of Ohio, Mr. WILSON of South Carolina, Mr. KENNEDY of Rhode Island, Ms. HERSETH, Mr. MORAN of Virginia, Mr. BOOZMAN, Mr. WALDEN of Oregon, Ms. PRYCE of Ohio, Mr. JONES of North Carolina, Mr. GUTKNECHT, Mr. PITTS, Mr. ALLEN, Mr. BOREN, Mr. ISRAEL, Mr. CARDOZA, Mr. SKELTON, Mr. CLEAVER, Ms. ESHOO, Mr. POMEROY, Mr. MURTHA, Ms. KAPTUR, Mr. SCHWARZ of Michigan, Mrs. CAPITO, Mr. OSBORNE, Mr. SIMPSON, Mr. RENZI, Mr. WELLER, Mr. WAMP, Mr. LAHOOD, Mrs. CUBIN, Mr. WICKER, Mr. SWEENEY, Mr. CAPUANO, Mr. HULSHOF, Mr. SHIMKUS, Mr. BRADY of Texas, Mr. GILCHREST, and Mrs. CAPPS):

H.R. 5134. A bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGLISH of Pennsylvania:

H.R. 5135. A bill to amend the Internal Revenue Code of 1986 to add meningococcal vaccines to the list of taxable vaccines for purposes of the Vaccine Injury Compensation Trust Fund; to the Committee on Ways and Means.

By Mr. HALL (for himself and Mr. UDALL of Colorado):

H.R. 5136. A bill to establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve drought monitoring and forecasting capabilities; to the Committee on Science.

By Mr. HASTINGS of Florida:

H.R. 5137. A bill to assist first-time homebuyers to attain home ownership, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH:

H.R. 5138. A bill to amend the Internal Revenue Code of 1986 to restrict the use of tax return information by preparers of returns; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. WELDON of Pennsylvania, Ms. ZOE LOFGREN of California, Mr. PRICE of North Carolina, Ms. LEE, Mr. SMITH of Washington, Mr. CONYERS, Mr. OWENS, Mr. KENNEDY of Minnesota, Mr. EMANUEL, Mr. HINOJOSA, Mr. PAYNE, Mr. GRIJALVA, Mr. CAPUANO, Mr. MCDERMOTT, Mr. WOLF, Ms. SCHAKOWSKY, and Mr. INSLEE):

H.R. 5139. A bill to direct the Secretary of Education to establish and maintain a public website through which individuals may find a complete database of available scholarships, fellowships, and other programs of financial assistance in the study of science, technology, engineering, and mathematics; to the Committee on Education and the Workforce.

By Mr. HOLT (for himself, Mr. CONYERS, Ms. ZOE LOFGREN of California, Mr. KENNEDY of Minnesota, Ms. LEE, Mr. GRIJALVA, Mr. EMANUEL, Mr. HINOJOSA, Mr. MCDERMOTT, Mr. WOLF, Ms. SCHAKOWSKY, Mr. MCINTYRE, and Mr. INSLEE):

H.R. 5140. A bill to establish the Congressional Teacher Award Task Force to enter into an agreement with a nonprofit entity for the operation of a program to recognize excellent elementary and secondary school teachers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOLT (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ZOE LOFGREN of California, Mr. CAPUANO, Mr. MARKEY, Mr. SMITH of Washington, Mr. PRICE of North Carolina, Mr. OWENS, Mr. PAYNE, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. HINOJOSA, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Mr. MCINTYRE, and Mr. INSLEE):

H.R. 5141. A bill to provide for the establishment of a program at the National Science Foundation to increase up to 10,000 per year the number of elementary and secondary science and mathematics teachers through a scholarship program encouraging students to obtain science, technology, engineering, and mathematics degrees with teacher certification, and for other purposes; to the Committee on Science.

By Mr. HOLT (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ZOE LOFGREN of California, Mr. MCDERMOTT, Mr. MARKEY, Mr. SMITH of Washington, Mr. INSLEE, Mr. OWENS, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. HINOJOSA, Mr. CAPUANO, Ms. SCHAKOWSKY, Mr. MCINTYRE, and Mr. JEFFERSON):

H.R. 5142. A bill to provide for the establishment of a program at the National Science Foundation to increase the population of science, technology, engineering, and mathematics undergraduate students through a scholarship program to increase the business, industrial, academic, and scientific workforce, and for other purposes; to the Committee on Science.

By Mr. INGLIS of South Carolina (for himself, Mr. LIPINSKI, Mr. KINGSTON, Mr. WAMP, Mr. WOLF, Mr. BOEHLERT, Mr. EHLERS, Mr. BARTLETT of Maryland, Mr. WYNN, Mr. DENT, Mr. LARSON of Connecticut, Mr. MCCAUL of Texas, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, and Mr. TERRY):

H.R. 5143. A bill to authorize the Secretary of Energy to establish monetary prizes for achievements in overcoming scientific and technical barriers associated with hydrogen energy; to the Committee on Science.

By Mr. JINDAL:

H.R. 5144. A bill to provide for supply chain security cooperation between Department of Homeland Security and the private sector, and for other purposes; to the Committee on Homeland Security.

By Mr. JONES of North Carolina (for himself and Mr. DELAHUNT):

H.R. 5145. A bill to authorize the National War Dogs Monument, Inc. to establish a national monument in honor of military working dog teams; to the Committee on Resources.

By Mr. KNOLLENBERG:

H.R. 5146. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax to qualified small employers who create new jobs; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 5147. A bill to amend part B of title XVIII of the Social Security Act to repeal the income-related increase in part B premiums that was enacted as part of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173); 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 Mrs. MALONEY (for herself, Mr. TOM DAVIS of Virginia, and Mr. HOYER):

H.R. 5148. A bill to ensure that at least one-half of the 12 weeks of parental leave made available to a Federal employee under subchapter V of chapter 63 of title 5, United States Code, shall be paid leave; to the Committee on Government Reform.

By Mr. MCKEON:

H.R. 5149. A bill to maintain the rural heritage of the Eastern Sierra and enhance the region's tourism economy by designating certain public lands as wilderness and certain rivers as wild and scenic rivers in the State of California, and for other purposes; to the Committee on Resources.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mr. TIERNEY, Ms. MCCOLLUM of Minnesota, Mr. GRIJALVA, and Mr. BISHOP of New York):

H.R. 5150. A bill to amend the Higher Education Act of 1965 to reduce interest rates for student and parent borrowers; to the Committee on Education and the Workforce.

By Mr. NADLER (for himself, Ms. SLAUGHTER, Mrs. LOWEY, Mr. CONYERS, Mrs. MALONEY, Ms. SCHAKOWSKY, Ms. MATSUI, Ms. BALDWIN, Mr. SHERMAN, Mr. WEXLER, Mr. GRIJALVA, Mr. OLVER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, Mr. MCDERMOTT, Ms. SOLIS, Mr. BERMAN, Mr. FILNER, Ms. HARMAN, Mr. HINCHEY, Mr. OWENS, Mr. GEORGE MILLER of California, and Mrs. CAPPS):

H.R. 5151. A bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes; to the Committee on the Judiciary.

By Mr. NADLER (for himself, Ms. BALDWIN, Mr. BERMAN, Mr. CONYERS, Mr. CROWLEY, Mr. EMANUEL, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. KENNEDY of Rhode Island, Mrs. MALONEY, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. STARK, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 5152. A bill to provide for entitlement to dependents' and survivors' benefits under the old-age, survivors, and disability insurance program under title II of the Social Security Act based on permanent partnership as well as marriage; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 5153. A bill to revise the number of associate judges of the Superior Court of the District of Columbia; to the Committee on Government Reform.

By Mr. POMBO:

H.R. 5154. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for teleworking; to the Committee on Ways and Means.

By Mr. PORTER (for himself, Mr. GIBBONS, and Ms. BERKLEY):

H.R. 5155. A bill to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project; to the Committee on Resources.

By Mr. ROGERS of Michigan (for himself and Mr. GENE GREEN of Texas):

H.R. 5156. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to counterfeit drugs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS:

H.R. 5157. A bill to designate certain National Forest System land in the State of Vermont for inclusion in the National Wilderness Preservation system and designate a National Recreation Area; to the Committee on Resources, 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. SERRANO (for himself, Mr. WEINER, Mr. BACA, Mr. CROWLEY, Mr. GRIJALVA, Mr. HINCHEY, Mrs. MALONEY, and Mr. MCNULTY):

H.R. 5158. A bill to amend the Food Stamp Act of 1977 to provide greater access to the food stamp program by reducing duplicative and burdensome administrative requirements; authorize the Secretary of Agriculture to award grants to certain community-based nonprofit feeding and anti-hunger groups for the purpose of establishing and implementing a Beyond the Soup Kitchen Pilot Program for certain socially and economically disadvantaged populations, and for other purposes; to the Committee on Agriculture.

By Mr. SHUSTER (for himself, Mr. TANCREDO, Mr. COBLE, Mr. WILSON of South Carolina, Ms. GRANGER, Mr. KUHL of New York, Mr. SIMMONS, Mr. KLINE, Mr. FITZPATRICK of Pennsylvania, Ms. HART, Mr. GENE GREEN of Texas, Mrs. JO ANN DAVIS of Virginia, Mr. HALL, Mr. BROWN of Ohio,

Mr. HOBSON, Mr. PETERSON of Pennsylvania, Mr. BISHOP of Georgia, Mr. MCKEON, Mr. FRANKS of Arizona, Ms. CARSON, Mr. MCCAUL of Texas, and Mr. DENT):

H.R. 5159. A bill to posthumously award a Congressional gold medal on behalf of each person aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash; to the Committee on Financial Services.

By Mr. SIMMONS (for himself, Mr. ISRAEL, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mrs. MCCARTHY, Mr. HINCHEY, Mr. KING of New York, Mr. CROWLEY, Mr. BISHOP of New York, Mr. NADLER, Mr. FOSSELLA, Mr. SERRANO, Mr. MEEKS of New York, Mr. ACKERMAN, Mr. WALSH, Mrs. MALONEY, Ms. DELAURO, Mr. BOEHLERT, Mr. WEINER, Mr. OWENS, Mr. HIGGINS, Mrs. LOWEY, Mr. RANGEL, Mr. ENGEL, Mr. GILCHREST, and Mrs. KELLY):

H.R. 5160. A bill to establish the Long Island Sound Stewardship Initiative; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Mr. GUTIERREZ, Mr. BERMAN, Mr. HONDA, Mr. EMANUEL, Ms. MATSUI, Mr. LEWIS of Georgia, Ms. LEE, and Ms. ZOE LOFGREN of California):

H.R. 5161. A bill to establish a commission to study the removal of Mexican-Americans to Mexico during 1929-1941, and for other purposes; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 5162. A bill to pay a one-time bonus to members of the Armed Forces who serve honorably in a combat zone designated for Operation Iraqi Freedom or Operation Enduring Freedom, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 5163. A bill to direct the Administrator of the Small Business Administration to conduct a pilot program to raise awareness about telework among small business employers, and to encourage such employers to offer telework options to employees, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. RANGEL, Mr. GUTIERREZ, Ms. NORTON, and Mr. MEEKS of New York):

H.R. 5164. A bill to amend the Housing and Urban Development Act of 1968 to ensure improved access to employment opportunities for low-income people; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 5165. A bill to authorize the grant program under which the Secretary of Homeland Security makes discretionary grants for use in high-threat, high-density urban areas, and for other purposes; to the Committee on Homeland Security.

By Mr. WICKER (for himself, Mr. LOBIONDO, Mr. PICKERING, Mr. BONNER, Mr. BROWN of Ohio, Mr. PETERSON of Pennsylvania, Mrs. CUBIN, Mr. EVERETT, Mr. BACHUS, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. SODREL, Mr. CONAWAY, Mr. FORTENBERRY, Ms. HARRIS, Mr. WHITFIELD, Mr. BILIRAKIS, Mrs. EMERSON, Ms. PRYCE of Ohio, Mr. SCHWARZ of Michigan, Mr. FOLEY, Mr. LEACH, Mr. GERLACH, Mr. WALDEN of Oregon, Mrs. JO ANN DAVIS of Virginia, Mr. SHERWOOD, Mr. BOOZMAN, Mr. OSBORNE, Mr. DOOLITTLE, Mr. TIAHRT, Mr. BURGESS, Mr. AKIN, Mr. ADERHOLT, Mr. BLUNT, Mr. MCHENRY, Ms. FOXX, Mr. PENCE, Mr. BISHOP of Utah, Mr. GARRETT of New Jersey, Mr. HOEKSTRA, Mr. FITZPATRICK of Pennsylvania, Ms. KAPTUR, Mr. GUTKNECHT, Ms. WASSERMAN SCHULTZ, and Mr. VAN HOLLEN):

H.R. 5166. A bill to amend title XVIII of the Social Security Act to improve payments made by prescription drug plans and MA-PD plans to pharmacies for covered part D drugs dispensed through such pharmacies; 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 Ms. WOOLSEY (for herself, Mr. SHAYS, Mr. CONYERS, Mrs. JOHNSON of Connecticut, Mr. GRIJALVA, Mr. FILNER, Mr. EVANS, Ms. WASSERMAN SCHULTZ, Mr. FARR, Mrs. CAPPS, Mr. POMEROY, and Ms. HERSETH):

H.R. 5167. A bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs; to the Committee on Education and the Workforce.

By Mr. CHABOT (for himself and Mr. BROWN of Ohio):

H. Con. Res. 381. Concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically elected officials of Taiwan; to the Committee on International Relations.

By Mr. BOEHNER:

H. Con. Res. 382. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. FORTENBERRY:

H. Con. Res. 383. Concurrent resolution supporting the goals and ideals of the National Arbor Day Foundation and National Arbor Day; to the Committee on Government Reform.

By Mr. HINCHEY (for himself, Mr. RANGEL, Mr. SCOTT of Virginia, Mr. FATTAH, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. SCOTT of Georgia, Mr. AL GREEN of Texas, Mr. CLEAVER, Mr. SNYDER, Mr. CONYERS, Mr. MCDERMOTT, Ms. LEE, Mr. BRADY of Pennsylvania, Mr. PRICE of North Carolina, Mr. HASTINGS of Florida, Ms. NORTON, Mr. THOMPSON of Mississippi, Mr. ROSS, Mr. ETHERIDGE, Mrs. CHRISTENSEN, Mr. LEWIS of Georgia, Mr. HOLT, Mr. JEFFERSON, Mr. CUMMINGS, Mr. OWENS, Mr. BERRY, Ms. CARSON, Ms. JACKSON-LEE of Texas, Mr. BISHOP of Georgia, Mr. CARDIN, and Mr. MCGOVERN):

H. Con. Res. 384. Concurrent resolution recognizing and honoring the 100th anniversary of the founding of the Alpha Phi Alpha Fraternity, Incorporated, the first intercollegiate Greek-letter fraternity established for African Americans; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE of Texas (for herself, Mr. JEFFERSON, Ms. KILPATRICK of Michigan, Mr. BUTTERFIELD, Mr. DOGGETT, Mr. PAYNE, Ms. MCCOLLUM of Minnesota, Mr. LEWIS of Georgia, Mr. CLEAVER, Mr. CUMMINGS, Mr. HASTINGS of Florida, Mr. CONYERS, Ms. MCKINNEY, Ms. WASSERMAN SCHULTZ, Mr. DELAHUNT, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HONDA, Mr. OWENS, Mr. LANTOS, Ms. LEE, Mr. RANGEL, Mr. WEXLER, Ms. LINDA T. SÁNCHEZ of California, Ms. BERKLEY, Ms. DELAURO, Mr. BECERRA, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mrs. LOWEY, Mr. SCOTT of Virginia, Mr. MELANCON, Mr. CROWLEY, Mr. HINCHEY, Mr. MCDERMOTT, Mr. DAVIS of Illinois, Mr. WYNN, Mr. TOWNS, Mr. WATT, Ms. SOLIS, Mr. FILNER, Ms. MILLENDER-MCDONALD, and Ms. MATSUI):

H. Con. Res. 385. Concurrent resolution expressing the sense of Congress to encourage the State of Louisiana and the Department of Justice to establish satellite voting outside the State of Louisiana for the New Orleans elections scheduled for April 22, 2006; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. CAPUANO, Mr. OLVER, Mrs. MCCARTHY, Mr. DAVIS of Illinois, Mrs. CAPPS, Mr. DELAHUNT, Mr. CONYERS, Mr. GRIJALVA, Mr. CLEAVER, Mr. SCOTT of Georgia, Mr. MCDERMOTT, Mr. OWENS, Mr. SCOTT of Virginia, Mr. WYNN, Mrs. CHRISTENSEN, Mr. SHIMKUS, Ms. LEE, Mr. JEFFERSON, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mr. RUSH, Mr. RANGEL, Ms. WATSON, Ms. MOORE of Wisconsin, Mr. CUMMINGS, Mr. DAVIS of Alabama, Ms. NORTON, Mr. FATTAH, Ms. CORRINE BROWN of Florida, Mr. BISHOP of Georgia, Ms. CARSON, Ms. WATERS, Mr. WATT, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. MEEK of Florida, and Ms. SOLIS):

H. Con. Res. 386. Concurrent resolution honoring Mary Eliza Mahoney, America's first professionally trained African-American nurse; to the Committee on Energy and Commerce.

By Ms. MILLENDER-MCDONALD:

H. Con. Res. 387. Concurrent resolution encouraging minority participation in the goals of Financial Literacy Month for April, 2006; to the Committee on Government Reform.

By Mr. WILSON of South Carolina (for himself, Mr. ACKERMAN, and Mr. GORDON):

H. Con. Res. 388. Concurrent resolution recognizing that the plight of Kashmiri Pandits has been an ongoing concern since 1989 and that their physical, political, and economic security should be safeguarded by the Government of India and the state government of Jammu and Kashmir; to the Committee on International Relations.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. SCOTT of Virginia, Mrs. DRAKE, Mr. CANTOR, and Mr. GOODLATTE):

H. Res. 769. A resolution recognizing Virginia's James River as ''America's Founding River''; to the Committee on Resources.

By Mr. MORAN of Virginia (for himself, Mrs. DRAKE, Mr. WOLF, Mr. BOUCHER, Mr. SCOTT of Virginia, and Mr. FORBES):

H. Res. 770. A resolution commending Christian Relief Services Charities and its founder Eugene L. Krizek on the organization's 20th anniversary; to the Committee on Government Reform.

By Mr. WILSON of South Carolina (for himself, Mr. KING of Iowa, and Mr. PITTS):

H. Res. 771. A resolution expressing the sense of the House of Representatives that individuals who commit acts of sexual violence against minor children should be prosecuted to the fullest extent of the law; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

275. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 229 memorializing the Congress of the United States to maintain the combat capabilities and force structure of the National Guard; to the Committee on Armed Services.

276. Also, a memorial of the Senate of the State of West Virginia, relative to Senate Resolution No. 11 requesting the United States House of Representatives defeat the Budget Reconciliations Bill; to the Committee on the Budget.

277. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 48 memorializing the Congress of the United States to take such actions as are necessary to reduce by twenty-five percent the amount of outstanding federal student loan debt of any college graduate who resides in certain areas of Louisiana most affected by Hurricane Katrina or Hurricane Rita for at least five consecutive years immediately following graduation; to the Committee on Education and the Workforce.

278. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 13 memorializing the Congress of the United States to enact the ''School Energy Crisis Relief Act''; to the Committee on Education and the Workforce.

279. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 13 memorializing the Congress of the United States and the United States Secretary of Health and Human Services to reform the Medicaid program to ensure the program's solvency for future generations; to the Committee on Energy and Commerce.

280. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 13 memorializing the Congress of the United States and the United States Secretary of Health and Human Services to reform the Medicaid program to ensure the program's solvency for future generations; to the Committee on Energy and Commerce.

281. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 114 encouraging the Department of Energy and the Congress of the United States to identify, commit and sustain the funding necessary to allow design, development, testing and demonstration in Idaho at INL of safe, state of the art, advanced nuclear energy systems that can, ultimately, be commercially replicated in other locations throughout the United States and throughout the world; to the Committee on Energy and Commerce.

282. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 72 memorializing the Congress of the United States and the United States Department of Health and Human Services to take steps to improve access to fertility preservation options for cancer patients; to the Committee on Energy and Commerce.

283. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 19 encouraging the United States to continue its support of humanitarian efforts in and contributions of humanitarian aid to the Darfur region of Sudan and to encourage the United States to lead multilateral efforts to bring those responsible for the egregious human rights violation to justice; to the Committee on International Relations.

284. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 19 encouraging the United States to continue its support of humanitarian efforts in and contributions of humanitarian aid to the Darfur region of Sudan and encouraging the United States to lead multilateral efforts to bring those responsible for the egregious human rights violations to justice; to the Committee on International Relations.

285. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 67 memorializing the Congress of the United States to take such actions as are necessary, due to the many problems that have occurred in Jefferson Parish with the ZIP codes 70121 and 70123, to enact legislation to change the ZIP code in Jefferson Parish in the area currently covered by the ZIP code 70121 to 70021 and to change the ZIP code in Jefferson Parish in the area currently covered by the ZIP code 70123 to 70023 and also to assign new ZIP codes to the main post office in Metairie; to the Committee on Government Reform.

286. Also, a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to Senate Joint Resolution No. 15–01 requesting the United States House of Representatives convey non-voting delegate status to the Commonwealth of the Northern Mariana Islands; to the Committee on Resources.

287. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 29 memorializing the Congress of the United States to take such actions as are necessary to amend the Federal Rules of Civil Procedure to recognize state law authorizing legal continuances for members of the legislature during legislative sessions and to adopt a substantially similar rule in federal court; to the Committee on the Judiciary.

288. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 10 urging its congressional delegation to work to repeal any provisions of the USA Patriot Act that limit or impinge on rights and liberties protected equally by the United States Constitution and the California Constitution, and to oppose any pending and future federal legislation to the extent that it would infringe on Americans' rights and liberties; to the Committee on the Judiciary.

289. Also, a memorial of the Legislature of the State of West Virginia, relative to Senate Concurrent Resolution No. 60 expressing support of the United States armed forces in Iraq; jointly to the Committees on Armed Services and International Relations.

290. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the Congress of the United States to enact legislation regarding in-state tuition rates for in-state, undocumented immigrants who attend public institutions of higher education; jointly to the Committees on Education and the Workforce and the Judiciary.

291. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Resolution No. 4038 memorializing the Congress of the United States to enact the ''Diabetes Self-Management Training Act''; jointly to the Committees on Energy and Commerce and Ways and Means.

292. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Resolution No. 4023 urging the Congress of the United States to enact the ''Kidney Care Quality Improvement Act of 2005''; jointly to the Committees on Energy and Commerce and Ways and Means.

293. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Resolution No. 4031 urging the Congress of the United States to preserve section 5 of the Marine Mammal Protection Act of 1972 (33 U.S.C. 476) to continue protecting Puget Sound for current and future citizens of Washington and the United States to enjoy; jointly to the Committees on Resources and Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PETRI (by request) introduced a bill (H.R. 5168) for the relief of Eric Westhagen; which was referred to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 450: Mr. FATTAH.

H.R. 500: Mr. AKIN and Mr. PEARCE.

H.R. 550: Ms. WATERS.

H.R. 552: Mr. HAYWORTH.

H.R. 559: Mr. SERRANO, Ms. NORTON, Ms. DELAURO, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. LANTOS, Ms. CARSON, and Mr. MCGOVERN.

H.R. 583: Mr. FATTAH.

H.R. 747: Mr. VAN HOLLEN, Mr. BOUCHER, and Mr. CASE.

H.R. 752: Ms. MATSUI, Mr. MARSHALL, and Mr. CRAMER.

H.R. 759: Ms. WATERS.

H.R. 791: Ms. DEGETTE.

H.R. 920: Mrs. MUSGRAVE.

H.R. 930: Mr. DAVIS of Kentucky and Mr. KANJORSKI.

H.R. 968: Mr. FORBES, Mr. DAVIS of Alabama, Mr. OBERSTAR, and Mrs. WILSON of New Mexico.

H.R. 994: Mrs. TAUSCHER, Mr. JOHNSON of Illinois, Mr. EHLERS, Ms. FOXX, Mr. BOUSTANY, Mr. ENGEL, Mr. SWEENEY, and Mr. SESSIONS.

H.R. 998: Mr. SMITH of Washington.

H.R. 1050: Mr. RANGEL.

H.R. 1079: Mr. CARTER.

H.R. 1105: Mr. MARKEY.

H.R. 1106: Mr. YOUNG of Alaska.

H.R. 1108: Mr. FATTAH.

H.R. 1125: Mr. YOUNG of Alaska.

H.R. 1131: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. HASTINGS of Florida.

H.R. 1182: Ms. CARSON.

H.R. 1186: Ms. FOXX, Mr. GERLACH, and Mr. RAMSTAD.

H.R. 1217: Mr. CLEAVER.

H.R. 1249: Mr. BAIRD and Ms. ROYBAL-ALLARD.

H.R. 1333: Mrs. MALONEY and Mr. RUPPERSBERGER.

H.R. 1380: Mr. WELLER and Mr. YOUNG of Alaska.

H.R. 1402: Mr. YOUNG of Alaska.

H.R. 1405: Mr. BISHOP of Georgia.

H.R. 1415: Ms. BALDWIN, Mr. BISHOP of New York, Mr. MCGOVERN, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. SCHIFF, and Mr. WEINER.

H.R. 1447: Mr. FARR, Mr. DEFAZIO, and Mr. SOUDER.

H.R. 1456: Mr. HOLDEN.

H.R. 1471: Mr. KENNEDY of Minnesota.

H.R. 1498: Mr. DELAHUNT and Ms. MILLENDER-MCDONALD.
H.R. 1545: Mr. ALEXANDER and Mr. ANDREWS.
H.R. 1554: Mr. ENGEL.
H.R. 1578: Mr. MARSHALL.
H.R. 1582: Ms. HERSETH and Mr. YOUNG of Alaska.
H.R. 1603: Mr. WAMP.
H.R. 1621: Mr. ROTHMAN.
H.R. 1639: Mr. FATTAH.
H.R. 1732: Mr. COOPER and Mr. FORD.
H.R. 1733: Mr. COOPER and Mr. FORD.
H.R. 1734: Mr. COOPER and Mr. FORD.
H.R. 1946: Ms. MATSUI.
H.R. 1951: Mr. DOYLE, Ms. WATSON, Mr. ORTIZ, Ms. KILPATRICK of Michigan, and Mr. MARCHANT.
H.R. 2044: Mrs. MALONEY.
H.R. 2134: Mr. JEFFERSON.
H.R. 2177: Mr. OSBORNE.
H.R. 2206: Mr. ROGERS of Alabama, Mr. DAVIS of Alabama, Mr. POMBO, and Mr. OXLEY.
H.R. 2231: Mr. NORWOOD.
H.R. 2234: Mr. FATTAH.
H.R. 2317: Mrs. JONES of Ohio.
H.R. 2328: Mr. CRAMER, Mr. LEACH, Mr. SNYDER, and Mr. MOORE of Kansas.
H.R. 2386: Mr. POMBO.
H.R. 2418: Ms. BORDALLO and Mrs. MUSGRAVE.
H.R. 2428: Mr. SPRATT, Mr. WAXMAN, Mr. ROTHMAN, Mr. PALLONE, Mr. MORAN of Virginia, Mr. WU, and Mr. WEXLER.
H.R. 2498: Mr. BARTLETT of Maryland.
H.R. 2533: Mr. BAKER.
H.R. 2558: Mr. SIMMONS.
H.R. 2666: Mr. RAMSTAD.
H.R. 3061: Mr. SHUSTER.
H.R. 3145: Mr. KIND, Ms. HERSETH, and Mr. BISHOP of New York.
H.R. 3159: Ms. MCCOLLUM of Minnesota, Mr. BOOZMAN, and Mr. DENT.
H.R. 3185: Mr. COSTA.
H.R. 3350: Mr. FALEOMAVAEGA.
H.R. 3361: Mr. DELAHUNT.
H.R. 3476: Mr. PITTS.
H.R. 3478: Mr. SHUSTER and Mr. TIBERI.
H.R. 3628: Mr. PAYNE, Mrs. BLACKBURN, Mr. BERRY, and Mr. MILLER of North Carolina.
H.R. 3861: Mr. MURTHA.
H.R. 3875: Mr. FATTAH, Mr. FITZPATRICK of Pennsylvania, Mr. BROWN of Ohio, and Ms. ESHOO.
H.R. 3883: Mr. SOUDER, Mr. LAHOOD, and Mr. NORWOOD.
H.R. 3939: Mr. LEWIS of Kentucky.
H.R. 3949: Mr. UPTON and Mr. KILDEE.
H.R. 4033: Mr. CASTLE.
H.R. 4049: Mr. HINOJOSA.
H.R. 4127: Mr. DINGELL, Ms. SCHAKOWSKY, Ms. ESHOO, Mr. INSLEE, Ms. BALDWIN, and Mr. ROSS.
H.R. 4166: Mr. RUPPERSBERGER.
H.R. 4197: Mr. GENE GREEN of Texas.
H.R. 4212: Mr. YOUNG of Florida.
H.R. 4227: Mr. SOUDER.
H.R. 4294: Mr. UDALL of Colorado.
H.R. 4296: Mr. MCHUGH.
H.R. 4315: Mr. PALLONE.
H.R. 4318: Mr. NORWOOD, Mr. DANIEL E. LUNGREN of California, Mr. MCHENRY, Mr. NEUGEBAUER, Mr. BARRETT of South Carolina, Mr. FRANKS of Arizona, Mr. DELAY, Mr. PORTER, Mr. AKIN, Mr. CHOCOLA, and Mr. CANTOR.
H.R. 4341: Mr. DANIEL E. LUNGREN of California, Mr. WICKER, Mr. CANNON, Mr. WHITFIELD, and Mr. HEFLEY.
H.R. 4371: Mr. ENGLISH of Pennsylvania.
H.R. 4373: Mrs. MALONEY and Mr. WEINER.
H.R. 4392: Mr. CASE and Mr. DEFAZIO.
H.R. 4416: Ms. BORDALLO, Mr. LANTOS, Mr. SHIMKUS, Mr. GENE GREEN of Texas, Ms. DELAURO, Mr. LYNCH, Mr. HASTINGS of Florida, Mr. MEEK of Florida, Ms. CORRINE BROWN of Florida, Mrs. NAPOLITANO, Mr. CARDOZA, Mr. HINOJOSA, Mr. BISHOP of Georgia, Mr. JEFFERSON, Mr. DAVIS of Illinois, Ms. WATSON, and Mr. FATTAH.
H.R. 4470: Mr. EVANS, Mr. CUMMINGS, Mr. RANGEL, and Mr. JEFFERSON.
H.R. 4481: Ms. KAPTUR, Mr. OBERSTAR, Mr. INSLEE, and Ms. LEE.
H.R. 4511: Mr. HERGER.
H.R. 4542: Mr. ENGLISH of Pennsylvania, Mr. CONYERS, and Mr. FITZPATRICK of Pennsylvania.
H.R. 4560: Mr. ABERCROMBIE.
H.R. 4562: Mr. EVANS and Mr. RAHALL.
H.R. 4681: Mr. STUPAK, Mr. CARNAHAN, Mr. BACHUS, Mr. EVERETT, Mr. MEEK of Florida, Mr. ROGERS of Alabama, Mr. FRANKS of Arizona, Mr. BERRY, Mr. SHUSTER, Ms. HERSETH, Mr. CHOCOLA, Mr. HAYES, Mr. VAN HOLLEN, Mr. LEWIS of California, Mr. REYES, Mr. YOUNG of Alaska, Mr. WALSH, Mr. LEWIS of Georgia, Mr. BRADY of Texas, Mr. KENNEDY of Rhode Island, Mr. EMANUEL, Ms. PRYCE of Ohio, Mr. UDALL of Colorado, Mr. CUMMINGS, Mr. BACA, Mr. LATHAM, Mr. HERGER, Mr. UDALL of New Mexico, Mr. BILIRAKIS, Mr. REHBERG, Mr. GUTKNECHT, Mr. OSBORNE, Mr. RADANOVICH, Mr. CANNON, Mr. BARRETT of South Carolina, Mr. SMITH of Texas, Ms. SLAUGHTER, Mr. PASCRELL, Mr. WICKER, Mr. RYUN of Kansas, Mr. KNOLLENBERG, Mr. BOOZMAN, Mr. REICHERT, Ms. DELAURO, Mr. GALLEGLY, Mr. NEAL of Massachusetts, Ms. PELOSI, Ms. DEGETTE, Mr. LIPINSKI, and Mr. DANIEL E. LUNGREN of California.
H.R. 4722: Ms. CARSON.
H.R. 4739: Mr. PETERSON of Minnesota.
H.R. 4755: Mr. JOHNSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Tennessee, Mr. DAVIS of Alabama, Mr. FATTAH, Ms. MILLENDER-MCDONALD, Mr. AL GREEN of Texas, Mr. HOYER, Mr. FARR, Mr. NEAL of Massachusetts, Ms. PELOSI, Mr. CARDIN, Mr. ORTIZ, Mr. SANDERS, Mr. HIGGINS, Mr. CUMMINGS, Mr. MEEK of Florida, Mr. MARKEY, Ms. MOORE of Wisconsin, Mr. BOYD, and Mr. KILDEE.
H.R. 4761: Mr. CARTER, Mr. GENE GREEN of Texas, Mr. DAVIS of Kentucky, and Ms. FOXX.
H.R. 4774: Ms. CARSON.
H.R. 4777: Mr. KIRK.
H.R. 4790: Mr. GREEN of Wisconsin.
H.R. 4793: Mr. SCHWARZ of Michigan, Mr. MCGOVERN, Mr. MCCOTTER, Mr. LIPINSKI, and Mr. BROWN of Ohio.
H.R. 4808: Mr. SODREL and Mr. BISHOP of Georgia.
H.R. 4824: Mr. TERRY, Mr. ALLEN, and Mr. MCNULTY.
H.R. 4834: Mr. SOUDER.
H.R. 4836: Mr. PAUL, Mr. POE, and Mr. FITZPATRICK of Pennsylvania.
H.R. 4867: Mr. SMITH of Washington and Mr. BACHUS.
H.R. 4890: Mr. WELLER.
H.R. 4894: Mr. FITZPATRICK of Pennsylvania, Mr. SOUDER, and Mr. UDALL of Colorado.
H.R. 4901: Mr. CANNON.
H.R. 4902: Mr. TANNER, Mr. BARTLETT of Maryland, Mr. INGLIS of South Carolina, Mr. RYAN of Wisconsin, Mr. PALLONE, Mr. SCOTT of Georgia, Mr. SCOTT of Georgia, Mr. CAPUANO, Ms. HERSETH, Mr. CANNON, Mr. DUNCAN, Mr. KUHL of New York, Mr. POMEROY, Mr. TAYLOR of North Carolina, Mr. WAXMAN, Mr. OBERSTAR, Mr. OBEY, Mr. DAVIS of Tennessee, Mr. MATHESON, Mr. NEAL of Massachusetts, Mr. THOMPSON of Mississippi, Ms. KAPTUR, Mrs. JO ANN DAVIS of Virginia, Mr. PICKERING, Mr. PASTOR, Ms. BORDALLO, Mr. FATTAH, Mr. SWEENEY, Mr. BASS, Mr. DOGGETT, Mr. TURNER, Mr. HULSHOF, Mr. COSTA, Mr. HINCHEY, Mr. COSTELLO, Mr. DAVIS of Illinois, and Ms. MCCOLLUM of Minnesota.
H.R. 4903: Mr. GRIJALVA.
H.R. 4915: Mr. FORD, Mr. KUCINICH, Mr. MOORE of Kansas, Ms. WASSERMAN SCHULTZ, and Mr. BACA.
H.R. 4956: Mr. MCCAUL of Texas.
H.R. 4961: Ms. BEAN, Mr. FITZPATRICK of Pennsylvania, Mr. OTTER, Mrs. BLACKBURN, Mr. LOBIONDO, and Mr. BROWN of Ohio.
H.R. 4967: Mr. GUTKNECHT, Mr. AKIN, and Mr. FRANKS of Arizona.
H.R. 4976: Mr. INGLIS of South Carolina and Ms. ZOE LOFGREN of California.
H.R. 4980: Mr. YOUNG of Alaska.
H.R. 4988: Ms. DEGETTE.
H.R. 5005: Mr. KUHL of New York.
H.R. 5013: Mr. MCCAUL of Texas, Mrs. SCHMIDT, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 5023: Mr. ABERCROMBIE and Mr. CROWLEY.
H.R. 5032: Mr. SOUDER.
H.R. 5037: Mr. GALLEGLY, Mr. MARKEY, Mr. MILLER of North Carolina, Mr. HIGGINS, Mr. BECERRA, Mr. HINOJOSA, Mr. HONDA, Mr. CUELLAR, Mr. PETERSON of Minnesota, Mr. BACA, Mr. SALAZAR, Mr. SPRATT, Mr. MURTHA, Mr. KUCINICH, Mr. DOYLE, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. ROTHMAN, Mr. DOGGETT, Mr. STUPAK, Mr. ABERCROMBIE, Mr. CROWLEY, Mr. DAVIS of Tennessee, Mr. OTTER, Mr. SAXTON, Mr. DEFAZIO, Mr. GILLMOR, Mr. JONES OF NORTH CAROLINA, MR. DAVIS of Florida, Mr. GRIJALVA, Mr. WELDON of Pennsylvania, Ms. BALDWIN, Mr. MORAN of Kansas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WHITFIELD, Mr. PUTNAM, Ms. GINNY BROWN-WAITE of Florida, and Mr. ROGERS of Kentucky.
H.R. 5051: Mr. WALSH, Mr. HEFLEY, Mr. JOHNSON of Illinois, Ms. MCCOLLUM of Minnesota, Mr. OLVER, and Mr. NADLER.
H.R. 5055: Mr. SENSENBRENNER.
H.R. 5075: Mrs. NAPOLITANO, Mr. CUELLAR, and Mr. HOLT.
H.R. 5087: Mr. MCGOVERN.
H.R. 5097: Mr. MELANCON.
H.R. 5099: Mr. CASE, Mr. ORTIZ, Mr. SNYDER, Mr. SALAZAR, Mr. MCINTYRE, Mr. CONYERS, Mr. BOOZMAN, Mr. ADERHOLT, and Mr. COSTA.
H.R. 5100: Mr. BOEHLERT and Mr. KUCINICH.
H.R. 5101: Mr. SALAZAR.
H.R. 5102: Mr. NADLER, Mr. KILDEE, Mr. PALLONE, Ms. LEE, and Mr. GUTIERREZ.
H.R. 5106: Mr. LEVIN, Mr. REYES, and Mr. ORTIZ.
H. Con. Res. 3: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Ms. LEE, Mr. WATT, Mr. DAVIS of Alabama, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. CLAY, Mr. CLEAVER, Mr. BUTTERFIELD, Ms. KILPATRICK of Michigan, Mr. MEEK of Florida, Mr. OWENS, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. PAYNE, Mrs. JONES of Ohio, Mr. JEFFERSON, Mr. LEWIS of Georgia, Ms. NORTON, Mr. CLYBURN, Mr. THOMPSON of Mississippi, Mr. RANGEL, Mr. PEARCE, Mr. UDALL of Colorado, Mr. MEEKS of New York, Mr. TOWNS, Mr. WYNN, Mr. RUSH, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. KILDEE, Ms. MILLENDER-MCDONALD, and Mr. BISHOP of Georgia.
H. Con. Res. 100: Mr. BROWN of Ohio and Mr. ABERCROMBIE.
H. Con. Res. 197: Mr. ROTHMAN and Mr. CARDIN.
H. Con. Res. 231: Mr. YOUNG of Alaska.
H. Con. Res. 323: Mr. MCCOTTER and Mr. CONYERS.
H. Con. Res. 346: Mr. SOUDER.
H. Con. Res. 363: Mr. GUTIERREZ, and Ms. NORTON.
H. Con. Res. 365: Mr. ANDREWS.
H. Con. Res. 367: Mr. BLUNT.
H. Con. Res. 378: Mr. MOORE of Kansas, Mr. ORTIZ, Mr. REICHERT, Ms. ROYBAL-ALLARD, Ms. HART, Mr. MCCAUL of Texas, and Mr. CASE.
H. Con. Res. 380: Mr. CARTER and Mr. GORDON.
H. Res. 82: Mr. HINCHEY.
H: Res. 149: Mr. JEFFERSON.

H. Res. 327: Mr. GEORGE MILLER of California.

H. Res. 498: Mr. RYAN of Ohio, Mr. WEINER, Mr. SKELTON, and Mr. PITTS.

H. Res. 652: Mr. GOODLATTE.

H. Res. 686: Mr. GUTIERREZ and Ms. DEGETTE.

H. Res. 707: Mr. FOSSELLA.

H. Res. 731: Mr. GUTKNECHT, Mr. BRADY of Texas, Mr. AKIN, Mr. MCHENRY, Mr. COLE of Oklahoma, Mr. FEENEY, Mr. FLAKE, Mr. WAMP, Mr. ROHRABACHER, Mrs. MUSGRAVE, Mr. GARRETT of New Jersey, Mr. CONAWAY, Mr. ADERHOLT, Mr. GOHMERT, Mr. FRANKS of Arizona, Mrs. MYRICK, Mr. HENSARLING, Mr. RYAN of Wisconsin, Mr. KLINE, Mr. PETERSON of Minnesota, Mr. KENNEDY of Minnesota, Mr. ROGERS of Michigan, and Mr. PUTNAM.

H. Res. 735: Mr. CLAY.

H. Res. 753: Mr. MOORE of Kansas and Mr. MCHUGH.

H. Res. 756: Mr. CAMPBELL of California, Mr. GARRETT of New Jersey, Mrs. MUSGRAVE, Mr. MARCHANT, Mr. FRANKS of Arizona, Mr. FEENEY, Mr. COLE of Oklahoma, Mr. GINGREY, Mr. KLINE, Mr. PRICE of Georgia, Mr. TIAHRT, Mr. SODREL, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. GUTKNECHT, Mr. MORAN of Kansas, Mr. DOOLITTLE, Mr. KUHL of New York, Mr. MANZULLO, Mr. CULBERSON, Mr. RYUN of Kansas, Mr. SHADEGG, Mr. PEARCE, Mr. BISHOP of Utah, Mr. CHABOT, Mr. BURGESS, Ms. FOXX, Mr. NEUGEBAUER, Mr. WAMP, Mr. PENCE, Mr. ROTHMAN, and Mr. EMANUEL.

H. Res. 764: Mr. TOM DAVIS of Virginia, Mr. LYNCH, Mr. SANDERS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHAYS, Mr. OXLEY, Ms. HARMAN, Mr. DAVIS of Tennessee, Mr. CASTLE, Mr. RYAN of Ohio, Mr. GORDON, Mr. NEAL of Massachusetts, Mr. GERLACH, Mr. STRICKLAND, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ROHRABACHER, Mr. RUPPERSBERGER, Mr. FITZPATRICK of Pennsylvania, Mr. DELAHUNT, Mr. GRIJALVA, Mr. DEFAZIO, Mr. SMITH of Washington, Mr. CAPUANO, Mr. LEVIN, Mr. HOLDEN, Ms. CORRINE BROWN of Florida, Mr. OWENS, Mr. JOHNSON of Illinois, Mr. SNYDER, Mr. NORWOOD, Mr. BISHOP of Georgia, Mr. BOUSTANY, Mr. BRADLEY of New Hampshire, Mr. HOYER, Mr. BLUMENAUER, Mr. HEFLEY, Mr. DOYLE, Mr. SCHWARZ of Michigan, Mrs. LOWEY, Mr. LANGEVIN, Mr. BRADY of Pennsylvania, Mr. REYES, Ms. Bean, Mrs. BONO, Mr. POMBO, Mr. BROWN of South Carolina, Mr. KENNEDY of Minnesota, Mr. MICHAUD, Mr. POE, and Mr. WEXLER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2646: Mr. FORD.

H.R. 4542: Mr. FORD.

H.R. 4881: Mr. FORD.

PETITIONS, ETC.

Under clause 3 of rule XII,

112. The SPEAKER presented a petition of the Essex County Board of Supervisors, New York, relative to Resolution No. 16 requesting an explanation from FEMA, SEMO and our federal representatives as to the denial of flood disaster reimbursement for the towns of Crown Point, Moriah, Ticonderoga and the County of Essex in 2005; which was referred to the Committee on Transportation and Infrastructure.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. EDWARDS on House Resolution 271: José E. Serrano.

Petition 4 by Ms. SLAUGHTER on House Resolution 460: José E. Serrano.

Petition 5 by Mr. WAXMAN on House Resolution 537: José E. Serrano.

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Benjamin L. Cardin, Michael M. Honda, Emanuel Cleaver, Wayne T. Gilchrest, Walter B. Jones, Ron Paul, Adam Smith, Mark Udall, Tom Udall, Richard E. Neal, Ted Strickland, Brad Miller, Albert Russell Wynn, David E. Price, David R. Obey, Frank Pallone, Jr., Maurice D. Hinchey, and José E. Serrano.

Petition 7 by Ms. HERSETH on House Resolution 568: Ted Strickland and José E. Serrano.

Petition 8 by Mr. WAXMAN on House Resolution 570: Ted Strickland and José E. Serrano.

Petition 9 by Mr. BOSWELL on House Resolution 584: Jim Marshall.

Petition 11 by Mr. BARROW on House Resolution 614: Mike Thompson.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, THURSDAY, APRIL 6, 2006 No. 43

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The PRESIDENT pro tempore. This morning, we have the privilege of being led in prayer by our guest Chaplain, Rabbi Shmuel Butman from the Lubavitch Youth Organization of New York City.

The guest Chaplain offered the following prayer:

Ovinu Shebashomayim, our Heavenly Father.

We pray to You today, 3 days before the 104th birthday of the Lubacitcher Rebbe, Rabbi Manachem M Schneerson. The Rebbe reached out to all people and inspired all people throughout the world, regardless of race, religion, color, and creed, to reach a greater level of observance and service. The Rebbe said that this is the last generation of exile and the first generation of redemption and that each one of us can bring the redemption even closer by doing more deeds of goodness and kindness. The Rebbe also encouraged the observance of the Seven Noahide Laws, or the Seven Universal Laws, which are the basis of any decent and civilized society.

In the merit of the Rebbe, we ask You, Almighty God, to bestow Your blessings on the Members of the Senate and their families and through them on all the people in the United States of America for peace, contentment, and fulfillment in all their endeavors, in joy, in happiness, and in gladness of heart.

In honor of the Rebbe, I want to do an act of goodness and kindness. I want to put a dollar in a pishky, in the charity box. May God bless you, all of you. Thank you.

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.

SECURING AMERICA'S BORDERS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2454, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

Pending:

Specter/Leahy amendment No. 3192, in the nature of a substitute.

Kyl/Cornyn amendment No. 3206 (to amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status.

Cornyn amendment No. 3207 (to amendment No. 3206), to establish an enactment date.

Isakson amendment No. 3215 (to amendment No. 3192), to demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured.

Dorgan amendment No. 3223 (to amendment No. 3192), to allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, and to limit the cost of passport cards or similar alternatives to passports to $20.

Mikulski/Warner amendment No. 3217 (to amendment No. 3192), to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

Santorum/Mikulski amendment No. 3214 (to amendment No. 3192), to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act.

Nelson (FL) amendment No. 3220 (to amendment No. 3192), to use surveillance technology to protect the borders of the United States.

Sessions amendment No. 3420 (to the language proposed to be stricken by amendment No. 3192), of a perfecting nature.

Nelson (NE) amendment No. 3421 (to amendment No. 3420), of a perfecting nature.

The PRESIDENT pro tempore. Under the previous order, the time between 9:30 and 10:30 will be equally divided between the managers or their designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, the time until 10:30 will be equally divided for debate prior to the vote on invoking cloture on the Specter substitute to the border security bill. I now ask unanimous consent that the final 20 minutes before the vote be divided so that the Democratic leader has 10 minutes, to be followed by the majority leader for the final 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I don't believe that cloture will be invoked today on the chairman's substitute. Therefore, we have two additional cloture motions pending to the border security bill. There is a cloture motion to the Hagel-Martinez language that was offered yesterday and a cloture motion to the underlying border security bill. We will announce the exact timing of those votes a little later as we go through the morning and see how we progress. It is unfortunate that we had to set up these procedural challenges, but given the lack of progress and cooperation on getting amendments up and voted on, it was the only way to move ahead.

We have very important Department of Defense nominations that have been pending on the calendar since last

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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year. I have consulted with the Democratic leader, and I have scheduled cloture votes on those nominations this week to allow the Senate to vote on these important Department of Defense nominees.

Needless to say, we have a lot to do before the Easter-Passover adjournment.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I am going to suggest the absence of a quorum so the leader and I may speak for a couple minutes before the debate starts.

I ask unanimous consent that the time on our side be divided between Senators DURBIN, LEAHY, and KENNEDY, each 8 minutes; Senators SALAZAR and MENENDEZ, each 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. It has already been suggested by the Republican leader that our time would follow the hour time that is allotted under the rule, a half hour on each side, and then I would speak, and then the distinguished Republican leader would end the debate. Is that appropriate?

The PRESIDENT pro tempore. The Chair is informed that the Senator from Nevada, the distinguished Democratic leader, has suggested more time than is available to the Senator.

Mr. REID. Mr. President, I ask unanimous consent that the 10 minutes for me and the 10 minutes for the majority leader be under leader time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. And I ask unanimous consent that the time not start running until we finish our personal colloquy.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

There is now 60 minutes equally divided. Who yields time?

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, today the Senate has a historic opportunity with this cloture vote to move forward with tough, smart, and comprehensive immigration reform that secures our Nation's borders or to maintain the status quo of failed laws and a broken immigration system that is weak on enforcement and leaves our borders and our citizens unsecured.

A vote for invoking cloture is a vote for an increase of 1,250 Customs and Border Protection officers, 2,500 port-of-entry inspectors, 1,000 personnel dedicated to the investigation of alien smuggling, 25,000 investigators, 12,000 new Border Patrol agents, 10,000 worksite enforcement agents, 5,000 fraud detection agents, and the acquisition of 20 new detention facilities to accommodate at least 10,000 detainees to ensure that we have tightened our border security and workplace enforcement.

A vote for invoking cloture is a vote to create an equal playing field and ensure that American workers' wages, benefits and health and safety standards are not undercut.

A vote for invoking cloture is also a vote to realize the economic realities in our society in which undocumented workers are bending their backs every day, picking the fruits and vegetables that end up on our kitchen tables, digging the ditches that lay the infrastructure for the future, cleaning the hotel and motel rooms for our travelers, plucking the chicken or deboning the meat that we had for dinner last night, and helping the aged, the sick and disabled meet their daily needs.

This vote ensures that they are brought out of the darkness and into the light of America's promise. A vote for invoking cloture is a vote to create the possibility for those who contribute to our country a pathway to earn legalization—but only after they pay thousands of dollars in fines and fees, pass a criminal background check, go to the back of the line behind all applicants waiting for green cards, pay any and all back taxes, remain continuously employed going forward, pass a medical exam, and learn English and U.S. History and Government.

A vote for cloture gives us greater security. But unlike the House bill, it doesn't criminalize innocent U.S. citizens—those, for example, like Catholic Charities—who give advice to immigrants, like those who give help to a rape victim or a battered woman. That is why I urge our colleagues to vote to invoke cloture on the Judiciary Committee bill.

The PRESIDENT pro tempore. The Senator's time has expired. Who yields time? If no Senator seeks time, the time is charged against each side equally.

Mr. FRIST. Mr. President, I ask unanimous consent that the time during the quorum call be equally divided, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I rise today to urge my colleagues to invoke cloture on the Specter substitute amendment. I do so because of several key reasons. First, the legislation that came out of the Judiciary Committee had broad bipartisan support. I think when you have that kind of bipartisan support, it speaks to what we can do as a Senate when we reach across the aisle to try to find common ground. I think the Judiciary Committee found that common ground.

Second, the bill addresses the key issues we should be addressing in the Senate today. It addresses border security, which is critically important to us, that we deal with trying to strengthen our homeland defenses and our national security. It addresses the issue of enforcement of immigration laws in our country. It also addresses the economic and human realities of undocumented workers that we have in America today.

It is a good bill from that perspective. It is a law and order bill. For those on the other side who say this is amnesty, I reject that labeling. It has penalties and registration that go along with the requirement for those people who are undocumented and working in the United States.

Finally, no matter how this cloture vote goes—and I intend to vote for cloture because it is a good bill, and I urge my colleagues to vote for cloture—we need to continue to work on this issue because it is so important to the future of America. We have a reality in our country today; where we have broken borders and lawlessness, we need to restore some order and regularity to our immigration system. This issue is too important for us to simply walk away.

I hope we will continue to work through this issue and come up with the kind of wisdom that Solomon would bring to a very important national issue, so we can get some kind of resolution that addresses the concerns of all of those who are so affected by our immigration laws.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I began this debate by praising the bipartisanship of the Judiciary Committee for reporting a comprehensive and realistic immigration bill to the Senate. I have said from the outset that Democratic Senators could not pass a good immigration bill on our own. With fewer than 50 Democratic Senators, we will need the support of Republican Senators if the Senate is to make progress on this important matter today.

With all the dramatic stagecraft of the last few days and the protestations from the other side of the aisle it may seem surprising, but the truth is that by invoking cloture on this bill, we move to consideration of germane amendments. If the Kyl amendment is germane and pending, it would be in line for a vote. So much for all the bluster and false claims of Democratic obstruction we have heard. If Republicans want to move forward on this debate, and get one step closer to a vote on tough but fair immigration reform, they should support cloture. For the past few days, I have offered, and our leadership has offered, to take up a number of bipartisan amendments for debate and votes that would have easily won the support of the Senate. It

was Senator KYL who objected to that progress.

Late last night, the Republican leader came to the floor to file a motion that would require the Senate to send the immigration bill back to the committee. He immediately acted to ''fill the tree,'' a parliamentary procedure that means that none of us could offer amendments, and he filed an immediate cloture motion.

So before any of us even saw the amendment, the Republican leader made sure to prevent any Senator in this body from offering an amendment of his or her own. It is somewhat ironic, after all of the posturing by Republicans over the past 2 days about the right of Senators to offer amendments and be heard, that the Republican Party has returned full force to its standard practice of shutting out those who might disagree. That is too bad, especially on a matter this important. We began with a high level of demonstrated bipartisanship. Senator SPECTER and I worked together to get a bill out that had a two-thirds majority of the Judiciary Committee, Republicans and Democrats, voting for it.

The majority leader had set March 27 as the deadline for Judiciary Committee action, and we met his deadline. I always understood that the majority leader had committed to turn to the committee bill if we were able to meet his deadline. That is what I heard the Judiciary Committee chairman reiterate as we concluded our markup and heard him say, again, as the Senate debate began. The Democratic leader noted that we had agreed to proceed based on the assurances he had received that ''the foundation of the Senate's upcoming debate on immigration policy will be the bipartisan Committee bill.''

The majority leader had often spoken of allowing two full weeks for Senate debate of this important matter. Regrettably, what the majority leader said and what happened are not the same. The Senate did not complete work on the lobbying reform bill on schedule and that cut into time for this debate. When the majority leader decided to begin the debate with a day of discussion of the Frist bill, we lost more time. We were left then with 1 week, not 2. We have lost time that could have been spent debating and adopting amendments when some Republicans withheld consent from utilizing our usual procedures over the last days. When the false and partisan charges of obstruction came from the other side, the Democratic leader filed a petition for cloture that I hope will bring successful action on a comprehensive, realistic and fair immigration bill.

So I regret that now, when we have a bill with strong bipartisan support, some would try to make this into a partisan fight. I fear that they have succeeded in making a partisan fight over a bill that began as a bipartisan bill. I urge all Senators, Republicans, Democrats and the Senate's Independent, to vote for cloture on the bipartisan committee bill and bring this debate to a successful conclusion so that we can have a bill passed by the Senate by the end of this week.

This is an historic vote. It asks us whether the Senate is committed to forging real immigration reform. I urge all Senators to vote for reform by supporting this cloture motion on what is a bipartisan bill that balances tough enforcement with human dignity.

Now, the Republican manager of the bill was right to take on the smear campaign against the committee bill from opponents who falsely labeled it amnesty. The committee bill is not an amnesty bill. President Reagan signed an amnesty bill in 1986. This is not. This is a tough bill with a realistic way to strengthen our security and border enforcement, while bringing people out of the shadows to earn citizenship—not immediate citizenship; it still takes 11 years. They have to pay fines, work, pay taxes, they have to learn English, and then they have to swear allegiance to the United States. That is a long way from amnesty.

As the New York Times noted in an editorial, responding to those who falsely smeared this as an amnesty bill, painting the word ''deer'' on a cow and taking it into the woods does not make the cow into a deer. This is something every deer hunter in Vermont knows.

It is most ironic to hear those in the Republican Congress talk about amnesty and lack of responsibility. Their record over the last 6 years is a failure to require responsibility and accountability, or to serve as a check and balance. They are experts in amnesty, so they should know this bill is not amnesty.

I was glad to hear the Republican leader begin to change his tune over this week and acknowledge that providing hard-working neighbors with a path to citizenship is not amnesty. I have not had an opportunity to see, let alone review, the Republican instructions in the motion filed late last night. I am advised that they now have a proposal to establish a path for citizenship for some of the undocumented. I guess other Republicans will falsely label that effort as ''amnesty for some.''

Tragically, however, the opponents of tough and smart comprehensive immigration reform will not stop with smearing the bill. Some who have opposed it have used ethnic slurs with respect to outstanding Members of the Senate. I spoke about this yesterday, when I praised Senator SALAZAR. His family's is a distinguished record that should not need my defense. I deplore the all-too-typical tactics of McCarthyism and division to which our opponents have resorted, again. This is an issue that goes to the heart and soul and conscience of the Senate. When people who disagree with Members of this body resort to ethnic or religious slurs, we all ought to stand up and condemn it. I did so on the floor of the Senate yesterday.

I recall the wisdom of Senator Ralph Flanders, the first one to have the courage to stand up to Joseph McCarthy. We are now facing in this country a religious and ethnic McCarthyism. I wish one Republican would stand up—just one—and say they agree that we should not have such religious and ethnic slurs on Members of the Senate just because of disagreement with a position they have taken on the bill. Regrettably, no one did. It is beneath the dignity and honor of this great body and beneath the dignity and honor of any Member of the body. I, again, thank Senator SALAZAR, Senator MENENDEZ, Senator OBAMA, and Senator MARTINEZ for their support of the committee bill and their participation in this debate.

The Specter-Leahy-Hagel substitute amendment that mirrors the Judiciary Committee bill confronts the challenging problem of how to fix our broken immigration system head on. It is strong on enforcement—stronger than the majority leader's bill. In some ways it is stronger than the bill passed by the House. It includes provisions added by Senator FEINSTEIN to make tunneling under our borders a federal crime and increases the number of enforcement agents. It is tough on employer enforcement and tough on traffickers. But it is also comprehensive and balanced. I have called it enforcement ''plus'' because it confronts the problem of the millions of undocumented who live in the shadows. It values work and respects human dignity. It includes guest worker provisions supported by business and labor and a fair path to earned citizenship over 11 years through fines, the payment of taxes, hard work and learning English that has the support of religious and leading Hispanic organizations. It includes the AgJOBS bill and the DREAM Act, the Frist amendment, the Bingaman enforcement amendment, and the Alexander citizenship amendment.

Wisely, we have rejected the controversial provisions that would have exposed those who provide humanitarian relief, medical care, shelter, counseling and other basic services to the undocumented to possible prosecution under felony alien smuggling provisions of the criminal law. And we have rejected the proposal to criminalize mere presence in an undocumented status in the United States, which would trap people in a permanent underclass. Those provisions of the bill supported by congressional Republicans have understandably sparked nationwide protests because they are viewed as anti-Hispanic and anti-immigrant and are inconsistent with American values.

Our work on immigration reform has been called a defining moment in our history. The Senate, in its best moments, has been able to rise to the occasion and act as the conscience to the

Nation, in the best true interests of our Nation.

I hope that the Senate's work on immigration reform will be in keeping with the best the Senate can offer the Nation. I hope that our work will be something that would make not only my immigrant grandparents proud—and I stand only one generation from my immigrant grandparents—but a product that will make our children and grandchildren proud as they look back on this debate. Now is the time and this is the moment for the Senate to come together to do its part and reject the calls to partisanship.

Now is the time to move forward with the bipartisan committee bill as our framework so that we can bring millions of people out of the shadows and end the permanent underclass status of so many who have contributed so much. By voting for cloture, we will take a giant step toward better protecting our security and borders and allowing the American dream to become a reality for our hard-working neighbors. History will judge. The time is now.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I asked Senator LEAHY to take my place in the chair because I want to show that a Republican agrees with him, in part. I do support the statements made by the Senator from Vermont concerning the derogatory statements that may have been made concerning any racial connections with this bill.

However, I cannot support cloture on the bill because it still contains the provisions with regard to felons. The amendment we tried to vote on the other day, I am informed, is probably not possible to consider if we vote cloture on this bill at this time. So I regret that I cannot support cloture. I stated that I would vote for cloture on the bill as it came from the Judiciary Committee. Under the circumstances, once it was discovered, with the provisions with regard to prior convictions for felonies, I supported that amendment the other day by voting not to table it. I believe that amendment should be considered before we vote cloture on this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I believe time has been allocated.

The PRESIDING OFFICER. The Senator from Massachusetts has 8 minutes.

Mr. KENNEDY. Will the Chair remind me when there is 2 minutes remaining?

Madam President, the Senate Judiciary Committee passed a strong bipartisan, comprehensive reform bill last week, and Members on this side of the aisle believe it deserves an up-or-down vote on its own terms. Unfortunately, we have gotten bogged down instead on procedural issues. But the vote we cast this morning for or against cloture is not just a procedural vote; the vote we cast today is a vote on how to reconcile America's history and its heritage as a nation of immigrants with today's crisis of undocumented immigration.

It has been said many times—and it bears repeating—all in this room are descended from immigrants. Immigrants signed the Declaration of Independence and they wrote the Constitution of these United States. Immigrants settled our frontiers, they built our great cities, and they fueled our industrial revolution.

Our history is a nation of immigrants, but that history has a dark side as well. Millions of Africans were brought here in chains, immigrants in a technical sense, but forced for generations to labor as slaves, our great national shame. Millions of other immigrants fared only slightly better: the Chinese coolies, who worked 18 to 20 hours a day to build our railroads under deplorable conditions; the Mexican braceros, who were actively recruited by the United States Government to labor in our fields but were systematically denied fair payment for their work; and today the undocumented immigrants who are exploited at the workplace and live with their families in constant fear of detection and deportation.

For decades, this country has turned a blind eye to the plight of the stranger in our midst and looked away in indifference from this grotesque system. But a nation of immigrants rejects its history and its heritage when millions of immigrants are confined forever to second-class status.

All Americans are debased by such a two-tier system. The vote we cast today is on whether the time has come to right these historic wrongs, and we will have that opportunity to do so with the underlying bill.

Over these past days, it has become apparent to Senator MCCAIN, myself, and the others who are in active support of this legislation that adjustments are going to have to be made in that legislation to gain strong bipartisan support that will reflect greater than 60 votes in the Senate. I am convinced a majority in the Senate supports our particular proposal.

As I have spoken on other occasions, this is a composite of different actions that is in the interest of our national security, our economic progress, and our sense of humanity. But we understand adjustments have to be made, and over the last few days, Democrats and Republicans in the leadership have been coming together to try and find common ground.

There are those who believe we ought to treat undocumented aliens as a particular group and treat them all the same. There are others who say those who have just arrived here should be treated differently and under different circumstances. We have been attempting to adjust those different views, and I believe we have made important progress in a way that will maintain the integrity of the legislation but also will mean perhaps a somewhat longer period of time for adjusting of status or earning citizenship for those who have more recently arrived.

There has been a strong, good-faith effort on both sides to try and find this common ground. I am very grateful for the leadership our leaders have provided on our side—Senator REID, Senator LEAHY, and others who have worked in this endeavor. I thank my friend and colleague Senator MCCAIN and a number of his associates—MEL MARTINEZ and a number of others—who have worked to try and move this process forward.

I hope the vote on cloture will be successful, but I recognize fully that if we are not successful, it is going to open up a new opportunity for us to finally realize the legislation which will essentially preserve the fundamental integrity of the approach Senator MCCAIN and I have taken. It will provide some differences, and out of accommodation and in the desire and interest to achieve the underlying thrust of this legislation, I urge our colleagues to support those compromises. It is in our best interest. Then I am confident that we can, before the end of this week, report out legislation that will be comprehensive and will meet the challenges of our time.

Finally, we have come together—Republicans and Democrats—in other major civil rights times. We came together in the 1960s with the 1964 Civil Rights Act, 1965 and 1968 Civil Rights Act. We all came together on the Medicare and Medicaid proposals. We came together, as well, on higher education legislation that made such a difference. And we came together on the Americans with Disabilities Act. We haven't had that kind of coming together in this body on a matter of national importance and international importance. We may very well be at that moment in the Senate. I am prayerful that will be the outcome and that we will have that kind of achievement. We still have some hurdles to work through, but I hope that will be the final and ultimate outcome.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. KENNEDY. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania.

Mr. SPECTER. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator has 25 minutes remaining.

Mr. SPECTER. Madam President, I might say to my colleagues who would like some time, we have 25 minutes. They are invited to come to the floor and speak. I think we will have time to extend to a number of Members.

I am pleased to note we have made some significant progress, although we do not have the bill in a position yet where we know precisely where we are heading, but it now appears we will be successful with the addition of the ideas which have been injected into the process by Senator HAGEL and Senator MARTINEZ.

We will be coming up on a cloture vote on the committee bill shortly. I would very much like to see the committee bill move forward, but I do not think it is fair to have cloture on the committee bill without giving Senators an opportunity to offer amendments.

We have been on this measure since last Wednesday, and we have had very few amendments offered. The Senators—principally Republican Senators—who have come to the floor to offer amendments have been prevented from doing so by parliamentary rules. I acknowledge that those who have stopped us from offering amendments are operating within the rules, but I do not think within the spirit of the Senate, which is to have a committee bill, have it open for amendments, have the amendments debated, and have the amendments voted on—that is the way the Senate works, but that has not been the result here.

Had that been the case, had Senators been permitted to offer their amendments in due course and have an opportunity to follow the customary procedure, then I would have been an advocate of cloture to move the process along. But that has not been the case.

Unusual as it may seem for the chairman of the committee bill to oppose cloture on that bill, that is the position I am taking because there has not been an opportunity to vote on amendments.

We have, in any event, progressed beyond this point so that we now have another bill which has been committed to the committee, and we are having a cloture vote in due course scheduled for tomorrow. Perhaps that cloture vote could occur today; I don't know. But if we can see where we are heading, it would obviously be desirable to move the process along as promptly as possible.

The ideas advanced by Senator HAGEL and Senator MARTINEZ make changes in the committee bill by having a distinction between those who have been here for more than 5 years, where they will work for 6 years and be entitled to a green card, contrasted with those who have been here for less than 5 years but more than 2 years from the date of January 7, 2004, which is the date established by the date President Bush made a major speech on advancing ideas on immigration reform. Those who have been in the country prior to January 7, 2004, but for less than 5 years, will be on a slightly different track, where they can be here for 6 years and have 1-year extensions, and their ability for green cards will depend upon the cap not having been reached so that they are at the end of the line, in any event, from those who have had their applications pending. Some of the nurse applications for visas from the Philippines go back to 1983, and one of the additions made in the committee mark was to see to it that those 11 million undocumented aliens would not come ahead of people who have been following the law and who have been in line.

There is another modification on the temporary workers—if the green cards are reduced from 400,000 to 325,000, with an effort being made not to take away jobs from Americans, to limit that number to try to reflect the need for immigrant workers but to reduce it to that extent. We are still working on some refinements so that if the unemployment rate is high in certain cities, the number of green cards may be reduced there; again, so that employers cannot bring in immigrant workers where American workers are involved.

We have, obviously, a very complicated system, but the work has been prodigious. There have been quite a number of Democrats who have met with quite a number of Republicans. My own view has been to try to be flexible. If I had my choice, I would have the original chairman's mark, the mark that I put down as chairman. But that was modified significantly in the committee, taking up other provisions of the McCain-Kennedy bill, and other amendments which were offered. As chairman, I tried to structure an accommodation among all of the bills: the Hagel bill, the McCain-Kennedy bill, the Kyl-Cornyn bill. We came very close in the markup a week ago Monday to an accommodation somewhat similar to what we have reached now, but we couldn't make it in committee, so we have come forward with the committee bill. If I had my choice, to repeat, I would want the chairman's mark. My second choice is the committee bill. I am not wildly enthusiastic about the changes made in Hagel-Martinez. But where we are with the changes made by Senator HAGEL and Senator MARTINEZ is better than where we are now; it is better than no bill.

What we are dealing with here, as we inevitably and invariably do on legislation, is finding the best compromise we can pass. The issue is whether that bill is better than no bill. I think, for me, that bill is decisively better than no bill.

Mr. CRAIG. Madam President, would the chairman yield for a question?

Mr. SPECTER. I will.

Mr. CRAIG. Let me first thank the chairman for his due diligence. There is no question that he has focused on this for a good many months and has tried to work us through a process of time and issue. The Senator is so right in talking about all of the complications involved: the types of labor, qualifications, and all that is necessary to deal with this in a responsible way, and to contain our borders and to control them. And without that, no orderly process will ever happen effectively.

As the chairman knows, I have spent a good deal of time on this issue, somewhat focused on a segment of our economy in agriculture. To your knowledge, as it relates to the compromise you are talking about that may be struck and has taken form here in the last 24 hours, is the agricultural provisions that we—myself, working with a member of your committee, Senator FEINSTEIN—worked to put in the bill that came out of committee, is that still the provision that is in place as we know it and as we would vote on it?

Mr. SPECTER. Madam President, I respond to the distinguished Senator from Idaho in the affirmative. It is intact. The reduction in green cards and visas from 400,000 to 325,000 may impact on that to some extent. But the amendment which was offered by Senator FEINSTEIN, who is on the committee and on which you were a collaborator—and I again congratulate you on that, as I did in committee when we accepted the amendment—is intact. It is a very important amendment, worked out very carefully. You have been working on this for years—you can say how many years—but it has been a very long haul.

Mr. CRAIG. I thank the chairman for that response. Every employment sector is unique, and what we have found, and I think what the committee has found, is that agriculture, because of the type of labor involved, is kind of the entry door many of our migrant laborers come through, legal and illegal, and from that, if you will, learn and move to other segments of the economy.

So we tried to reflect that in the structure of the Feinstein amendment to the bill, recognizing that other portions of the bill would be different, and that the compromise that is being talked about, in my opinion, makes some sense as it relates to seniority and time and place to work in a fair and responsible way. At the same time, it makes sure that we don't effectively damage these segments of the economy Americans will not work in, choose not to work in, and that we find foreign nationals can and will and are very effective in their work there.

I thank the Senator very much.

Mr. SPECTER. Madam President, how much time remains on this side?

The PRESIDING OFFICER. There is 14 minutes on the Republican side.

Mr. SPECTER. Again, I invite my colleagues if they wish to comment to come to the floor. There is time.

I yield the floor.

Mr. DURBIN. Madam President, this is a historic moment in the Senate. These who are witnessing this debate may think it is just another debate on another bill, but it is not. This is a debate that has been in the brewing—at least in the making, I should say—for decades. Senator KENNEDY of Massachusetts has been speaking out about meaningful immigration reform for decades. It has eluded us. There are times when we have done temporary things of some value, but we have never come to grips with the fact that the immigration laws in America have broken down. We are in virtual chaos. Borders are out of control, employers are hiring people without adequate enforcement, and there are 11 million or 12 million amongst us who are in undocumented or illegal status, uncertain of their future.

This is controversial. We have to come to grips with it. But it is rare in the history of the Senate that we consider a bill that touches so many hearts and changes so many lives in America as this immigration reform. We are literally going to define America's future with this bill. We are going to make it clear whether we are going to hold to the values that have made us a great and diverse nation.

There are people amongst us, some you may see and not know—people you sit next to in church; families who bring their children to school with your children; the worker at the daycare center where you leave your precious kids every morning; the practical nurse who is working at a nursing home caring for your aging parent; the people who cooked your breakfast this morning at the restaurant, who cleared the table; those who will straighten your room after you leave the hotel—many of them you may not know, but look closely. Many of them will be directly affected by what we do in this Senate Chamber. What we do will change their lives. What we do will give them a chance to come out of the shadows, to emerge from the fear of detection, to finally have a chance to be part of America. We don't make it easy for them. It is a long, hard process to move from where they are today to legal status tomorrow, but at least we are addressing it and doing it in an honest fashion.

This morning's vote on cloture is on a bill which I think is the best approach. That is why I will vote for cloture. Some will disagree. But we know, even as I stand here, there is another agreement underway. It is promising. It embodies the basic principles of the bill that emerged from the Senate Judiciary Committee. That bill included the Kennedy-McCain substitute, an approach which offers a pathway to legalization for the millions who are here in America.

I salute Senator SPECTER who spoke before me. He was one of the four Republicans who stood with eight Democrats to bring that bill out. It was not a popular position on his side of the table. The majority of Republicans on the Senate Judiciary Committee oppose this bill. When it came to the floor, the leaders on the Republican side of the Senate condemned the bill. Yet today we find ourselves in a much different place.

I give special credit to my leader, Senator HARRY REID of Nevada. In the beginning of this week he said, We are going to stand fast for the values and principles of this bipartisan bill. He has taken a lot of heat on the floor of the Senate and outside, resisting amendments that would cripple and destroy this process and derail our efforts to finally have comprehensive immigration reform. Were it not for Senator HARRY REID on the Democratic side of this aisle standing fast, I don't know that we could have reached the point we have reached today. But we have reached it, and it tells me that we finally have come together in a bipartisan fashion to deal with an issue that affects so many millions across this country.

It is not over. Even if the cloture vote, as we call it in the Senate, passes tomorrow on the compromise, this can still be derailed. There are still Senators, primarily on the other side of the aisle, determined to derail this agreement. They will offer crippling, devastating amendments. We need to stand fast on a bipartisan basis to resist those amendments. Those who pledge their fealty to this bill can prove it with their votes. Don't say you are for it today and vote for a devastating amendment tomorrow.

Secondly, what we decide here will go to a conference with the House. The House approach is so different and it is so wrong. The House Republican immigration bill by Chairman SENSENBRENNER does not reflect American values. To say that 12 million amongst us will be branded as felons under the Federal law, to say that Good Samaritans, nurses and teachers and volunteers and people of faith, will be charged as criminals under the Federal law is unthinkable and unacceptable and is not consistent with American values. We will walk into a conference with that point of view among the House Republicans. If we do not hold fast to our belief that we need a bill that is fair, a bill that is honest and tough, a bill that is consistent with American values, we will come back with a terrible outcome.

We need a commitment from the Republican majority in the Senate that we will not even consider a conference report that moves in the direction of the Sensenbrenner bill in the House. That is unacceptable. It is unacceptable for us to criminalize millions of people.

With that commitment, and if we stand true to the values of McCain-Kennedy and the bill produced by the Senate Judiciary Committee, we will finally bring our neighbors and those who live amongst us out of the shadows.

I yield the floor.

Mr. CRAIG. Madam President, I yield 5 minutes to the Senator from Texas, Senator CORNYN.

Mr. CORNYN. Madam President, I rise to speak in opposition to closing off debate on the underlying bill. We have heard at great length how the opportunity to file and argue and have votes on amendments has been effectively denied by the Democratic leader. It would be a travesty and, indeed, it would be a farce for the Senate to close off debate before we have even had that debate on the substance of this bill.

Why it is that the Democratic leader and others who might vote to close off debate would want to deny the Senate an opportunity to exclude felons from the scope of the amnesty provided by this bill is beyond me. Why it is that there could be those who would want to deny American workers the protection of a fluctuating cap on temporary work permits such that American citizens would not be put out of work because those who have come to the country in violation of our immigration laws and would be given a guaranteed path to American citizenship is beyond me. Why it is we would want to deny countries such as Mexico and the Central American countries the opportunity to develop their own economies and to provide opportunities for their own citizens so that fewer and fewer of them would have to engage in part of the mass exodus from those countries to the United States, leaving those countries hollowed out and unable to economically sustain themselves and create opportunities for their own citizens, is beyond me.

I understand there are those, on both sides of the aisle, who happen to like the Judiciary Committee bill that is the subject of this cloture motion. While there are portions of the bill I like very much, particularly those which have to do with border security, we know that the bill as yet still does not have a worksite verification provision, to my knowledge. My understanding is, because of jurisdictional conflicts, the Judiciary Committee could not complete work on that portion of the bill, and that is within the exclusive jurisdiction of the Finance Committee. We are still waiting for that title III to this bill to come to the floor and be offered as an amendment and be made part of this legislation. Without a worksite verification requirement, this bill will not work, notwithstanding how much we do at our borders, which is very important.

This bill will not work unless we make sure that only people who come forward and submit themselves to background checks and we know are not criminals or terrorists and we know in fact they are qualified and eligible workers—unless we have a system

in place to make sure of that, this will not work and we will not have done everything we can and should do to make sure this bill will work.

Indeed, in 1986, as part of the amnesty that was signed in that year, the quid pro quo for the amnesty of some 3 million people was an effective worksite verification program and employer sanctions for those employers who cheat and hire people on the black market of human labor.

We know, because the Federal Government failed to provide that effective Federal Government worksite verification program, that now we are dealing with approximately 12 million people who have come here in violation of our immigration laws, and we are confronted with the monumental challenge of how to address those 12 million in a way that both respects our legacy as a nation that believes in the rule of law while we continue to celebrate our heritage as a nation that believes we are indeed a nation of immigrants and better for it.

This is not the Senate working according to its finest traditions. The only way the Senate works is if each Senator has an opportunity to debate and to argue and to offer amendments. We understand not all of the amendments will be accepted. I am happy—maybe not happy, but I am willing to accept the fact that there may be amendments I will offer that will not be successful. But that is the way the committee process worked under Chairman SPECTER in the Judiciary Committee. Each of us had a chance to have our say, to offer amendments, and to have a vote. That is the way democracy works. But the idea that we will somehow try to jam this bill through here without Senators having a chance to debate and vote on amendments is a farce. I hope my colleagues will not support it and that they will vote against cloture so we may offer those amendments and have the kind of debate and process that represents the finest traditions of the Senate.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

The Senator from Idaho.

Mr. CRAIG. Madam President, I would like to take a minute only. I would like the record to reflect I am speaking as in morning business for that minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CRAIG are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, in the absence of any other Republican Senator who seeks time to speak on the pending issue, I yield to myself 5 minutes as in morning business to talk about two Judiciary Committee bills.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania is recognized.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2557 and S. 2560 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LEAHY. Madam President, I began this debate by praising the bipartisanship of the Judiciary Committee for reporting a comprehensive and realistic immigration bill to the Senate. I have said from the outset that Democratic Senators could not pass a good immigration bill on our own. With fewer than 50 Democratic Senators, we will need the support of Republican Senators if the Senate is to make progress on this important matter today.

With all the dramatic stagecraft of the last few days, and the protestations from the other side of the aisle, it may seem surprising, but the truth is that by invoking cloture on this bill we move to consideration of germane amendments. If the Kyl amendment is germane and pending, it would be in line for a vote. So much for all the bluster and false claims of Democratic obstruction we have heard. If Republicans want to move forward on this debate and get one step closer to a vote on tough but fair immigration reform, they should support cloture. For the past few days, I have offered and our leadership has offered to take up a number of bipartisan amendments for debate and votes that would have easily won the support of the Senate. It was Senator KYL who objected to that progress.

Late last night, the Republican leader came to the floor to file a motion that would require the Senate to send the immigration bill back to the committee. He immediately acted to ''fill the tree'' with a series of amendments and filed an immediate cloture motion. So before any of us even saw the amendment, the Republican leader made sure to stop every other Senator from offering any amendment. How ironic, after all the posturing by Republicans over the last 2 days about the rights of Senators to offer amendments and be heard, the majority party has returned full force to its standard practices. That is too bad, especially on a matter this important and on which we began with such a high level of demonstrated bipartisanship.

The majority leader had set March 27 as the deadline for Judiciary Committee action, and we met his deadline. I always understood that the majority leader had committed to turn to the committee bill if we were able to meet his deadline. That is what I heard the Judiciary Chairman reiterate as we concluded our markup and heard him say, again, as the Senate debate began. The Democratic leader noted that we had agreed to proceed based on the assurances he had received that ''the foundation of the Senate's upcoming debate on immigration policy will be the bipartisan committee bill.''

The majority leader had often spoken of allowing 2 full weeks for Senate debate of this important matter. Regrettably, what the majority leader said and what happened are not the same. The Senate did not complete work on the lobbying reform bill on schedule and cut into time for this debate. When the majority leader decided to begin the debate with a day of discussion of the Frist bill, we lost more time. We were left then with 1 week, not 2. We have lost time that could have been spent debating and adopting amendments when some Republicans withheld consent from utilizing our usual procedures over the last days. When the false and partisan charges of obstruction came from the other side, the Democratic leader filed a petition for cloture that I hope will bring successful action on a comprehensive, realistic, and fair immigration bill.

I regret that over the last 3 days some tried to make this into a partisan fight. I fear they have succeeded. I urge all Senators, Republicans and Democrats, and the Senate's Independent, to vote for cloture on the bipartisan committee bill, to bring this debate to a head and a successful conclusion, in the time and on the terms set by the majority leader. If we are to pass a bipartisan bill by the end of this week, we will need to join together to support cloture on the bipartisan committee bill, proceed to work our way through the remaining amendments and pass the bill.

This is a historic vote on whether the Senate is committed to making real immigration reform. I urge all Senators to vote for reform by supporting this cloture motion on the bipartisan bill that balances tough enforcement with human dignity.

The Republican manager of the bill was right to take on the smear campaign against the committee bill from opponents who falsely labeled it amnesty. The committee bill on which cloture is being sought is not an amnesty bill but a tough bill with a realistic way to strengthen our security and border enforcement while bringing people out of the shadows to have them earn citizenship over the course of 11 years through fines and work and paying taxes and learning English and swearing allegiance to the United States. As The New York Times noted in a recent editorial, painting the word ''deer'' on a cow and taking it into the woods does not make the cow into a deer.

It is most ironic to hear those in the majority of the Republican Congress talk about amnesty and lack of accountability. Their record over the last 6 years is a failure to require responsibility and accountability or to serve as a check or balance. They are experts in amnesty and should know that this bill is not amnesty.

I was glad to hear the Republican leader begin to change his tune this weekend and to acknowledge that providing hardworking neighbors with a path to citizenship is not amnesty. I have not had an opportunity to see, let alone review, the Republican instructions in the motion filed late last

night. I am advised that they would establish a path to citizenship for a segment of the undocumented. I guess other Republicans will falsely label that effort as ''amnesty for some.''

Tragically, however, the opponents of tough and smart comprehensive immigration reform do not stop with smearing the bill. They have also used ethnic slurs with respect to outstanding Members of this Senate. I spoke yesterday to praise Senator SALAZAR. His family has a distinguished record that should not need my defense. I deplore the all-too-typical tactics of McCarthyism and division to which our opponents have resorted, again. I wish someone on the other side of the aisle had shown the wisdom of Ralph Flanders and joined with me in criticism of such tactics. Regrettably, no one did. I, again, thank Senator SALAZAR, Senator MENENDEZ, Senator OBAMA, and Senator MARTINEZ for their support of the committee bill and their participation in this debate.

The Specter-Leahy-Hagel substitute amendment that mirrors the Judiciary Committee bill confronts the challenging problem of how to fix our broken immigration system head on. It is strong on enforcement—stronger than the majority leader's bill. In some ways it is stronger than the bill passed by the House. It includes provisions added by Senator FEINSTEIN to make tunneling under our borders a Federal crime and increases the number of enforcement agents. It is tough on employer enforcement and tough on traffickers. But it is also comprehensive and balanced. I have called it enforcement ''plus'' because it confronts the problem of the millions of undocumented who live in the shadows. It values work and respects human dignity. It includes guest worker provisions supported by business and labor and a fair path to earned citizenship over 11 years through fines, the payment of taxes, hard work, and learning English that has the support of religious and leading Hispanic organizations. It includes the Ag JOBS bill and the DREAM Act, the Frist amendment, the Bingaman enforcement amendment, and the Alexander citizenship amendment.

Wisely, we have rejected the controversial provisions that would have exposed those who provide humanitarian relief, medical care, shelter, counseling, and other basic services to the undocumented to possible prosecution under felony alien smuggling provisions of the criminal law. And we have rejected the proposal to criminalize mere presence in an undocumented status in the United States, which would trap people in a permanent underclass. Those provisions of the bills supported by congressional Republicans have understandably sparked nationwide protests being viewed as anti-Hispanic and anti-immigrant and are inconsistent with American values.

Our work on immigration reform has accurately been called a defining moment in our history. The Senate, in its best moments, has been able to rise to the occasion and act as the conscience of the Nation, in the best true interests of our Nation. I hope that the Senate's work on immigration reform will be in keeping with the best the Senate can offer the Nation. I hope that our work will be something that would make my immigrant grandparents proud, and a product that will make our children and grandchildren proud as they look back on this debate.

Now is the time and this is the moment for the Senate to come together to do its part and to reject the calls to partisanship. Now is the time to move forward with the committee bill as our framework so that we can bring millions of people out of the shadows and end the permanent underclass status of so many who have contributed so much. By voting for cloture we will take a giant step toward better protecting our security and borders and allowing the American dream to become a reality for our hard-working neighbors. History will judge, and the time is now.

Mr. FEINGOLD. Madam President, I will vote in favor of cloture on the Judiciary Committee substitute to S. 2454, the immigration bill that is pending. This substitute is not a perfect bill, but it is a good bill, and I urge my colleagues to support it.

This is a defining moment for America. Our immigration system is broken, and it is up to us to fix it.

Congress can choose from several paths. We can build a wall around our country and make felons of millions of people who are undocumented or who have provided humanitarian assistance to the undocumented. That is the path the House bill would take, and I believe it is a path that is fundamentally inconsistent with our Nation's history and values.

But we have another option, a better option. We can recognize that we need a comprehensive, pragmatic approach that strengthens border security but also brings people out of the shadows and ensures that our Government knows who is entering this country for legitimate reasons, so we can focus our efforts on finding those who want to do us harm. That is the Judiciary Committee substitute, and that is the path I believe we must choose.

First of all, we can and must bolster our efforts at the borders and prevent terrorists from entering our country. We absolutely must work to curb illegal immigration, and I am pleased that the Judiciary Committee substitute contains strong provisions in this area. But it would be fiscally irresponsible to devote more and more Federal dollars to border security without also creating a realistic immigration system to allow people who legitimately want to come to this country to go through legal channels to do so.

Right now, there are roughly 11 million to 12 million individuals here illegally. The United States issues only 5,000 employment-based immigrant visas each year for nonseasonal, low-skilled jobs. This is nowhere near the number of jobs that are available but not filled by American workers. More than anything else, this lack of available visas explains why we face such an influx of undocumented workers. These are the facts, and our immigration policy must deal with them.

Improving our border security alone will not stem the tide of people who are willing to risk everything, even their lives, in order to enter this country. According to a recent Cato Institute report, the probability of catching an illegal immigrant has fallen over the past two decades from 33 percent to 5 percent, despite the fact that we have tripled the number of border agents and increased the enforcement budget tenfold. If we focus exclusively on enforcement, our immigration system will remain broken, and I fear we will have wasted Federal dollars.

We need a new solution. We need to improve security at our borders and create a system that allows law-abiding noncitizens to enter the country legally to work when there is truly a need for their labor and that deals with the ''shadow population'' of illegal immigrants who are already here. And that is why business groups, labor unions and immigrant's rights groups have all come together to demand comprehensive immigration reform.

There has been a lot of talk in this debate about ''amnesty.'' Let's be perfectly clear: Not one Senator who supports this committee substitute has suggested giving undocumented aliens blanket amnesty. The committee substitute would require undocumented aliens to show work history, satisfy background checks, pay fines, fulfill English language and civics requirements, and wait at the back of the line in order to obtain permanent status. In other words, people who come forward and play by the rules would be able to earn—not automatically receive but earn—a path to permanent status.

It is easy to argue that those who came here illegally should be sent back to their home countries and that to do otherwise would be an affront to the rule of law. But even Homeland Security Secretary Michael Chertoff acknowledged to the Judiciary Committee last fall that it is impractical, not to mention astronomically expensive, to suggest that we just deport 11 million or 12 million people. We have to grapple with the complex reality in which we find ourselves, and it is not realistic or productive to suggest that mass deportations are a solution.

Another provision of this substitute creates a guest worker program that allows employers in the future to turn to foreign labor but only when they cannot find American workers to do the job. This will help avoid a future flow of undocumented workers. Our laws must acknowledge the reality that American businesses need access to foreign workers for jobs they cannot

fill with American workers. In my home State, I have heard from many business owners, including a number whose businesses go back for generations, about the need for Congress to fix our broken immigration system because they cannot find American workers. These hard-working American business owners desperately want to follow the rules and cannot fathom why Congress has dragged its feet on this issue for so long. Whether it is tourism or farming or landscaping, our businesses will continue to suffer if we fail to enact meaningful, comprehensive, long-term immigration reform. But once we do, we also need to do a better job of enforcing our immigration laws in the workplace.

While the committee substitute recognizes the need for foreign workers, the new guest worker program also includes strong labor protections to ensure that foreign labor does not adversely affect wages and working conditions for U.S. workers. We must not create a second class of workers subject to lower wages and fewer workplace protections. That would hurt all workers because it drives down wages for everyone. Foreign workers who have paid their dues should be treated fairly and deserve the protections of all working Americans.

For all of these reasons, I support the core immigration reform provisions of the committee substitute. I also want to mention two pieces of legislation included in the committee substitute that I strongly support.

The first is the DREAM Act. Regardless of what you might think about other aspects of immigration reform, we have to recognize that there are people affected by this debate with little say in the decisions that affect their lives—undocumented children. Many of these children have lived in this country for most of their lives and have worked hard in school. Yet due to their undocumented status, their long-term options are greatly limited. These children live with the threat of deportation and without access to crucial financial resources, making it virtually impossible to pursue the college education that would enable them to contribute more fully to our society. We should not punish children for their parent's actions, and we should not deny children who have worked hard the opportunity to live up to their potential. That is why I am a longtime supporter of the DREAM Act and why I am so pleased it was accepted as an amendment during the Judiciary Committee proceedings on this bill. This provision will allow children who are long-term U.S. residents, who have graduated high school, who have good moral character, and who simply want to further their contribution to our society, to pursue a higher education or enlist in the military. Under this provision, States could grant instate tuition to such students, and it would also establish an earned adjustment mechanism by which these young people could adjust to a legal status.

I am also pleased that the AgJOBS legislation is included in this substitute. It is a tribute to Senator CRAIG, Senator FEINSTEIN, and Senator KENNEDY that we were able to reach a compromise on AgJOBS that the committee voted to include. This crucial legislation will enable undocumented agricultural workers to legalize their status and would reform the H2–A agricultural worker visa program so that in the future, growers and workers will not continue to rely on illegal channels.

I wish to mention that I was pleased the Judiciary Committee accepted an amendment that I offered, to ensure that people whose naturalization petitions are denied by U.S. Citizenship and Immigration Services can seek judicial review. Citizenship decisions have historically been a judicial function, and it would have been a real disservice to our Nation's traditions to prevent individuals who have worked hard to become U.S. citizens to be denied that most central privilege without a judge's review of the decision.

Of course, this bill is not perfect. It contains some very troubling provisions. I do not think that the National Crime Information Center database, which is the central criminal database used by local, State and Federal agencies around the country, should include civil immigration violations, and the International Association of Chiefs of Police has also expressed concerns about this. I also have concerns about other provisions in title II of the bill that require excessive deference to executive agency decisionmaking in immigration cases and that expand the categories of individuals subject to the most draconian immigration consequences.

But overall, this is a good bill. I believe that if the Senate invokes cloture on, and ultimately passes, the Judiciary Committee substitute or something similar to it, we will be well on our way to fixing our broken immigration system. We will have chosen the right path.

Mr. SPECTER. Madam President, how much more time remains on our side?

The PRESIDING OFFICER. There remains 1 minute 40 seconds.

Mr. SPECTER. I reserve the remainder of the time and yield the floor. 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. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, baseball season is upon us. Tomorrow, my friend, Hall of Fame to be pitcher Greg Maddux will pitch. With 11 more victories, he will be in the top 10 of all baseball players who have ever pitched in the Major Leagues. He needs to win 11 more games this year.

The reason I mention this is what we are doing here in the Senate is not a baseball game but, in spite of that, the American people are looking for a win. There is no question to this point the Senate has not pitched a perfect game, but I will say that the Senate Judiciary Committee has done a great deal. They have, in effect, loaded the bases. The Senate Judiciary Committee has loaded the bases. We have the bases loaded, and now the Senate is up to bat. We need to get a hit. If we get a hit, we drive in a run, it is over, and the American people have won.

We have to remember what we are voting on. We are voting to keep moving forward on a good, strong, bipartisan bill that will secure our borders. No matter how many people come and talk, how many speeches they give, the fact is that is what it is all about. We, the minority, believe we owe it to the American people to keep moving forward on legislation that will keep us safe.

Some Republicans disagree with that. It is very clear from the debate that has taken place. I can only guess they intend to kill this immigration debate and move on to other matters. That is unfortunate. If that happens, the Senate's inability to secure our borders and fix our immigration system will be the Republican's burden to bear.

The one question I ask throughout all this: Where is President Bush? On an issue which is this important, I haven't seen his congressional liaison working the halls the way they do on the budget matters or they will later today or early when we come back after a break on reconciliation. I haven't seen them here. I haven't seen the Vice President over in his little office here, calling people in, saying this is what we need to do for the country. On immigration, the President has been silent.

After this vote, which will take place in just a few minutes, I hope the President will become engaged in what is going on here and join in the move to pass important immigration legislation.

Everyone says that they support immigration reform. In a matter of minutes, we are going to vote, and we have been told that all the majority is going to vote against cloture. That is too bad because the bill before us is, as I indicated, a good bill. This legislation is important. It will be a blow to America if this vote is blocked.

For the last 2 weeks, we have enjoyed some rare bipartisan moments in the Senate. We have seen Democrats and Republicans on the Judiciary Committee work together on one of the greatest national security issues we have ever faced. The bipartisan spirit has resulted in a strong bill that was supported by half the Republicans and all the Democrats on the Judiciary Committee.

This bill isn't perfect, but it takes a comprehensive approach to immigration reform that this Nation needs. It

will secure our borders. It cracks down on employers who break the law. It will allow us to find out who is living here, whether it is 11 million or 12 million. We will find out. We want the people who are living in the shadows to come forward, to be fluent in English. We do not want people who have committed crimes. We want them to pay taxes and have jobs. Even with that, they go to the back of the line.

It is true that there will be additional immigration votes tomorrow—maybe even late tonight if something can be worked out this afternoon. People have been working on the Martinez amendment for the last several days, and they haven't completed it yet, but they are very close. I compliment the Senator from Florida for the work he has done. Maybe it can be improved. I hope it becomes something for which I can vote.

There has been tremendous movement during the night. I think that is very fortunate. We don't need to wait until tomorrow to register support for a strong bipartisan immigration reform bill; we can do it right now by voting for the committee bill.

I have heard the arguments against voting for cloture but, frankly, they do not make a lot of sense.

The first argument you hear is that by invoking cloture, you are shutting down debate.

It was interesting. Late last night, Senator FRIST offered an amendment. Do you know what he did? He filled the tree. He filled it up so no more amendments could be offered.

I said last night to the Presiding Officer: Can I offer an amendment?

He said no.

But I have to say that the majority leader, in rare form, said: I got the point.

That happens all the time here. It happens that people are not allowed to offer amendments. It is very frustrating to me—I wanted to offer a lot of amendments—and I am sure it is frustrating to others, but that is the way it is.

The other argument is that we shouldn't vote for cloture because the cloture motion was filed by the minority and not by the majority. If it is important to end the debate, it doesn't matter who files a cloture motion.

I don't know how easy it is for someone who has voted for this committee bill to vote against cloture. I don't understand how you could do that logically. But, in effect, that is what is going to happen. I think voting against cloture is a disservice to our country.

I have great hope that when we complete this vote here today, we will come back, the bases will still be loaded, and we will have a pitcher there ready to throw something, and what will be thrown is the Martinez amendment. It is something we can all take a swing at and drive in a run. What would that run be? It would be a run that would give the American people a victory—a victory for border security, a victory for people who want to work. It would be a very important provision of this guest worker program, supported by wide-ranging groups of people.

The third important aspect of this legislation, if we can get the hit this afternoon, would be to make sure that the 12 million people have a path to legalization—not an easy path but mountains to climb, some washes to move up, maybe even a tree or two to cut down, but it gives people hope that they can come out of the shadows and be part of our great American culture. I hope that will happen.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Madam President, in a few moments, we will be voting on this cloture motion.

We find ourselves this morning at an interesting moment in time based on what we had to do yesterday and last night. The procedure has been complex. Indeed, some have tried to play politics or use parliamentary rules to slow things down, speed them up, cherry-pick amendments that we address.

I believe many of our colleagues have been unfairly treated in the sense that, in a very important debate, when they have amendments we know will advance the discussion and improve the underlying bill they have been denied the opportunity to come forward and even introduce their amendments, debate them, and have them voted on.

In a few moments, we will have a vote on a motion presented by the Democratic leader that everyone knows will fail, and I think it is a real shame that some have felt it was more important to play these games to get to this point, but we are here and we are going to have a vote.

On the other hand, I am very optimistic by a lot of the events that have occurred over the last 14, 18 hours in terms of making real progress. After this vote in 30 or 45 minutes, I think the decks will essentially be cleared in the sense that we can optimistically look at where we are going to go over the next 12 or 24 hours.

I believe the Hagel-Martinez proposal introduced yesterday, which all of our colleagues have looked at over the course of this morning, gives us an opportunity to make a major step forward on the underlying bill. It gives a fair approach, a balanced approach. It gives priority to the security concerns about our national security interests that are always at the top of our list. It pays attention to the 9/11 recommendations. It respects the rule of law as well as that rich contribution and heritage provided by our immigrant population.

It was last October that I met with Senators CORNYN and MCCAIN and many others to discuss our intentions to take a 2-week block of time and focus on it here on the floor of the Senate. Publicly, at that point in time—again, it was October—I laid out a strategy, a plan to start with border security, where we have in this broad body agreement, and then build out by consensus a comprehensive plan that would include the two other very important components—border security; second, interior enforcement, enforcement of the workplace—and, third, a comprehensive immigration temporary worker plan that would address what has become the most challenging aspect of this discussion: the 11 million, 12 million, or 13 million illegal immigrants or undocumented people who are here. That is where we will find ourselves after this cloture vote.

Shortly thereafter, I asked the Judiciary Committee, ably led by ARLEN SPECTER and Senator LEAHY, to produce a bill, to have the necessary hearings and markup, and consider legislation. Indeed, after six markup periods of designing and writing that bill, they did just that. I commend them. I thank the chairman. I know many Members were involved and participated, and I think they did a very good job.

We began the debate last week. We started with border control, just as we laid out. We extended that to interior control enforcement and workplace enforcement and then comprehensive immigration reform including the temporary worker program. The American people expect it. To allow 2,000 or 3,000 illegal people to come across the border in the middle of the night, not knowing who they are or where they are going, is wrong. We can fix that, as well as comprehensive reform.

I am optimistic that after today's vote, after we do that, if we stay focused, if we come together, if everyone takes a very careful look at the Hagel-Martinez proposal, we will finish with a bill which will make America safer, protect the rule of law, and recognize our interest in legal immigration.

As I have said all along, I believe we cannot support amnesty. Amnesty, as I said before, is to give people who have broken the law a specialized, unique track to citizenship. But we do have 12 million people here today. We have to be practical. With the Hagel-Martinez approach, we will recognize and discuss the fact that these 12 million people are not a monolithic group. It is a group that can be addressed in different ways depending on where one falls within that group.

I support a strong temporary worker program that allows people to fill what employment needs we have, to come here and to learn a skill, send money back home, and then return to their hometowns to build and contribute to their local community.

I believe we need this three-pronged approach because only a comprehensive approach is going to fix this badly broken system we have today. For all we do on the border, at the worksites, we need to fix the immigration system and also to give us the real border security that so many know we need.

Over the course of the day, people can study the approach which was put

on the table by Senators HAGEL and MARTINEZ. It deserves discussion and focus. I believe it will be the turning point in the debate because it is time for us to act and not talk. It is time for us to no longer delay, no longer postpone. It is time for us to give our colleagues the opportunity to offer their amendments.

So talk, yes; debate, yes. But then let us vote—let us vote in our States' interests, vote for what is in our country's interest but; above all, let us give people the opportunity to vote.

I will close by saying again that I am very optimistic that by working together and applying a little common sense, we will come up with a plan that gets the job done and which makes America safer and more secure.

I encourage our colleagues to vote no on cloture now, and then the Senate will really get to work.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Specter substitute amendment No. 3192.

Patrick J. Leahy, Edward M. Kennedy, Robert Menendez, Frank R. Lautenberg, Joseph I. Lieberman, Carl Levin, Maria Cantwell, Barack Obama, Tom Harkin, Hillary Rodham Clinton, John F. Kerry, Dianne Feinstein, Richard Durbin, Charles E. Schumer, Harry Reid, Daniel K. Akaka.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3192 to S. 2454, a bill to amend the Immigration and Nationality Act, to provide for comprehensive reform, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 39, nays 60, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—39

Akaka	Feinstein	Lincoln
Baucus	Harkin	Menendez
Bayh	Inouye	Mikulski
Biden	Jeffords	Murray
Bingaman	Johnson	Obama
Boxer	Kennedy	Pryor
Cantwell	Kerry	Reed
Carper	Kohl	Reid
Clinton	Landrieu	Salazar
Dayton	Lautenberg	Sarbanes
Dodd	Leahy	Schumer
Durbin	Levin	Stabenow
Feingold	Lieberman	Wyden

NAYS—60

Alexander	DeMint	McCain
Allard	DeWine	McConnell
Allen	Dole	Murkowski
Bennett	Domenici	Nelson (FL)
Bond	Dorgan	Nelson (NE)
Brownback	Ensign	Roberts
Bunning	Enzi	Santorum
Burns	Frist	Sessions
Burr	Graham	Shelby
Byrd	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Isakson	Thomas
Conrad	Kyl	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Voinovich
Crapo	Martinez	Warner

NOT VOTING—1

Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 39, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. THOMAS. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, over the past few weeks, the Senate has engaged in an important debate that is long overdue. Our current immigration system is broken and has been broken for many years. Although this problem is complex, the need for reform is clear, and I am pleased that the Senate is moving forward on the issue.

We need to make comprehensive, responsible, and commonsense reforms that will stem the tide of illegal immigrants, will be fair to those who are here legally, and will deal realistically with the millions of illegal immigrants already here. I believe U.S. immigration policy should establish clear procedures for determining who can enter this country legally. And it must provide the tools for apprehending those who enter the United States illegally and to punish those who hire them at the same time. We must honor our traditions as both a nation of laws and a nation of immigrants, enriched by the diversity of newcomers.

The Senate Judiciary Committee worked hard to create a bipartisan package that would accomplish many of those goals. The bill before us today would strengthen security at our borders through advanced technology, increased border patrol, and heavier fines. It would create a sustainable temporary worker program to help fill the lowest wage jobs, which pay little and are short of American takers. And it would provide a path to citizenship that does not bump anybody who is here legally but would allow law-abiding, hard-working undocumented immigrants to go to the end of the line.

I am pleased by the inclusion of the AgJOBS bill in the Specter substitute amendment. The agriculture industry is the second largest industry in Michigan, behind manufacturing, and it depends upon the work of immigrants. The AgJOBS provision would provide protections for both the immigrant and American workers. It is estimated that without a guest worker program that allow for agricultural workers, the State of Michigan would lose hundreds of millions of dollars. In short, the AgJOBS provision is vital to the economic health of Michigan.

The security provisions in this bill are also important for Michigan and for the Nation. As the 9/11 Commission pointed out in its final report, the northern border has traditionally received dramatically less attention and resources from the Federal Government. I am pleased that the language passed by the Senate Judiciary Committee and included in the Specter substitute amendment authorizes an additional 12,000 Border Patrol agents over the next 5 years, and requires that at least 20 percent of these agents be stationed along our northern border.

I was also pleased that Senator COLLINS is joining me in an amendment to help ensure our Border Patrol agents and other Federal officials involved in border security—including police officers, National Guard personnel, and emergency response providers—have the capability to communicate with each other and with their Canadian and Mexican counterparts.

The Levin-Collins amendment would direct the Secretary of Homeland Security to establish demonstration projects on the northern and southern borders to address the interoperable communications needs of those who have border security responsibilities. These projects would identify common frequencies for communications equipment between United States and Canada and the United States and Mexico and provides training and equipment to relevant personnel.

Overall, this legislation would be a step forward on a challenging and pressing issue. It contains important bipartisan provisions that will enhance our security and our prosperity while being fair.

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. KERRY pertaining to the introduction of S.J. Res. 33 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Idaho is recognized.

(Mr. DEMINT assumed the Chair.)

Mr. CRAIG. Mr. President, let me talk about the business at hand, and that is the most important debate that I think this Senate has held in a good many months, on S. 2454, the comprehensive national immigration bill. In this immigration reform discussion, I have stood here to emphasize our imperative duty to guard our borders and strengthen our national security. I have spoken about the provisions within S. 2454 that deal particularly with the agricultural economy that I have focused on now for a good many years. I presented my colleagues with alternatives and approaches toward resolving the issue of illegal foreign nationals working in the agricultural economy.

Today I want to talk about another component of the immigration debate. I am concerned about some of the comments being flung around as we address this critical issue. Certainly, this is a topic that awakens America's emotions, but I cannot help but reflect on what those comments reveal about us as a Nation. It is as though America doesn't want to face the mirror and look at herself. She doesn't want to see what she is and what that means. But for her own good, she has to. She must look in her mirror. She is a blend. She is a wonderful mosaic. She is English. She is German. She is Italian. She is Polish. She is Irish. She is Asian. She is African. And, yes, she is Hispanic. She is multiracial, multiethnic, and diverse in every aspect of her national life. That is why she is admirable. That is why she has prospered, and that is why she is strong.

What is true in science is true in sociology. Mixing results in achievement and strength—we ought to think about that. We ought to evaluate some of the conceptions we have regarding immigrants and measure them against the realities to see if they hold true.

Immigration is a phenomenal national challenge. It always has been. But immigration is a challenge, it is not a threat. Quite honestly, immigrants represent solutions to many of our Nation's problems, both currently and in the future.

(Mr. VITTER assumed the chair.)

Mr. CRAIG. Mr. President, the U.S. Bureau of Labor Statistics projects a shortfall of 10 million workers in this country by 2010. The reason is quite simple: Our workforce is growing older, and as it grows older, it shrinks.

That is true in Japan, a great Nation 30 years ago, 20 years ago, suggested to be the economic force of the world, and 12 years ago, it quit growing and began to die. Why? Because her workforce grew older.

On the other hand, immigrant labor is behind the significant economic growth this country has experienced in different areas in recent years. These are the economic necessities of today in a growing economy. Can we recognize this? Do we see that foreign nationals are cleaning up New Orleans and binding her wounds? Do we know that the Pentagon was rebuilt by Hispanic muscle?

Immigrants are sweating it out across our country. They consistently have done it literally for centuries. In my home State, Hispanics were digging the mines in the 1860s. Mexican cowboys and ranchers were solid members of the pioneer communities even before my State became a State. Hispanics were mule packers in the 1880s, the mule trains that moved across the great West. They and the Chinese were building and maintaining the railroad systems of the American West throughout the 19th and 20th centuries. Today, they are harvesting apples in Washington, peaches in Georgia, and oranges in Florida. They are gathering grapes in California, slashing sugarcane in Louisiana, harvesting potatoes in Idaho, and picking corn in Iowa. Their footprints are in agricultural fields across America.

Immigrants are hard workers. They work hard because they are grateful people and feel a sense of debt for the opportunity this country has given them. Contrary to what some believe, immigrants who have entered legally and illegally are not here to siphon services but to produce and to contribute. They are working hard and, in most instances, giving back.

The Idaho commerce and labor department reports that between 1990 and 2005, Hispanic buying power in Idaho rose more than twice as fast as total buying power across our State. Nationwide, the purchasing power of Hispanics will reach $1 trillion—that is trillion with a ''t''—in 4 years. Beyond their role in sustaining the country's labor force, immigrants make a net fiscal contribution to the U.S. economy.

The President's 2005 Economic Report, which uses figures that are most authoritative in analyzing to date the economic impact of immigrants, says:

> The average immigrant pays nearly $1,800 more in taxes than he or she costs—

The economy. Undocumented immigrants are believed to contribute billions of dollars to our Social Security system, billions of dollars they will not benefit from.

According to the President's report, the administration's earnings suspense file—that is a file within Social Security made up of taxes paid by workers with invalid or mismatched Social Security numbers—totaled $463 billion in 2002.

While other nations of the developed world are aging, America still sees a youthful face reflected in that mirror in which she looks. Immigration renews the United States, and it keeps us young, while countries such as Japan, as I mentioned earlier, and Russia and Spain are facing problems because their populations are decreasing. America has the necessary arms to support its pension and its social programs. Therefore, a comprehensive immigration reform is in America's best self-interest.

Yes, we must contain our borders. Yes, we must, in any immigration program, make sure that it is controlled and managed so that those who come to America can, in fact, become Americans.

Understanding these realities erases some of the misconceptions bouncing around this Chamber and bouncing around America, misconceptions that sometimes smack of prejudice. Previous immigration waves have experienced it to some extent, but I believe that we, as a nation, are greater than that. When every one of us, except Native Americans, belong to a family that came from somewhere else, we should be careful not to erect mental borders, the type that keep people who are different from us at arm's length.

We are a nation that encourages new thinking and benefits from the growth that results from that new thinking. The American poet, Oliver Wendell Holmes, said it best when he said:

> A mind stretched by a new idea never returns to its original shape.

It expands. It grows. It broadens. Immigration is a source of new ideas of entrepreneurship and vitality. The meeting of cultures simply does not happen in a one-way street but in a bridge, where both sides give and receive.

When America looks at herself in her mirror, what will she see? She will see the very multicultural character she has always been. She will see that characteristic is her greatest asset.

So the debate on the floor of the Senate today is worthy of this Senate. It is worthy of all of us to make sure that a program that is broken, a national immigration program that has not had a caretaker for over two decades, now be given that responsibility, to be redesigned, to be shaped, to be brought under control, that our borders be secure and that America's multinational or multiethnicity continue to grow and prosper and bring the kind of strength and viability to our culture that it has always given us.

America will be greater because of what we do here, if we do it right; it will not be lessened by our actions.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I rise today to speak about the compromise that we have reached around a comprehensive immigration bill.

A group of Members led by Senators HAGEL, MARTINEZ, SALAZAR, MCCAIN, KENNEDY, DURBIN, LIEBERMAN, GRAHAM, and others, have agreed to move this debate to a sensible center. In doing so, they have bridged a wide divide and demonstrated what the U.S.

Senate is capable of when it comes together to work on an important problem affecting the lives of all Americans. So I commend this group that I have had the honor of being a part of for moving closer to an agreement that serves the twin purposes of securing our borders and bringing undocumented workers out of the shadows.

To assess our progress on this issue, we need only look back on where we were when this debate started last week. Many Members on the other side of the aisle opposed any plan that would provide a path to citizenship for undocumented workers who are living in the United States. I think the fact that, a little over a week later, we are now at a point where it is recognized that a path to citizenship should be part of a comprehensive package; that it will, in fact, improve our ability to monitor these workers and to make sure they are not depressing the wages of American workers; and that the undocumented population should have the opportunity to live out the immigrant dream over the long term is a positive step forward. I am especially pleased that the compromise includes changes to the guestworker program, first proposed by Senator FEINSTEIN and me, to protect American wages and ensure that Americans get a first shot and a fair shot at jobs before they go to guestworkers.

Everyone in the Senate who has introduced a comprehensive immigration bill, including the Administration, has called for a new guestworker program. I have to say that there are some concerns I have with a guestworker program. Clearly, there is a consensus among employers and the Chamber of Commerce that they need greater access to legal foreign workers in order to avoid the disconnect between supply and demand. In recognition of that consensus, the Judiciary Committee bill created a new temporary worker program. But many experts have expressed concerns about the size of that guestworker program and the effect it could have on American workers' wages and job opportunities. I think many of those concerns are legitimate.

The Judiciary Committee bill would have allowed 400,000 new temporary ''essential'' workers per year, adjusted up or down by market triggers. It would have created a 3-year visa, renewable for 3 years, with portability to allow guestworkers to move from employer to employer. It would have required that employers first seek out U.S. workers, and that guestworkers be granted labor protections and market wage requirements.

Under the Judiciary Committee proposal, the guestworker could apply for permanent status within the new employment-based cap if his employer sponsored him, or the guestworker could self-petition to stay if he worked for 4 years.

In order for any guestworker system to work, it has to be properly structured to turn people who would otherwise be illegal immigrants into legal guestworkers. And it has to provide protections for American workers who perceive their jobs to be at stake.

Unfortunately, I believe the Judiciary Committee did not quite strike the right balance. But we can do better. We can ensure that guestworkers are not just unfair competition for American workers; rather, that they are a legitimate source of critical workers.

To that end, Senator FEINSTEIN and I offered an amendment to retain the underlying structure of the program presented in the Judiciary bill, but to address some legitimate concerns that have been brought to our attention.

Let me discuss some of the key provisions in this amendment.

First, Senator FEINSTEIN and I originally sought to lower the cap on guestworkers from 400,000 to 300,000. The compromise bill lowers the cap to 325,000 workers. That's a significant decrease that should give some comfort to American workers.

Second, our amendment ensures that localities with an unemployment rate for low-skilled workers of 9 percent or higher do not see an inflow of guestworkers under any circumstances.

Third, our amendment ensures that guestworkers receive a prevailing wage, whether or not they are covered by a collective bargaining agreement.

Finally, we guarantee that any job offered to a guestworker is first advertised to Americans at a fair wage.

These are fair, commonsense changes. Our amendment recognizes that American workers will be better off if we replace the uncontrolled stream of undocumented workers with a regulated stream of guestworkers who enter the country legally and have full access to labor rights. Replacing an illegal workforce with legal guestworkers who can defend themselves will raise wages and working conditions for everyone.

I think the amendment Senator FEINSTEIN and I have offered will ensure that an employer seeks a temporary worker only as a last resort, and only after making a good-faith and fair offer to American workers, which is why this amendment has been endorsed by the Laborers' International Union, the United Brotherhood of Carpenters, SEIU, and the United Food and Commercial Workers Union.

I am pleased at the work that has been done. My understanding is that the compromise Hagel-Martinez legislation that is being prepared will provide for these terms. However, I remain concerned. We have to make absolutely certain—given the delicate balance between security, border protection, and treating all workers fairly—that we do not end up having a series of amendments that effectively gut this legislation. We also have to make sure that, if this bill is negotiated with the House in a conference committee, we do not end up with a program that creates a second-tier class of workers who cannot be citizens, and can be exploited by their employers.

I am pleased at the progress that we have made since last week. I hope we continue it. I am looking forward, on a bipartisan basis, to addressing these concerns in the debate that follows over the next several days.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOHA ROUND

Mr. GRASSLEY. Mr. President, as chairman of the Senate Committee on Finance, I chair a committee that has jurisdiction over international trade. We find ourselves being both a participant and an observer of Doha Round negotiations under the World Trade Organization. Those negotiations are in a very determinative state; success will be made, I believe, during the month of April or the Doha Round, for all practical purposes, would end—not in the minds of the WTO or in the minds of the 148 nations other than the United States but as a practical matter. If things are not done by the end of 2006 and the President's authority for trade promotion running out in July of 2007, there will not be time for us to get something done before trade promotion authority runs out.

I would like to have trade promotion authority for the President continued beyond July 2007. I would try to promote that, but we saw very close votes on CAFTA and other trade agreements; there is a protectionist trend in the Congress—maybe not in the Nation as a whole but at least in Congress—that might keep us from getting trade promotion authority reauthorized.

I comment in these few minutes on where we are on the Doha Round and what I expect to happen and leave the message, if it does not happen very soon, this round could be dead.

As we enter the final months of the WTO Doha negotiations, I am very concerned the bright promise of a world far less burdened with often crippling, market-distorting trade barriers may be slipping from our grasp. In particular, I am very troubled by the fact that nearly 5 years after WTO members adopted the Doha ministerial declaration that launched this round of global trade talks, some of our WTO negotiating partners still seem willing to forgo this very historic opportunity that Doha represents to open highly protected agricultural markets.

We now have less than 4 weeks to go to meet the WTO's new April 30 deadline to reach agreement on what is referred to as modalities or, another way

to put it, a roadmap for how we will achieve our specific market-opening objectives in the agricultural negotiations. This deadline, similar to most of the others, also appears to be elusive.

The Doha Round is a historic opportunity because global trade rounds are relatively rare events. We have had only nine of them since the creation of the global trading regime back in 1947, what we then called the General Agreement on Tariffs and Trade, or GATT.

Agriculture, which was ignored for almost the first 40 years of GATT, was only first addressed at all during the last round, which was the eighth round, which was called the Uruguay Round because it started in Montevideo and finished and passed by Congress in 1993.

So here we are, 13 years later, trying to make some progress—but not making very much progress—toward what we would hope would be a 10th successful round since the regime started in 1947. Because many trade-distorting barriers were untouched or minimally reduced at the end of the Uruguay Round in 1993, much was left to be done, particularly in agriculture, but we are negotiating manufacturing, we are negotiating services, so a lot needs to be done.

In light of the lack of progress in the World Trade Organization, I briefly address a few points. First, as chairman of this Senate Committee on Finance, I reaffirm, as strongly as I can, the basic elements of the Trade Act of 2002, especially the legislation crafted by this committee that renewed the President's trade promotion authority in 2002, after it had lapsed for about 7 years.

The underlying premise of our trade promotion authority legislation, which gives Congress enhanced oversight authority over trade negotiations conducted under that act, is that the United States will pursue a very ambitious, very comprehensive trade negotiation, particularly in agriculture. This was the cornerstone of the Doha Round—ambitious, comprehensive negotiations and nothing less.

The reason I fought so hard for trade promotion authority is simple. The benefits from ending decades of trade-distorting practices in the global agricultural trade are overwhelming. The U.S. Department of Agriculture has estimated getting rid of market-disrupting agricultural protection could increase the value of U.S. agricultural exports by at least 19 percent. In addition, the Department of Agriculture study also concludes that agricultural liberalization would increase global economic welfare by $56 billion each year.

I know well how vital trade is to farming families anyplace in America, but I am particularly knowledgeable about my State of Iowa because I happen to be a family farmer, farming jointly with my son Robin. Our farmers and agricultural producers sold over $3.6 billion in agricultural exports in overseas markets last year. Although importers and consumers from all over the world seek out Iowa's agricultural products, this is also true of American agriculture generally.

Moreover, more than $3 trillion of economic activity in our $12 trillion economy is derived from trade. Think of that: More than 25 percent of our economy is based upon international trade. That is why an ambitious, comprehensive result in the Doha negotiations is the only kind of result that makes sense, both for my State of Iowa and the United States.

President Bush and Ambassador Portman have done a very good job—in fact, a remarkable job, in my view,—of pursuing an ambitious, comprehensive agricultural deal, especially in the difficult period prior to and during the Hong Kong Ministerial Conference last December.

Nevertheless, some World Trade Organization members, principally the European Union, now apparently want to stop short of that ambitious, comprehensive, result-seeking agreement that was previously reached in opening Doha Round, and they particularly want to shortchange the negotiations in the area of agricultural market access. That is why, when pressed by the United States and other World Trade Organization members, the European Union appears to be changing the subject away from ambitious market access to secondary issues such as food aid, on which we are now having protracted discussions.

I am not even sure our own negotiators should be participating in something as fringe as food aid as compared to the massive discussions and decisions that need to be made in trade-distorting export subsidies by the European Union or by, in the case of the United States, production-related subsidies that we do for American agriculture, not subsidies for agriculture generally but those which are trade distorted. We find our American negotiators getting all nervous about food aid as somehow being a major item. No. What it is is an effort on the part of the European Union to detract attention from the really big export subsidies and production-oriented subsidies.

Perhaps that is because of the intense political pressure European trade and agricultural officials think they face at home. It seems to me that the European Trade Minister wants to open up and do really good trade negotiations. It seems like there is a hangup by the European Agricultural Minister. And it seems to be really a hangup by French farmers. According to one account by former European Commission officials, European farm groups described one compromise agricultural agreement as a death warrant for European farmers. However, that was in 1992, connected with the Uruguay Round negotiations, and the agricultural agreement that drew so much protest in Europe was back then, not today, when that description was made. Ultimately, of course, Europe accepted the Uruguay agreement in 1993. Now the European Union is right back where they were 13 years ago, citing that same agreement as a model for the type of agreement they would like to see today, at least in terms of linear tariff reductions.

So we have seen this type of reaction from Europe before.

Today, once again, the European Union thinks that ambitious market access too politically painful to achieve or to even thoroughly negotiate, but they got over that hurdle in Uruguay. Why can't they get over that hurdle in Doha? So we are back at the European tactic. It appears that what they are really trying to do is a minimal deal somehow being seen as a good deal. Apparently, they think it is a good result if they can get something that is marginally better than the status quo, end negotiations, declare victory, and go home.

Other WTO Members such as Brazil appear reluctant to agree to an ambitious outcome in agricultural market access because they may believe that they can achieve their objectives through other means, such as litigation. You know about the cotton case. Brazil recently was successful in that case. So it may give them false hopes that they can achieve, through legal briefs in Geneva, what they do not appear to win at the negotiating table of the Doha Round.

I would like to say a word about both of those situations.

First, a minimal deal in the Doha agricultural negotiations is not something that can be considered a victory in any sense of the term, even in a political sense. What do I mean by a minimal deal? A deal that goes just beyond the 36-percent average tariff reduction of the Uruguay Round, a deal that leaves tariff peaks in place, or a deal that undermines market access by long lists of special exemptions.

I will not try, as chairman of the Finance Committee, to spin some minimalist deal into some sort of political victory. In fact, I will not even allow it to be brought up for consideration in the Finance Committee or, if I was overruled by my own committee, I would fight it on the floor, if it ever got that far.

So let me make that as clear as I can. A bad deal for agriculture in Doha negotiations is worse than no deal. That was my position at the start of these negotiations, and that is my position now. All those people spending all their time negotiating on food aid when they ought to be negotiating on export subsidies, when they ought to be negotiating on subsidies encouraging overproduction, that is not going to take my eye off the ball.

A minimalist outcome in the Doha negotiations, after years of effort and high-level political engagement, would send a terrible message that real reform in agriculture is too hard to achieve and may set us back for decades.

It would make meaningless a key element of the agricultural component of the Doha Ministerial Declaration where WTO member countries committed themselves to ''comprehensive negotiations aimed at substantial improvement in market access.'' That is what U.S. agriculture demands for giving up our subsidies connected to production. Farmers want their income from the marketplace, not from the Federal Treasury. But we cannot do that without market access, where there are 62 percent average tariffs around the world on agriculture compared to our 12 percent. If that happened, it would reward countries such as the European Union that have big farm spending, highly inefficient production——

The PRESIDING OFFICER. The Senator has used his time in morning business.

Mr. GRASSLEY. I ask unanimous consent for 4 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. If we went this route, it would reward countries such as the European Union that have big farm spending, highly inefficient production, and use nontariff barriers to thwart trade. And even though this round is known as the Doha Development Round because it is supposed to help poor countries, a bad deal that keeps high trade barriers in place would tell developing countries that they can forget about seeing fair opportunity to export their products.

As for World Trade Organization members that see litigation in dispute settlement—as Brazil did in the cotton case—as a practical alternative to negotiations, I would remind those who are tempted to adopt this position that litigation, even under the new, improved WTO rules, is unpredictable, costly, time-consuming, and not the way to resolve unfair trade.

Moreover, litigation is not always the most effective way to open markets and eliminate trade barriers, especially over the long haul. Historically, we have also depended on negotiations and the everyday management of trade and commercial relations as much better ways to achieve and maintain open markets.

Make no mistake, we can and will defend our interests through dispute settlement when it is necessary to do so, and we have done so as the United States in the World Trade Organization quite successfully. But substituting litigation for negotiations or for management of our commercial relations is neither practical nor desirable, nor is it the way to bolster confidence in the World Trade Organization as an effective negotiating forum.

I began by saying that this round of trade negotiations is a historic opportunity. It can be historic in the sense that we achieve a result that truly benefits the global community by increasing global prosperity, and it can be historic in the sense that we miss a great opportunity to promote prosperity and open markets throughout the world.

Unfortunately, we have made enormous mistakes before when we missed important opportunities to fight for comprehensive global trade liberalization. In the early years of the General Agreement on Tariffs and Trade, going as far back as 1947, it was the developed nations, particularly the United States, that created exceptions for agriculture, that exempted it from liberalization under the GATT regime. It has taken us decades to shift gears to try to bring agriculture under the discipline of global trade rules. That is why it is so important for us to continue to make real progress in this round of global trade talks.

Achieving real, meaningful results in these talks is something I am as strongly committed to now as ever before. It is also why I will continue to oppose any outcome in the WTO that, in my judgment, fails to accomplish these goals, even if it is a minimalist approach. Don't expect me to bring such an agreement before the Senate as chairman of the Finance Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I rise to talk about immigration reform. Over the past week, I have heard many of my colleagues describe the important contributions immigrants have made to American society and culture. Like my colleagues, I agree that the United States has a long and proud tradition of immigration. Immigrants have contributed in many ways to our Nation since its birth. Many Americans are descendants of immigrants who came to America seeking a better life. Unfortunately, today we have a huge illegal immigration problem that threatens our Nation's security and our economic security.

I was recently contacted about this issue by a constituent of mine. She is a young Irish-American woman whose parents emigrated from the Republic of Ireland to the Commonwealth of Kentucky over 20 years ago. When talking about her experience of immigration to the United States, this young woman stressed to me what a privilege immigration to our country truly is. She is right. Immigration is a privilege and not an entitlement. This distinct privilege of immigration is one which is unique to our great Nation and one which is currently being threatened by the flow of illegal immigrants into our society.

Like so many of my colleagues, I would like to see this country's traditions of immigration preserved. But it must be done in a way that does not reward those who broke our laws and came to this country illegally. Looking at immigration reform, I believe we must start with securing our borders, to stop those who illegally try to enter the United States.

Border security is the foundation on which we must build immigration reform. It is essential to our national security that we make it our No. 1 priority. We need to keep a close eye on who the people are who are entering this country and the purpose they have for coming here. The only way to do that is to make sure our Border Patrol agents and other law enforcement officials responsible for stopping illegal immigrants have the resources they need to protect our borders.

Right now, our Border Patrol agents do not have enough funds to secure our borders effectively. Often, people have the ability to just walk across the unguarded border without question.

We need to provide the Border Patrol agents with the best resources, the most up-to-date technology, and, most importantly, the manpower they need to successfully do their job.

Just this past week, the FBI busted a smuggling ring organized by the terrorist group Hezbollah. They had some of their members cross the Mexican border to carry out possible terrorist attacks inside the United States. Securing our borders is no longer an option, it is a necessity. It is essential to securing our national safety, the safety of our citizens, and the safety of future American citizens.

We must also find a commonsense solution to dealing with those individuals who are already here illegally. While there currently are several options on the table, I believe amnesty in any form is not an option. I was disappointed to see this in the Specter amendment. We must find a solution that meets the needs of employers, while also protecting American jobs.

I think this could be done through some kind of program that would require illegal immigrants to return home to their country of origin after a set period of time. Once home, these workers could then apply to get on the path to come back as a temporary resident and maybe even apply for citizenship. But in no way should amnesty for illegal immigrants be an option. If these folks want to come back as citizens, they need to go back to their country and get in line behind the almost 3 million people who have already begun following the law and waiting patiently to enter the United States legally. No one should be allowed to cut in line.

As many of you know, Kentucky has a very proud and rich history in agriculture. From our tobacco farms, to our dairy farms, Kentucky's economy relies on its agricultural industries. As someone who is from an agricultural State, I understand the need for temporary workers. Any guest worker program needs to be simple to use for both the employer and the employee. Employers must be provided with the proper tools to verify the immigration status of their employees. Those tools need to be easy for our Nation's employers to access and to use. This is essential to any type of immigration reform and to our national security. We need to know who is being employed,

where they came from, and how long they are allowed to stay.

Congress must act on immigration reform. I hope partisan politics does not prevent action on an issue that is so important to our Nation. I would like to once again reflect back on the words of my Irish-American constituent and urge my colleagues, this week, to help keep immigration a privilege of our great Nation.

I urge my colleagues to help put integrity back into the immigration process. While our country does have a rich tradition of immigration, we do not have a rich tradition of rewarding those who break our laws. I call on my colleagues on both sides of the aisle, both Democrats and Republicans, to remember the principles upon which our great Nation was founded. While we always have been and still are a land of opportunity, we also are a land of laws.

Mr. President, I thank the Chair, and I hope this big problem that we have facing our Nation is given a chance to be solved on the floor of the Senate this week.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORT FOR THE PRESIDENT'S PLAN FOR IRAQ

Mr. ALLARD. Mr. President, I come to the floor to respond to some of the comments that were just made by my colleague from Massachusetts. I want to start off by saying that I have been very supportive of the President on the war in Iraq because he has had a plan and he has stayed the course. That is what gives me confidence in the President. I think it is what gives confidence to many American people. They understand that he has made a strong commitment in Iraq to stick with the Iraqi people, and he has confidence in those people. Even though the political winds are twirling around, he has been able to ignore those and move forward. He is showing success. Sometimes it is not as great as we would like to see or as dramatic, but I think what we see today in the criticism of the President is individuals who are being spun in the political winds, unlike the President.

When my colleague from Massachusetts calls the strategy of today counterproductive and says we ought to pull out our forces immediately from Iraq, that is a catastrophic suggestion. It is not anything that we should consider very seriously. It wasn't that long ago when my colleague from Massachusetts was saying that it would be a disaster and a disgraceful betrayal of principle to speed up the process and simply lay the groundwork for expedient withdrawal of American troops, which would risk the hijacking of Iraq by former terrorist groups and former Baathists. This quote was in the runup to the 2004 election.

So we see some being spun in the political winds, while the President remains strong, forceful. The President truly is a leader in a very difficult situation in Iraq. That is why I feel so very committed to supporting the President. You cannot deny the fact that this President truly wants to see democracy survive in Iraq, and he truly believes in the Iraqi people.

Contrary to criticism coming from the other side of the aisle, he does have a plan, and he is sticking to that plan.

As we move through various phases of the President's plan, we have seen that criticism has changed from the other side. I think they criticize just for the sake of criticism, trying to get the President off course. But to his credit, he has stayed the course. I think that is commendable. That is what helps make him a strong and effective President.

I want to make this point: Al-Qaida is still a threat in Iraq, but we are making significant advances there. I have to base that on discussions I have had with troops that have come freshly out of Iraq. They all believe they are indeed improving our situation in Iraq. They think they are making a difference in Iraqi lives, and they truly believe the Iraqi people they associate with appreciate what is happening and appreciate their efforts.

There is a statewide elected official in Colorado, Mike Coffman, who has returned from Iraq. His mission was to help set up local governments throughout Iraq. We found in our military forces that we didn't have that expertise. And Mike, who is in the Reserves, could make a difference in Iraq. The military said: We need you, Mike Coffman, to help set up these local governments. He spent almost a year in Iraq helping set up local governments and the story he has to tell is one of progress in Iraq, that the people in Iraq are truly moving forward and trying to set up their local governments. He thinks that our soldiers are making a difference.

Not for one moment has he expressed any regrets in having taken a year out of his political life in Colorado to go to Iraq and make a difference in Iraqi lives and help support the President and the plan he has for stabilizing Iraq and a gradual withdrawal.

This is the point: my colleague from Massachusetts seemed to have learned the lessons of 9/11 when he warned against a precipitous withdrawal from Iraq in the past, but as the political winds have changed, he seems to have forgotten those lessons anew. Republicans will never forget the lessons of 9/11 and will continue to support the President's efforts to bring peace and stability to Iraq.

I am supporting the President because he is staying the course. He has a plan in Iraq. He is putting the plan to work. I think that in the long run he is going to make a difference. We are going to have a better world because of his efforts. We are going to have a more stable Middle East, and this President will truly go down in history as a great leader.

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. THOMAS. Mr. President, I would like to speak for a few minutes with respect to the amendment that has already been filed.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THOMAS. Mr. President, I have come to the floor to talk about an amendment that I filed, that I hope soon we might be able to consider, on this important bill with respect to immigration and with respect to Federal land border security, which are integrated.

First, let me say that I am hopeful we can move forward with this bill. It is a very important bill. Obviously, all of us agree with the fact that there are problems that need to be resolved, and they need to be resolved soon so they don't continue to become more difficult.

We also recognize that there are aspects of this bill that are controversial and difficult. I am not certain where we are in the process, but I am hopeful the discussions we have had will continue to be useful and that we can come to, whether this week or later, completion of this issue.

As far as I can tell, everyone has agreed we need to do something about the border, that the border needs to be secure, whatever it takes to do that. Some of us don't think it takes 700 miles of fence, but it will probably take some fence and take some other new technologies, as well as dollars and people, to have a secure border.

I don't think there is any question but that that needs to be done and needs to be done soon so that the problem that exists because of having a porous border doesn't continue to exist in the future. There is general agreement that over time, as immigrants come here for jobs, employers will need to report as to the citizenship status of the people they employ. There needs to be a system to do that so it can be part of the way of enforcing lawful immigration into this country.

Further, I think most people don't disagree with the idea of immigration. The question, at least in my view, is illegal immigration. I am opposed to illegal immigration, and I think we have to do something to see that it doesn't continue to happen. The challenge is: How do we handle those folks who are here, whether it is 12 million or whatever the number is? I think that is where we are in the controversy, and I understand that.

Personally, I don't think anyone should be given amnesty, nor should

they be given any particular advantages for citizenship if they came here illegally, and we need to find a way to deal with it. On the other hand, I am very much in favor of having legal workers come here and fill the jobs that are necessary. But they ought to have legal work permits, and they should have to go back if it is a work permit, and if they are citizens, they need to go through a citizen entry system.

The other part of the debate and what I came to talk about is the aspect of our borders and security. That is one of the reasons—not only for immigration, but for security—we need to secure our borders. Many of our national treasures and resources are on the front line of border security. Thirty-nine percent of the southern border of the United States is under the jurisdiction of the Department of the Interior. Arizona's Organ Pipe Cactus National Monument and other federally owned resources have become a hotspot for illegal border crossings. I visited Oregon Pipe last year. I am the chairman of the Parks Subcommittee. Frankly, they are using almost all of their resources not to take care of the park, not to do the things park people normally do, but to protect against illegal immigration movement across the border that is the park boundary border on the national park border.

Over the last 2 years, park rangers have arrested 385 felony smugglers, seized 40,000 pounds of marijuana, and interdicted 3,800 illegal immigrants. These are national park rangers. So it has become a very important part of border security.

Border security activities play, as you might imagine, a very significant role in park operation funding and in park operation staff. Customs and border protection agents are not always available to patrol the Federal lands along the border. As you can see here, there are a number of things that are there. The Bureau of Indian Affairs, for instance, right here, is a very large aspect of the Arizona border. Here is the Organ Pipe park we mentioned. The Bureau of Reclamation has a number of these yellow spots along here. We don't have Texas and New Mexico on the map, but there are also a great many more Federal lands that are there.

We have to make sure these agencies are given the assistance they need to provide the border security that is necessary, to provide for park researchers and others who are there doing their work or to pursue smugglers crossing the border. We never think about that particularly. All of a sudden there are cars parked there and people who have driven across, left the cars and walked on through, and so on. It is quite a problem. I understand that the Park Service law enforcement will inevitably play a role in border security, but we need to keep their jobs focused on protecting the park and not having to spend all their time on international borders—which is the responsibility of the Border Patrol—and other activities, or at least provide additional funding.

This amendment will ultimately do two things: Protect our borders and protect our national treasures.

We direct the Director of Homeland Security to increase Customs and border protection personnel to secure Federal lands and Federal parks along the border, which is I think a reasonable thing to do.

It requires Federal land resources training for Customs and Border Patrol agents who will be dedicated to Federal land border security to minimize the impact on the natural resources. After all, that is why we have Federal lands.

That is why we have parks, to make sure the resources are protected. Quite frankly, if you have illegals crossing, they have no interest in protecting those resources.

It provides unmanned aerial vehicles, aerial assets, and remote video surveillance camera systems and sensors. Those are the things we need as opposed to big walls.

It requires the Secretary of the Interior to conduct an inventory of the costs incurred by the National Park Service relating to the border security activities and submit those recommendations to Congress.

I realize this is only one rather small element of this whole issue we are talking about but, nevertheless, it is a unique issue, it is an important issue, and as we move through dealing with border security and dealing with Federal land borders and protecting these things, I hope we keep in mind this unusual but important exposure we have to our Federal lands.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD and Mr. ALEXANDER pertaining to the introduction of S. 2571 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending legislation is the Frist second-degree amendment to the motion to commit.

Mr. KERRY. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. KERRY. Mr. President, a little while ago—I was not here, I was at a hearing of the Finance Committee—I am informed that the Senator from Colorado, Mr. ALLARD, came to the floor to attack my position on Iraq, which is fine by me, but also I think somewhat questionable with respect to the rules and the ethics of the Senate to attack me personally about my motives with respect to a position I have taken. The Senator from Colorado suggested that "we see an individual who is being spun in the political winds."

Let me make it clear to the Senator from Colorado, and anybody else who wants to debate Iraq, that when it comes to issues of war and peace and of young Americans dying, nobody spins me, period.

I am not going to listen to the Senator from Colorado or anyone else question my motives when young Americans are dying on a daily basis or losing their limbs because Iraqi politicians won't form a government from an election that they held in December. That is inexcusable.

Let me ask the Senator from Colorado: Is it OK by him that young Americans are dying right now while politicians in Baghdad are frittering away their time and squandering the opportunity our soldiers fought to give them? Does he think that is a plan that is working? Does he think that is serving the needs of the American military?

Indeed, a year and a half ago or 2 years ago, I suggested, as did many other people, that it would be inappropriate to set a timetable for American troops to withdraw because we had not had elections and because most people assumed what we were fighting then was al-Qaida and terrorists who were foreign terrorists. But the fact is since then we have trained forces, we have trained police. We listened to this administration consistently come and tell us how great the training is, how many people are up and trained, how much they have been able to make progress, how 70 percent of the country is indeed peaceful.

If that is true, then there shouldn't be a great threat to reducing American forces on a schedule that is also tied to our ability to resolve other issues with respect to Iraq.

I ask the Senator from Colorado: Let us have a real debate about this issue.

Does he ignore what our own generals tell us? He says the President has a plan. Our generals tell us—General Casey—that the large presence of American forces in fact is adding to the occupation in the sense of an occupation and it derails the Iraqis standing up on their own.

I am listening to General Casey—not to the Senator from Colorado. If General Casey tells me the Iraqis would stand up faster if there were less Americans there, I believe him. Our troops have done the job.

Don't come to the floor of the Senate and try to suggest to me that somehow when we come up with a plan to protect our troops and to make America stronger we are somehow making their life more miserable. Ask the troops. Seventy percent of the troops who were polled in Iraq said they thought next year we ought to be able to withdraw. Those are our troops talking to us.

The notion that we are going to try to make this into one of those political

squabbles—let us have a real debate about the policy in Iraq. Anybody who wants to come to the floor and pretend it is working today is living in fantasyland.

Anybody who wants to suggest our soldiers ought to be dying so a bunch of folks over there can squabble over issues we haven't even brought to the diplomatic table adequately has a false sense of what protecting the troops means and of what their interests are. The fact is they only respond to deadlines.

Talk to people who have been in the region. It took a deadline to get them to have a transfer of the provisional government. It took a deadline to be able to get the elections in place. It took a deadline to be able to get the Constitution in place. It took a deadline to be able to have the election that we held in December.

The fact is it ought to take a deadline now to tell them to put a government together, stop messing around, and don't put our kids' lives at stake and waste the billions of dollars of American taxpayers. Get your government together. You owe that much to the American people. You owe that much to yourself. You owe that much to the Iraqis. You owe that much to the world, which is waiting for leadership, for some kind of adult behavior.

I don't think the American people believe what the Senator from Colorado said—that they believe there is a good plan in place. Everything we have been told about Iraq has turned out to be false, from almost day one. This is the third war we are fighting in Iraq in as many years. The first war, I remind Americans, was the war to get Saddam Hussein and weapons of mass destruction. Then when there were not any weapons of mass destruction, it became regime change.

If the President of the United States had come to the Congress and said I want authorization to go to Iraq for regime change, he wouldn't have received it.

Then after it was regime change, it transformed into, oh, we have to fight them over here rather than fight them over there—fight them over there rather than here in the United States of America. That sounded good for a while because all of us want to fight al-Qaida and want to fight terrorists. But, lo and behold, we found there were, according to most of the estimates, 700 to 1,000 or so hardcore jihadists from other countries over there.

The insurgency grew day by day to be an insurgency that is now a low-grade civil war. Prime Minister Allawi called it a civil war. Does the Senator from Colorado believe he knows better than Prime Minister Allawi what to call it? The fact is it is now a civil war, and our troops can't resolve a civil war, no matter how valiant—and they have been—no matter how courageous—and they have been—and no matter how skilled—and they have been. This is the best military I have ever seen. These are the best young men and women I have ever met, and it has been a privilege to go to Iraq and meet them. And they are making progress in certain areas. But their progress is set back by the unwillingness of Iraqis to pick up the baton of democracy.

You have to compromise. The whole reason they think they can sit there and not compromise is because the President's policy is stay the course, stay the course, stay the course. And we have an occasional visit by the Secretary of State or somebody to suggest they ought to do more.

Ambassador Khalilzad is a terrific person. He is skilled, and he is doing a great job. But he can't do this alone.

I believe we ought to have a real debate about their policy—a policy where they told us it would cost $20 billion to $30 billion. Remember that, colleagues? Remember Mr. Wolfowitz in front of the committees telling us, Oh, the Iraqi oil is going to pay for the war? Remember them telling us that the soldiers were going to be received like conquering heroes with flowers all across Iraq?

Then when looting broke out, remember Mr. Rumsfeld standing up and saying that Washington is safer than Baghdad, and looting happens? Remember how they didn't even guard the ammo dumps and our kids started to get blown up with the ammo they could have guarded? No plan was put in place.

If anybody wants to read about Iraq, read the book ''Cobra 2.'' You can read the astounding story of negligence and malfeasance with respect to this war, about companies overbilling us, Halliburton by billions of dollars.

Do you want to run down the list of things that are egregious with respect to this war? I will tell you one thing that I know well, and I will remind the Senator from Colorado that half the names on the wall of that Vietnam Memorial—half the names on that wall—became names of the dead after our leaders knew our policy wouldn't work.

Our policy isn't working today, and I am not going to be a Senator who adds to the next wall, wherever it may be, that honors those who served in Iraq so that once again people can point to a bunch of names that are added after we knew something was wrong. We have a bigger responsibility than that.

The absence of legitimate diplomacy in this is absolutely astounding to me. When you look at what former Secretary of State Henry Kissinger did night after night, day after day, flying back and forth on an airplane, struggling to be able to get people to come to agreement around the table; when you look at what former Secretary Jim Baker did, traveling all over the world, working with countries, pulling people together around the idea—I don't even see deputy assistant secretaries or other people out there at that level working with other countries to try to find a resolution to this.

There are Sunni neighbors all around who could play a more significant role. The Arab League could play a more significant role. The United Nations could play a more significant role. What are we doing? Drifting day after day after day.

Do we want to go back and talk about the armor our troops didn't have? Do we want to go back and talk about the humvees that weren't uparmored? How many kids have lost their arms or legs because of the lack of adequacy of the equipment they were given? How many parents had to go out and buy armor for their kids because it wasn't provided for?

I have never in my life seen a war managed like this one where there has been zero accountability at the highest levels of civilian leadership and people have been able to make mistake after mistake after mistake. And people want to come to the floor and defend it as somehow justifiable that we have a plan and we are on course? We are not on course. We are on the wrong course. The plan needs to be changed.

Somebody ought to tell the Iraqi leadership that American citizens are not going to put their money and the treasury of their young into a kind of noneffort to compromise and show statesmanship and leadership that puts a government together. When they put that government together, then we can talk about how we are going to move forward. But right now, this is adrift. It is a policy without leadership, and the American people understand that. What we need now is civilian leadership that is equal to the sacrifice of our soldiers.

I yield the floor. 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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLICE CHIEF TERRY GAINER

Mr. DURBIN. Mr. President, today is the day before the departure of Capitol Hill Chief of Police Terry Gainer, a man who has served us so well.

I have known Terry Gainer for almost 20 years. He served as superintendent of the Illinois State Police and left that position to become one of the leading officers in the District of Columbia Police Force. He was then asked to become chief of the Capitol Police Force. I knew that the people making that decision had made a very fine choice. Chief Gainer proved me right.

Terry Gainer grew up in Illinois, served his country in Vietnam, returned from that war a decorated veteran. His service did not end when he left the military. Prior to his position with the Illinois State Police, he spent 16 years with the Chicago Police Department. With his extensive experience at the highest levels of police work, his reputation for professionalism and his tireless commitment

to the security of our Nation's most honored building and those who visit and work within it, Terry Gainer brought the Capitol Police Force to a new level of professionalism.

In the words of one of their officers, Chief Gainer transformed the Capitol Police Force from an inside operation, where the officers were often viewed many times as security guards, to a well-known, highly visible, professional law enforcement team. That change took place at a critical moment in our Nation's history. The threat of terrorism became very real and the vulnerability of the building in which I speak became very obvious. Today, the well-trained group of men and women protecting our security today in this hallowed building are among the finest in the Nation, and we are extremely fortunate to have them.

As a Member of the Senate whose life was made safer because of Chief Terry Gainer's leadership, I am indebted to him for his singular service to Congress and to our country. The Gainer legacy on Capitol Hill is written in a police force proud of its mission and committed to serve and protect. Chief Gainer deserves the gratitude of the Capitol family for his fine service. He will be missed.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 2573 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

SCOOTER LIBBY

Mr. DURBIN. Mr. President, the last item I would like to speak to is one that is now in the news for the last several hours. It has been noted that in the court papers filed by Lewis Scooter Libby before the Federal court that he has made some amazing disclosures. You will remember that Mr. Libby was Vice President CHENEY's chief of staff who was indicted recently over the Valeri Plame incident. The Valeri Plame incident involved a situation where someone told Robert Novak, a columnist, about the identity of a woman who was working undercover to protect the United States. That disclosure was made through White House sources which Mr. Novak attributed them to and has been investigated since by Patrick Fitzgerald, who is a special prosecutor on this case and the U.S. attorney for the northern district of Illinois.

As a result of his investigation to date, Mr. Libby, Vice President CHENEY's chief of staff, has been indicted. Now today there are disclosures that in his court papers he has made some statements which are troubling. Before his indictment, according to CNN.com, Lewis Libby testified to the grand jury investigating the CIA leak that Vice President CHENEY told him to pass on the information and that it was President Bush who authorized the disclosure.

According to the documents, the authorization led to a July 8, 2003, conversation between Mr. Libby and New York Times reporter Judith Miller. There was no indication in this court filing that either President Bush or Vice President CHENEY authorized Mr. Libby to disclose Valeri Plame's CIA identity, but the disclosure in documents filed Wednesday means that the President of the United States and the Vice President put Lewis Libby in play as a secret provider of information to reporters about prewar intelligence on Iraq.

The authorization came as the Bush administration faced mounting criticism about its failure to find weapons of mass destruction, the main reason the President gave for the invasion of Iraq.

Mr. Libby's participation in a critical conversation with New York Times reporter Judith Miller on July 8, 2003, occurred only after the Vice President advised the defendant, Mr. Libby, that the President of the United States specifically had authorized Mr. Libby to disclose certain information in the National Intelligence Estimate. That is what is in the court records. That is what was disclosed today.

At the time the National Intelligence Estimate was prepared, I was a member of the Senate Intelligence Committee. I recall it very well because as we were preparing for the invasion of Iraq, one of the senior staff people on the committee came to me and said: Senator, something is unusual here. We never make an important decision, let alone an invasion of a country, without what is known as a National Intelligence Estimate. We bring together all the intelligence agencies of our Federal Government, ask them to compare notes, and reach a conclusion as to what we are likely to find if we move forward. It has not been done.

This was in September. The vote on authorizing the invasion of Iraq was weeks away, and we still hadn't brought together the best minds of our intelligence community to determine what we were likely to find once there. So I wrote a letter to George Tenet, head of the Central Intelligence Agency, requesting this National Intelligence Estimate, as well as Senator Robert Graham, who joined me, as chairman of the committee, in making the same request. Within a few weeks, the National Intelligence Estimate was prepared and given to us.

There has been a lot of review of that estimate ever since. Some people say it was a shoddy job. It was slapped together. It had footnotes that didn't make sense. It was the basis of our intelligence for going to war. But the one thing I can tell you is, the minute it was handed to me in the Intelligence Committee, I was told: This is top secret. This is classified. You disclose this at your own peril. You will be subject to criminal prosecution if you do. It is one of the burdens of serving on that committee. You are reminded of that constantly, that no matter what information you absorb, you cannot speak to that information when you leave that closed room.

Now we learn that according to Mr. Libby, now under indictment, he was authorized by not only Vice President CHENEY but President Bush to disclose information in the National Intelligence Estimate to the press. The allegations that are contained here suggest that information was being disclosed in order to overcome criticism that the American people had been misled about weapons of mass destruction.

I have to tell you, as a member of that committee, we looked at the preparation of this intelligence leading up to the war, and we were disappointed. Our intelligence agencies did not do the professional job we expected of them. I can't explain to you exactly why. Some of it has to do with lack of technology, lack of sharing information. Some of it, they were just plain wrong.

Their guess and best estimate as to what we would find in Iraq was plain wrong. Despite all of the hyperbole about weapons of mass destruction, still today, not a single weapon has been found. Despite all of the suggestions that somehow Saddam Hussein was part of the tragedy and disaster of 9/11, absolutely no connection has been established. Despite all of the threats of mushroom clouds from Condoleezza Rice and others, it turns out there was no evidence of nuclear weapons in Iraq.

That information was wrong. The American people were told that we have to go to war, we have to risk the lives of American servicemen because of a threat that didn't exist. Where are we today? We are still there, and 130,000 American soldiers, as I stand here safely, are risking their lives for America in Iraq. As of this morning, 2,346 American soldiers have died in service to their country. We stand in awe of their patriotism and courage, but we have to ask some hard questions.

The hard questions go to this point: How and when will this war end? When will the Iraqis reach the point where they accept responsibility for their own country? We can no longer afford to be misled about the threat to the United States and what lies ahead in Iraq. The people I spoke to on my recent trip to southern Illinois got it right. One of them said: Why aren't we going to the Iraqi Government and saying that over 3 years ago we sent in our soldiers to depose your dictator, a man whom no one respected; we deposed him so that you could take control of your own country. We put American lives on the line so you could hold free elections. We gave you a chance to start your own government. When are the Iraqis going to stand up for themselves, their own country, and their own defense? How many years have we been promised that we are so close to the day when the Iraqi Army will be able to take the place of the U.S. Army? I will believe it when the first American soldier comes home and is replaced by an Iraqi soldier ready to stand and die for Iraq, as our soldiers do every single day.

Sadly, we don't know when that day might come. The President comes before the American people several weeks ago and what does he say? ''Be patient.'' Be patient as more American soldiers are endangered and lose their lives. Be patient as we face a situation with no end in sight. It is hard to counsel patience. When asked directly when will the American soldiers be coming home, what did the President say? That will be up to the next President—the next President.

The Iraq war has lasted almost as long as World War II. If we have to wait 2½ more years for American soldiers to come home, it will be one of the longest conflicts in our history. Is this what we bargained for when we invaded Iraq? We know now that the so-called coalition of the willing involved a lot of countries, but primarily it involved American lives. It is American soldiers who are standing and fighting in vastly greater numbers than any other country that is involved.

Let me tell you that the families who wait at home anxiously want to know the same answer to the question I pose: When, Mr. President, is this war going to end? When are we going to turn over the responsibility to the Iraqis?

When will we replace American soldiers with Iraqis who will stand and fight for Iraq? This last week I was in Illinois and visiting with friends of mine who work in railroad unions. I talked about this issue, and a fellow followed me out of the room and said: My son is headed over there next week. He started crying. This strong fellow who worked for the railroad all his life was a father whose heart was broken knowing his son was going into this danger. How many families have had to watch that happen and waited anxiously and expectantly at home for the letters and e-mails and phone calls? How many, sadly, have received the tragic news that they were one of the 2,346 families who lost someone they loved very much in that country?

Mr. President, as I read the allegations in the newspapers from Mr. Libby, former Chief of Staff to Vice President CHENEY, they were disclosing secret, classified information from a national intelligence estimate to the press in the hopes of bolstering the President's popularity. It is a grave disappointment. We can do nothing less than to investigate this. We need to find out if this did occur. If it did occur, the President and Vice President must be held accountable—accountable for misleading the American people and for disclosure of classified information for political purposes. That is as serious as it gets in this democracy.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPERATION IRAQI FREEDOM: THREE YEARS LATER

Mr. ALLARD. Mr. President, in light of the fact that we have those who are calling for the immediate withdrawal from Iraq, I think we ought to sit back and look at what has happened in Operation Iraqi Freedom for the last 3 years. We have made remarkable progress in Iraq in the last 3 years.

On March 19, 2003, the United States and coalition forces launched Operation Iraqi Freedom. At that time, life in Iraq, under Saddam Hussein, was marked by brutality and fear and terror. Iraqis had no voice in their country or their lives. Saddam devastated Iraq, wrecked its economy, ruined and plundered its infrastructure, and destroyed its human capital.

Let's look at what is happening today. Iraq has a democratically elected government. The reign of a dictator has been replaced by a democratically elected government, operating under one of the most progressive constitutions in the Arab world. Millions of Iraqis have joined the political process over the past year alone. Today, Saddam Hussein is facing justice in an Iraqi court.

The Iraqi people are holding Saddam accountable for his crimes and atrocities. I believe the next year will bring a consolidation of these gains, helping a new government stabilize and build a solid foundation for democracy and increased economic growth.

Iraq's elected leaders are diligently working to form a government that will represent all the Iraqi people. As the Iraqi Government comes together and Iraqi security forces improve their readiness, efforts to stabilize the nation will increasingly be Iraqi-led.

I point out that securing a lasting victory in Iraq will make America safer, more secure, and stronger—make it safer by depriving terrorists of a safe haven from which they can plan and launch attacks against the United States and American interests overseas; more secure by facilitating reform in a region that has been a source of violence and depriving terrorist control over a hub of the world's economy; stronger by demonstrating to our friends and enemies the reliability of U.S. power, the strength of our commitment to our friends, and the tenacity of resolve against our enemies.

Despite progress, the situation on the ground is tense. As al-Qaida's actions show, terrorists want to impose a dictatorial government on the Iraqi people. The coalition is united in support of the Iraqi people in helping them win their struggle for freedom. The terrorists know they lack the military strength to challenge Iraqi and coalition forces directly, so their only hope is to try to provoke a civil war and create despair.

The President's national security for victory in Iraq has three tracks. I would like to go over those briefly. They are a political track, a security track, and an economic track, and I would add that all three tracks are progressing.

On the political track, many are participating in Iraq's political process. Iraqis completed two successful nationwide elections and a national constitutional referendum in 2005. Each successive election experienced less violence, bigger voter turnout, and broader political participation. On December 15, more than 75 percent of the Iraqi voting-age population participated in the election for a new government—an increase of more than 3 million voters over the January election.

I will talk a little bit about the security track.

Iraqi security forces are increasingly in the lead. Three years ago, under Saddam Hussein's rule, the Iraqi Army was an instrument of repression. Today, an all-volunteer Iraqi security force is taking increasing responsibility for protecting the Iraqi people.

Iraqi security forces are growing in number and assuming a larger role. More than 240,000 Iraqi security forces have been trained and equipped. Over 112,000 Iraqi soldiers, sailors, and airmen have now been trained and equipped. More than 87,000 police have been trained and equipped. These police work alongside over 40,000 other Ministry of Interior forces.

Additional Iraqi battalions are conducting operations. Last fall, there were over 120 Iraqi Army and police combat battalions in the fight against the enemy, and 40 of those were taking the lead in the fight. Today, the number of battalions in the fight has increased to more than 130, with more than 60 taking the lead.

Let's briefly look at the economic track.

Iraq's economy is recovering, and the Iraqi people have better access to essential services. In 2005, the Iraqi economy grew an estimated 2.6 percent in real terms, and the International Monetary Fund has estimated it will grow by more than 10 percent in 2006.

Mr. President, 3.1 million Iraqis enjoy improved access to clean water, and 5.1 million have improved access to sewage treatment. More than 30 percent of Iraq's schools have been rehabilitated, and more than 36,000 teachers have been trained.

This is what our American soldiers in Iraq have helped accomplish for the Iraqi people and for America. We should be proud and thankful for their willingness to step forward for freedom. Freedom does work. It works for America, and I believe it will work for Iraq. The solution is not a hasty retreat; the solution is to carry on with the President's plan for victory.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, as we all know, there has been an announcement of a resolution or a settlement among a group of Senators relating to the border security and immigration reform bill that is pending before the Senate, although I would note that the entire Senate has yet to sign off on that agreement. I, for one, want to talk for a few minutes about my concerns regarding the proposal.

Last night we were told at approximately 10 o'clock that this agreement was struck with a group of Senators. It consists of 525 pages and I dare say not many people have read it yet. But my review of the agreement causes me some serious concerns about whether it represents something that reflects good policy or something that would warrant my support.

First, I believe there is a grave risk that the proposal would represent a repetition of the mistake of 1986 when the Congress passed major immigration legislation. My colleagues will recall that it was that year Ronald Reagan signed a bill that was acknowledged to be now, in retrospect, two different things. The first is it was an amnesty for 3 million people who entered our country in violation of our immigration laws. The second thing we have come to realize in retrospect is it was a complete and total failure when it came to securing our borders and enforcing our immigration laws.

Some have speculated it was the Federal Government's failure to provide employers a means to verify the eligibility of prospective employees that they could work legally in the country, and certainly the failure on the Federal Government's part is a large part of what is to blame. The corollary of that is the lack of employer sanctions for hiring an illegal workforce. In the past year, we have seen only three sanctions filed against employers for hiring illegal aliens to work in the United States.

Some have said the reason that bill failed is because it didn't have any provision for a legal workforce. I am somewhat sympathetic to that argument because I do support comprehensive immigration legislation, but starting first with border security. We know our inability to control our borders is not only resulting in massive waves of illegal immigration, but we also know it is a national security risk because anyone who has the money to pay a human smuggler or has their wits about them enough to make it over here on their own could literally walk or swim or drive across our border because it is wholly unprotected between the authorized ports of entry. We know our Border Patrol is sorely undermanned with only about 11,000 Border Patrol agents for a 2,000-mile southern border, and contrast that with 39,000 police officers in the city of New York alone.

So we can see the Border Patrol has been vastly out manned and outnumbered when it comes to the number of people coming across. There were 1.1 million illegal aliens apprehended last year alone.

The problem with the 1986 amnesty is that it led to additional illegal immigration, and we now have approximately 12 million undocumented immigrants—people who have come to this country in violation of our immigration laws. And we have come to learn that our booming economy is a vast magnet for people who want a better life. While we can all understand that on a very basic human level, we also know the U.S. Government and the people of this country cannot accept anyone and everyone who wants to come into this country in violation of our immigration laws. Thus, we have a right, as every sovereign nation has, to regulate the flow of people across our borders in our Nation's best interests.

I worry that the legislation that is now pending before this body, the so-called Hagel-Martinez compromise, would actually result in a further magnet for illegal immigration because it, in part, rewards people for coming into the country in violation of our immigration laws.

It causes me great concerns in other respects as well. For example, the proposal would not be closed to felons and serial criminal offenders. Nor would it be closed to people who had their day in court but failed to comply with the deportation order, showing tremendous disrespect not only for our laws but for the safety and welfare of the American people.

We also know the current bill that is pending before us prevents information sharing by the Department of Homeland Security to root out fraud, which is another problem with the 1986 amnesty because people were able to generate fraudulent documents to qualify for that amnesty. We know that false documents are a tremendous vulnerability of the American people to terrorists and criminals and others who want to come across our borders, and this bill does not do enough to allow us to protect ourselves by investigating and prosecuting that kind of fraud, by sharing information, and that is why we need some amendments to be argued and voted on by the Senate to fix the serious gaps in this bill.

But perhaps one of the gravest concerns I have is this proposed compromise does not protect American workers. Indeed, under this bill, up to 12 million people will be able to get green cards. In other words, they will gain the status of a legal permanent resident and a path to American citizenship. This is without regard to whether our economy is in a boom status as it is now, with about 4.8 percent unemployment, or whether our economy is in a recession, where Americans are more likely to be out of work and competing with these 12 million new green card holders for employment. So I believe we need a provision in this bill that provides for a true temporary worker program that can reflect the ups and downs of the economy.

Under this bill there will be a massive one-way migration of people from countries in Central America and Mexico and South America into the United States, and no incentives for their return and for maintaining their ties to their family and their culture and their country in a way that ultimately benefits their country as well. No country on Earth can sustain an economic body blow of a permanent migration of its work force out of that country. But this proposal this creates a temporary worker category that is not temporary, but is instead an alternative path to citizenship. So even though there are some who have talked about a guest worker program or a temporary worker program, this is neither. This is an alternative path to citizenship for 12 million people, permanent status in the United States, regardless of whether our economy is good or our economy is bad. And when it is bad, these individuals will prove stiff competition indeed for America and people born in these United States, or legal immigrants.

There is also no provision in this bill—and this is another concern I have for the American worker—that there be a willing employer and a willing employee. In other words, under this bill individuals can come into the country and self petition for green cards or legal permanent residency. Thus, here again, another important protection for the American worker is totally ignored under this bill.

Another grave concern I have, and this goes back to 1986, is there is absolutely no provision made for employer verification of the eligibility of prospective employees. As some have said, this is deja vu all over again because the Judiciary Committee, as you know, Mr. President, and as the distinguished ranking member knows, did not have jurisdiction over that provision of the bill, so it had to be drafted by the Finance Committee. Yet there is absolutely no amendment pending. I don't know of any plans—maybe there are plans that I am just unaware of—that would provide employers the means to verify that individuals are indeed eligible to work in the United States and discourage, if not eliminate, the use of fraudulent documents to claim that authority to work in the United States. Without that, without border security, without interior enforcement, and without employer verification and sanctions for those who do not play by the rules, this bill provides another invitation to massive illegal immigration and constitutes a reward to those who have come into our country in violation of our laws.

My ultimate concern is we will have a vote on a motion to close off debate on this compromise tomorrow morning. There are a number of pending amendments that I intend to offer. Of course we know the Senate largely operates by unanimous consent. There is also a desire by Senators right before any recess to get on to their homes and their families and back to their States. But this is an extremely important bill, I would say, even more than most of the issues we consider here because it is a matter of national security. It is a matter of maintaining the confidence of the American people because, frankly, the American people believe we let them down in 1986. They believe the Senate is not serious about border security, is not serious about workplace enforcement, and the only way we are going to be able to demonstrate that we are serious is to have a full and fair debate, to allow amendments and votes on those amendments on the floor. So far, all we have been met with is obstructionism because we have been denied the opportunity to have an up-or-down vote on essential amendments that are necessary to improve this bill.

I know we will have a vote tomorrow morning. Unless there is some good-faith attempt to reach some accommodation to allow Senators to offer those amendments that would improve the bill in the respects I have pointed out, then I expect that we will have a long weekend, and perhaps beyond, so there will be an opportunity for us to have the kind of debate that is reflective of the world's greatest deliberative body and which discharges the responsibility we have to protect the American people, to secure our borders, to make sure we are absolutely serious about enforcing our laws, while at the same time we enact comprehensive border security and immigration reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

DARFUR

Mr. LEAHY. Mr. President, I will not speak for long. I do this because I wish to speak about the severe humanitarian crisis in Darfur, Sudan.

It has been almost 2 years since the Congress, in a bipartisan effort of both the House and Senate, declared the atrocities in Darfur, Sudan, to be genocide. That is a word not passed around easily in these halls.

Then, about a year and a half ago, the administration publicly reached the same conclusion. I know there was debate within the administration whether they would use that word. I commend President Bush for reaching the same conclusion.

What worries me, here is a case where the Senate, the House of Representatives, and the President of the United States, all came together to call the atrocities in Darfur, in our day and our age, genocide. But since those declarations, the United States and other nations have failed to devise an effective strategy to bring peace to the desperate people of that remote, war-ravaged region. The human cost of this failure has been unimaginable. It is staggering.

Earlier this month, President Bush celebrated International Women's Day. There is no cause for celebration for the women of Darfur, thousands of whom have been the victims of rape and other acts of sexual violence inflicted by Government security forces and the militias they support. They use rape as a method of terror.

There have been systematic massacres, rape, torture and the burning of hundreds of villages, homes—often with the families inside. Darfur has been pillaged and the lives of its people destroyed.

The Government of Sudan has repeatedly attempted to disguise its role in the violence so it has been impossible to ascertain an accurate death toll, but somewhere between 200,000 and 300,000 people have died of murder or starvation.

Many thousands more have ended up in squalid refugee camps after their homes have been reduced to ashes by the Government-sponsored jinjaweit militias.

At the same time this is happening, we see Sudan's President, Omar Hassan al-Bashir, squander $4.5 million, in this desperately poor country, to purchase a 118-foot, 172-ton Presidential yacht so he can entertain foreign dignitaries and create a perverse façade of Sudanese progress and sophistication.

This is progress and sophistication, or a reflection of the ego of a leader? Is it progress and sophistication, that children have been murdered and members of the family murdered in front of other members of the family?

Then, to make this even worse, the President of Sudan, in order to transport it by land from Port Sudan to Khartoum, required severing 132 electric lines, plunging neighborhood after neighborhood into temporary darkness.

It is difficult to conceive of the level of greed, arrogance, and twisted logic that would cause the leader of a desperately impoverished country to waste millions of dollars on a ridiculously ostentatious yacht to cruise the Nile River while thousands of the Sudanese children he is supposed to be protecting have fallen victim to the jinjaweit's brutality.

Tens of thousands more are at serious risk of death by starvation, malnutrition, disease, and mayhem. Under Secretary General for Humanitarian Affairs, Jan Egeland, recently stated that Darfur has returned to ''the abyss'' of early 2004 when the region was ''the killing fields of this world.''

The scale of atrocities occurring in Darfur is appalling. For too long the international community has been doing too little, hoping against reality that somehow the situation would improve.

Instead, in recent weeks we have seen the violence spread across the border into Chad. The Government of Sudan is actively exporting the Darfur crisis to its neighbor by providing arms to the jinjaweit and allowing them to attack Chadian refugees and villagers, seizing their livestock and killing anyone who resists.

As a result, 200,000 of the residents of Chad have been forced from their homes. They have become displaced people in their own country.

Earlier this month, the Senate, and rightly so, unanimously passed S. Res. 383. It calls on our President to take immediate steps to help improve security in Darfur. The resolution proposed a no-fly zone over Darfur and the deployment of NATO troops to support the African Union forces currently on the ground.

The African Union has done its best, but with only 7,000 troops, inadequate resources, and a weak mandate to patrol this vast area, it has been unable to prevent the militias from continuing to attack civilians with impunity.

I strongly support a role for NATO to bolster the African Union's mission, until the U.N. peacekeeping mission can be fully deployed, which could take a year or more.

Only a few nations have the trained troops to contribute and their numbers are stretched thin among many of the U.N. missions around the world. But NATO troops on the ground could reinforce the African Union force with their superior command and control and intelligence-gathering capabilities.

Until recently, the Bush administration refused to support additional troops. However, in the last several weeks, President Bush has shown a renewed interest in Darfur. On March 9, in a hearing before the Senate Appropriations Committee, Secretary of State Condoleezza Rice testified the administration is committed to the deployment of a larger peacekeeping force, and I agree with her on that.

Despite the encouraging rhetoric, the administration continues to underfund the African Union mission. The $161 million requested in the Fiscal Year 2006 supplemental request for peacekeeping in Darfur will only cover the U.S. share to sustain the current number of troops.

It will not do anything to pay for the additional troops that President Bush has finally acknowledged that we need. With people dying needlessly every week, the President must address the Darfur crisis more urgently.

Earlier this week, I was pleased to cosponsor an amendment, which was accepted, to the FY 2006 Emergency Supplemental Appropriations bill to add $50 million in peacekeeping funds for Darfur.

The funds in the supplemental bill for peacekeeping in Darfur were barely adequate to support the current African Union mission through the rest of

this fiscal year. The additional $50 million will go to training and equipping the African Union force that has done its best despite scarce training and too little heavy equipment.

There is no question the Government of Sudan bears a great deal of responsibility for the crimes against humanity that have occurred and continue to occur within its borders, and now in eastern Chad.

It has sponsored brutal militias, hampered the African Union peacekeepers, and impeded the work of the international relief organization.

Most recently, it has opposed reconstituting the African Union force as a U.N. force, presumably fearing that the United Nations could pose a challenge to its own ability to act with impunity in a part of the world that is often beyond the spotlight of public scrutiny.

But we in this country, the richest, most powerful Nation on Earth, a country blessed with so many advantages, have done too little to stop the genocide in Sudan. Many more lives could have been saved if we and other nations had shown stronger leadership.

This is not just an economic or military issue; this is a moral issue. With all the blessings this country receives, we have a moral responsibility to stop genocide.

In our history, we have known what has happened when we have moved too slowly when we had a chance to stop genocide. We either moved too slowly or we did not move at all when genocide occurred.

Let us match the rhetoric with resources to support the number of troops needed to do the job. Let us set an example by our own leadership to the rest of the world that we will put an end to the violence. This is something on which I believe all Americans—Republicans and Democrats—would agree. It is something that, if we believe in a higher calling, we will do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank Senator LEAHY, ranking member on the Judiciary Committee.

I have received just this afternoon in my office some disturbing news in the form of correspondence from the Congressional Budget Office. It suggests a number of areas where the amendment we are talking about here today, No. 3424, the immigration so-called compromise, violates our budget and the rules of the Senate.

Let me read from the correspondence we have received. This is something, as you know, Mr. President, as a member of the Judiciary Committee, that we never discussed at all. It is not a matter we spent any time at all discussing as we moved forward with legislation which ultimately cleared that committee and came to the floor—legislation which I thought was not good legislation and which I opposed, and so did the Senator from Texas, who just relinquished the Chair. We didn't discuss the financial impact of the legislation before us.

One of the things our rules of the Senate require is that if a bill is on the floor that is in violation of a budget we have adopted, it is subject to a budget point of order. I am not going to make that budget point of order now because I am sure someone here would want to move to waive that budget point of order, but I am giving the heads up to those who are supporting this bill that it is a budget buster.

We have not yet begun to figure out how much this legislation will cost. I will be quoting from the Congressional Budget Office, which is the authoritative department to determine these matters. They have given us a preliminary report.

Let me read from the correspondence they have given and which I have just received.

> CBO has estimated the cost of some—but not all—of the provisions of the proposed Hagel-Martinez amendment to the immigration bill. The version we are working with is labeled O:/MDM/MDM06671 and was provided to us this morning.

One reason they got this this morning was that this so-called compromise which was hatched yesterday was not even printed until 10 o'clock last night.

We have been talking about these problems for weeks and we produced the bill that came out of committee—I don't know what name to put on it; the Specter-Kennedy-McCain amendment, the bill that came out of committee—and it was crushed on the floor of the Senate, with 60 people refusing to move to a final up-or-down vote on it, 60 to 39.

We have now the compromise desperately put together by people—well meaning, no doubt, but none of whom bring any particular experience, knowledge to the problem facing us. And I assure you, if in the 5 days of markup in Judiciary Committee we didn't discuss the actual cost of this program, I am sure, as they worked feverishly into the night last night, they didn't consider it either. They had no idea. But this was a political discussion about how to put a bill together that politically might pass around here regardless of the details of it.

Frankly, we are going to have to deal with the specifics of illegal immigration. It is too important to treat it at a superficial level.

There are bills which, when we come up to a recess, the leader has to push, and you always try to do those things, and people make compromises, and they pass. But this is not a normal bill at all. The American people care about it, and we owe them some things.

I don't think there are any Senators here who haven't been back to their States and made some commitments and stated some principles that they thought are critical to a good immigration bill, and I want them to be aware of what we are talking about.

The bill number which the Congressional Budget Office referenced is the pending amendment, No. 3424, to the Frist motion to commit.

Let me continue now with what we received from the Congressional Budget Office:

> The figures in this e-mail do NOT include costs associated with the conditional non-immigrant provisions, which we are still working on. They also do NOT include revenue losses and outlays for the Earned Income Tax Credit, which we will be getting from the Joint Tax Committee and which results largely from the conditional non-immigrant provisions. Those revenue losses and Earned Income Tax Credit outlays may be significant.

I will talk about the average salary of most of the workers who are here illegally today and those workers who will be regularized, placed on permanent resident status, given a green card, and placed on a pathway to citizenship. As you look at those salaries, you will see that they fall in the classic earned income tax credit range.

I have had occasion for some time to wrestle with the earned income tax credit. A lot of people oppose it entirely. You file your tax return, and if you don't owe any taxes and you have a lower income, you get a tax rebate from the Government. You don't pay taxes; they give you an average rebate. I submit that salaries for these workers are going to be pretty close to the average recipient of the earned income tax credit benefit. The average recipient gets $2,400 a year by way of a tax credit. Persons who are working here illegally today are not currently getting the earned income tax credit, but if we regularize them and make them permanent residents, they will. That will cost us a lot of money.

The Congressional Budget Office is saying they haven't considered those numbers yet in the cost of this bill, but they are real and significant, as I say they, indeed, are.

They go on to say this:

> With those important caveats, estimated outlays are about $2 billion for the first 5 years—2007–2011—and $12 billion for the first 10 years—2007–2016. The final figures will be bigger than those. Most of those costs are for Medicaid and Food Stamp programs.

They say those are not the final figures. The final figures will be bigger. It didn't include the earned income tax credit.

They go on to say this:

> Outlays in the succeeding 10 years will be greater. The bill would impose mandates on State and local governments with costs that would exceed the threshold established in the Unfunded Mandates Reform Act in at least 1 of the first 5 years after they would take effect.

I ask unanimous consent that this message from the Congressional Budget Office be printed in the RECORD so that my colleagues can begin to look at it and begin to understand that we have a budget problem with this bill, among other things.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From: Paul Cullinan.
Sent: April 6, 2006.
To: Ed Corrigan.
Subject: Partial cost estimate for immigration amendment.

CBO has estimated the cost of some—but not all—of the provisions of the proposed Hagel-Martinez amendment to the immigration bill. The version we are working with is labeled O: MDM MDM 06671 and was provided to us this morning.

The figures in this e-mail do NOT include costs associated with the conditional non-immigrant provisions, which we're still working on. They also do NOT include revenue losses and outlays for the Earned Income Tax Credit, which we will be getting from the Joint Tax Committee and which result largely from the conditional non-immigrant provisions. Those revenue losses and EITC outlays may be significant.

With those important caveats, estimated outlays are about $2 billion for the first five years (2007–2011) and $12 billion for the first ten years (2007–2016). The final figures will be bigger than those. Most of those costs are for the Medicaid and Food Stamp programs.

Outlays in the succeeding 10 years will be greater. The bill would impose mandates on State and local governments with costs that would exceed the threshold established in the Unfunded Mandates Reform Act in at least one of the first five years after they would take effect.

If you have any questions, please call Paul Cullinan, Eric Rollins, or myself.

BOB SUNSHINE,
Assistant Director for Budget Analysis.

Mr. SESSIONS. Mr. President, the Senate Judiciary Committee, under the 2006 budget resolution, has only $6 million remaining. We are talking about a minimum of $2 billion in costs, according to the Congressional Budget Office, under the first 5 years of this immigration bill which is before us today, but the Judiciary Committee, under our budget resolution, has only $6 million remaining in its direct spending allocation for the next 5 years.

CBO's preliminary estimate, according to the Congressional Budget Office letter I just read, is that amendment No. 3224 will spend at least $2 billion during that period and likely much more over that period and the next 5 years. This far exceeds the $6 million—it might sound large to you, but in the scheme of things we discuss today, it is a paltry sum—allocated to the committee under the budget.

On this basis, we need to review what we should do as a Senate. I think it is appropriate and the right thing that the Senate confront the question and make a decision as to whether we should waive that point of order and go forward with this legislation or not waive it, in which case the bill would be subject to failure.

I note that the Budget Committee has responsibilities in this, and every aspect of that has not been completed to date, and it may be premature to move to make such a motion at this time. I am sharing this with everyone so they can be prepared to think through the consequences of this cost, which has not been discussed whatsoever. In fact, if you listen to some of the proponents of the legislation before us, if we just pass this bill, it is going to make us all rich, everybody is going to do better, for the first time people are going to pay taxes, the economy is going to improve, and the average guy is going to be fine. The reality is, that did not happen in 1986 and it is not going to happen this time because many of these benefits are such that they are not available to people here illegally. Under this law they will become legal.

We are going to see a rise in costs to our Government beyond that which is permitted by the budget we all voted on, we all agreed to, and we all said we need to stand by. I should not say ''all,'' but enough voted to pass the budget. The budget is a very significant and important document. Many of us take very seriously this cap we agreed to place on spending and agreed not to pass legislation that would break those caps, even if we like the underlying amendment or bill that would spend money. That violates the budget. On many occasions I have felt it my duty to vote ''no'' because I agreed to a budget number. This Congress and this Senate has agreed to budget caps. The very significant factor is that today we now know the Hagel-Martinez amendment violates that Budget Act. I am sure the committee bill also did, but it would appear this may be further along.

We have seen amnesty before in our country, in 1986, and the record is clear that American taxpayers did pay the cost of the fiscal deficit created by the 3 million beneficiaries under the 1986 amnesty. Of course, the original estimates were that 1 million, 1.5 million people would qualify for amnesty in 1986. Now they are estimating 12 million. But, in fact, 3 million showed up in 1986 and claimed the benefits of amnesty, many using documents that were dubious.

A 1997 study conducted by the Center for Immigration Studies estimated that the 3 million newly legalized aliens in the 1986 amnesty had generated a net fiscal deficit of $24 billion in the short decade that passed since their arrival. The 3 million cost the Government $24 billion. That is a very large sum of money.

Incidentally, when Congress passed the 1986 amnesty bill, it estimated only 1 million illegal aliens would qualify for that amnesty law and draw upon the Treasury. That is how the numbers were out of sync.

There is no doubt about it, American taxpayers will pay if this legislation passes. If this, what I consider to be fairly described as amnesty, passes, the American taxpayers will pay the cost of this amnesty and it will be a drain on our programs that are designed to provide health care and assistance to American citizens and those who came here lawfully to achieve legal permanent status.

According to the Pew Hispanic Center report from last year, the average family income in 2003 for unauthorized migrants in the country for less than 10 years was $25,700, while those who had been in the country a decade or more earned $29,000.

Given that the average family income for illegal immigrants is just above the 2006 Federal poverty line of $20,000, it is not surprising that many of these families will likely rely on social service programs to meet their basic needs. That is what we know will occur.

Though the exact cost of this new amnesty is impossible to absolutely determine, certainly CBO is providing a low figure that they can verify as of this date. We can learn a lot by looking at existing studies that give us a glimpse at the cost of illegal immigration to our social program. For example, the Center for Immigration Studies estimated that in 2001, 31 percent of illegal households used at least one of four major welfare programs: Medicaid, SSI, TANF, which is temporary assistance for needy families, which is a basic welfare program, or food stamps. That is a very large number. It is not improbable considering the other numbers about the average income, knowing that there are so many below the poverty line.

The Urban Institute estimates in 2000, 47,000 families in the United States headed by one or two illegal aliens received TANF, the temporary assistance for needy families, on behalf of their children—47,000 is a pretty dramatic number.

Further, if each of these families received greater than $1,000 a year, the amount spent for a TANF household by illegal aliens could easily reach tens of millions of dollars.

I see others who wish to speak and I will follow up on this later. I am saying we have to deal with the reality. Unfortunately, we have not spent a lot of time thinking through the full consequences of our actions. We have not had economists, we have not had experts, we have not had Government officials, we have not had professors and scientists discuss with us the impact of this legislation and how we can pass legislation that would best help those who come here, and how we can do so in a way that does not adversely impact the Treasury of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business so I can engage the distinguished chairman of the Senate Intelligence Committee in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT INQUIRY

Mr. WYDEN. Mr. President, in the aftermath of the terrorist attacks of September 11, 2001, Congress convened a bipartisan, bicameral joint inquiry into the activities of the intelligence community before and after the attacks. I had the opportunity to serve on the joint inquiry and I am proud of the work that was accomplished there.

In December of 2002, a report was issued in which we stated that the inspector general of the CIA should ''conduct investigations and reviews as necessary to determine whether and to what extent personnel at all levels should be held accountable for any omission, commission, or failure to meet professional standards in regards to the identification, prevention, or disruption of terrorist attacks.''

The report went on to state that the Director of the CIA should take appropriate action in response to the inspector general's review.

The CIA Inspector General completed his report in June 2005. I was surprised that the report took so long to complete, but I am impressed with its quality. After the report of the 9/11 Commission and the joint inquiry itself, it is one of the most thorough examinations of the intelligence community activity before September 11. It provides a unique perspective and makes a number of findings that in my view should be available to the American people as part of the historical record. It also makes a number of recommendations that should be carefully considered.

The public has a right to see these recommendations consistent with the protection of our national security. The American people should be able to read the report and decide for themselves whether the recommendations of the CIA inspector general have been carried out in a satisfactory manner. Both the chairman and the vice chairman of the Senate Intelligence Committee have supported the release of this report.

As Chairman ROBERTS has put it, ''The deaths of nearly 3,000 citizens on September 11, 2001, gives the American people a strong interest in knowing what the [inspector general] found and whether those whose performance was lacking will be held accountable.''

Despite the chairman's request, the CIA has decided not to act on the inspector general's recommendations at all. Not to act at all. It is important to note that the inspector general did not recommend that certain individuals be held accountable. The inspector general merely recommended that the action or inaction of certain individuals be examined to determine whether they should be held accountable. CIA Director Porter Goss has refused to allow even this initial examination.

Two months ago I wrote to the Director of the CIA, Mr. Goss, asking this report be declassified and released as soon as possible. I notified Director Goss if I did not see any progress within 60 days I would take action to release this report to the public. It has been over 60 days and still the CIA has not responded.

In the interest of making this report public and available to the American people, I ask now unanimous consent the Senate direct the Senate Select Committee on Intelligence to make this report available to the American people as soon as possible.

Mr. ROBERTS. Mr. President, reserving the right to object, I agree with the Senator from Oregon that this is a very important report. We were, as everyone knows, viciously attacked on September 11 and in the aftermath of those attacks we wanted answers. Many of those answers have been found during the last 4 years and some of those answers are contained in the report. But the families of the victims of September 11 have a right to these answers and the American people have a right to these answers.

At the same time, I tell my colleague, we need to be sensitive to the fact that there is properly classified national security information that is included in this report, and this information needs to be protected.

While the Senator is correct that the CIA has not been adequately responsible to him or to me, I suggest that rather than release the report immediately in unredacted form, we instead sit down with the inspector general and work to redact any information that needs to remain classified in the interest of national security.

So I object to the Senator's request and suggest instead that we work with the inspector general to review this report and determine what can be appropriately released to the public.

The PRESIDING OFFICER. Objection is heard.

Mr. WYDEN. Mr. President, I want to express my appreciation to the chairman of the Intelligence Committee for his willingness to work with me and for the suggestions and discussions that we have had. I would like to suggest that we bring this issue to the inspector general immediately and ask the inspector general to release this report within 30 days. If the Senator agrees to bring this issue to the inspector general immediately so that staff can begin working with the inspector general's office over the upcoming 2-week recess, and the chairman and I can review their progress when we return, then I would be willing to withdraw my unanimous consent request that this report be made public immediately at this time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank the Senator from Oregon for his willingness to cooperate on this issue. It is an important one, and I look forward to working with him on it. This certainly sounds reasonable to me. So I think he is absolutely correct in his suggestion. I will be happy to work with him.

Mr. WYDEN. Mr. President, because we are going to work together cooperatively to turn this around in the next 30 days, I withdraw my unanimous consent request at this time and express my appreciation to chairman of the Senate Intelligence Committee, Senator ROBERTS.

The PRESIDING OFFICER. The request is withdrawn.

The Senator from Alaska.

EXCUSED FROM VOTING

Mr. STEVENS. Mr. President, I ask unanimous consent that I be excused from voting until the first vote that occurs on April 24.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. 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. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, at 10:30 this morning, the proponents of what I would have to say is amnesty in the bill that came out of the committee, the Kennedy-McCain-Specter bill, or whatever name you want to give it, that bill was crushed in this body with 39 votes for and 60 votes against. It was pulled and removed from the docket and sent back to Committee. Then we had a group get together yesterday in an effort to develop what they call a compromise. They could see that there was a vote coming, and they thought they could put something together, and I don't blame them. It has been referred to as the Hagel compromise. But we have looked at the bill, and I have to tell my colleagues, if you voted against the Kennedy bill this morning, you need not support the Hagel compromise because it is fundamentally the same thing. I am going to talk about it and explain how it is essentially the same bill.

I wish it weren't the same thing. I wish it was something we could support. I would like to support good legislation. We have an opportunity—a real opportunity—to fix the problem with security and immigration in our country. Our Nation is at risk. Our borders are not under control. However, we have the capacity to do it. It is not that hard. I have said it before, and I have explained how we can do it.

T.J. Bonner, the head of the National Border Patrol Council said: It is real simple. You simply fix up the border. You remove the magnet of a job by having real workplace enforcement and, all of a sudden, things can go in the right direction.

This bill does none of that. It rewards bad behavior, it would encourage illegal behavior in the future, and we should not pass it. It is against what so many of us promised that we would

vote for and we don't have a lot of time. That bill was hatched yesterday after a few Senators met somewhere and thought they could waltz in and just fix it. They expected all of us to line up and vote for it. I don't believe people are going to line up and vote for it.

They produced this compromise and introduced it, and we didn't get a copy until 10 o'clock last night. This compromise that we got late last night is 525 pages long. What is in it? Ninety-five percent of what is in it, I have to tell you, is just what you voted against and rejected this morning. We rejected it because it was not a good piece of legislation. It did not do what we promised the American people we were going to do as individual Senators. If you look at the expressions of Senators as a group, time and again they say things that they believe are legitimate principles. These bills do not reflect those principles.

The President has said he is against an automatic path to citizenship, and he is against amnesty, both of which are in this bill. The President needs to read it. When you go out and campaign and tell people what you are going to do, you need to honor that commitment.

Let me tell you some of the things that are in this Hagel compromise. It triples—triples—the number of employment-based green cards available each year. This is not a committee that met yesterday. This is a group of people, ad hoc Senators got together and huddled. The Senator in the chair there, he has been in a huddle, Quarterback GEORGE ALLEN. They got in a huddle, and with very little time and effort to study the issues, they came up with this legislation. Ninety-five percent of it was what was in the bill we rejected just this morning. What does it do? One of the most significant things that we have given very little thought to is it triples the number of employment-based green cards available each year. It triples the number.

Currently, there are 140,000 available. Currently, spouses and children, if they come in, they count against the 140,000 cap. Under the Kennedy bill that we voted down this morning they jumped that number to 400,000, and spouses and children didn't count against the cap. This bill raises it to 450,000 annually, and spouses and children—we estimate about 540,000 more, family members—can come with them, and they do not count against the cap. That is pushing a million a year. That is a huge change.

I, personally, am of the view that if we can make our system lawful and have it work correctly, we can and will want to increase the number. But triple the number, and then increase that number again, by allowing spouses and children to come and not count against the cap? That is a sixfold increase. Without any hearings? Without any economists? Without listening to the labor unions? Without listening to business people tell us how many people we really need? Without any professors or scientists who understand the impact this kind of huge numbers would have? They propose we accept this compromise, and it goes beyond the Kennedy proposal that was rejected this morning.

It changes the amnesty process for the current number of people. These 450,000 plus family members are, for the most part people who live outside the country. They apply and can come in. So the total number who come in with a green card—which means you are a permanent resident citizen and you are on an automatic path to citizenship—this is supposed to be for those people.

The message is we want a guest worker program. That is what they said. We want a guest worker program. What does that sound like, if you are an American citizen trying to evaluate what your legislators are doing up here? I hope those American people who are watching are following this closely because these are not guest workers.

Somebody said let's not call it guest workers anymore, let's call it temporary workers. But they are not temporary workers either. They get a green card. They come in under this new H–2C program, and they are able then, on the petition of an employer, to get a green card within 1 year. If they don't have an employer petition for them, they can self-petition, which is not the rule now. Now these are supposed to be based on employment that is needed.

President Bush says a company that needs workers certifies they need you. Now you can self-certify and within 5 years you can be placed on an automatic path to citizenship. They never have to return home. That is all I am saying. Anybody who says this is a temporary worker program or guest worker program is not correct the way this language is in the bill.

These numbers do not include all that is in the bill. The AgJOBS bill came up on the floor a little over a year ago and was debated and blocked. Senator SAXBY CHAMBLISS, who chairs the Agriculture Committee, and a number of us raised objections to that bill. We blocked it. It did not go forward. It did not pass.

They blithely added the whole AgJOBS bill to the committee bill and it has now been made part of this compromise. There are 1.5 million who can come in under the AgJOBS bill.

People say we need the talented people. We still have limits on talented people who come into the country with high education levels, but there is virtually no limit on the number of unskilled workers who come into our country. That is not good public policy, I submit. That is probably not what you said when you have been out campaigning and talking to your constituents around the country.

Under the current law, before new legislation passes, the United States issues 1.1 million green cards a year. That is what we do today, and 140,000 of those green cards are available to aliens who are sponsored by employers. That is the working group. Under the Hagel-Martinez compromise bill, the United States would now issue between 2.2 million and 2.5 million green cards each year, 450,000 of which will be employment-based green cards during the years 2007 and 2016. That is triple the number of employment-based green cards we currently issue on an annual basis, triple the number we currently issue. Although the number would be curtailed after a few years, it is still 150,000 more than currently issued. After 2016, the number of green cards for employer-sponsored aliens would go back to double the current level, at 290,000.

They have also increased the employment-based green card cap—that is the total limit, over and above the 450,000 that would now be available each year under the compromise—by exempting spouses and children from counting against the cap. Spouses and children count against the cap today. So we triple the number, and we don't count spouses and children. Because an average of 1.2 family members accompany employment-based green card holders, we estimate that about 540,000 family members will also get employment-based green cards without counting against this cap. That is contrary to what we do today. It is contrary to our policy. This is a huge change is all I am saying.

Maybe after thorough debate we might want to go that far. I doubt it. I think we want to increase the number of legal workers who come to our country but surge these numbers this much without any discussion whatsoever? This means next year we could have 990,000—that is almost a million—employment-based green cards issued: 550,000 for the workers, 540,000 for the family members. That is equal to the total number of green cards we handed out this year for all categories, including employment-based, family-based, asylum, refugees, cancellation of removal, and so forth.

Using the estimate from our population chart, based on the CRS data and the Pew Hispanic data, the way the new amnesty categories would work is as follows. This is what is in the compromise.

If you are here for 5 or more years—and that includes 8.85 million of the 11.5 to 12 million people who are estimated to be here, or 75 percent of those who are estimated to be here today—what happens to you? You are treated just like you were under the Kennedy bill that was rejected this morning. You get to stay, work, apply for a green card from inside the United States.

Again, what does green card mean? It means you are a permanent resident, eligible for all the social welfare benefits that belong to American citizens, No. 1. No. 2, it puts you on a guaranteed path to citizenship. This is your

reward for violating the law by coming in illegally.

Under this bill, 75 percent of them, 8.85 million would get to stay and apply for green cards from inside the United States, just like the rejected bill earlier today provided for. And in addition, spouses and children would get those green cards as well. And they, spouses and children, would get green cards even if they are not in the United States.

So if the person came here to work temporarily, planned to go back to his family, didn't have a plan to stay here permanently and intended to go back to his country of origin, make a little extra money to help out the family, now we have encouraged them to go ahead and bring their family here. That would be a large number. That will impact more than the 1.1 million who are covered by the bill, according to the estimates.

They do not count against any family or employment caps or green cards. We do currently have a limit. We are supposed to have a limit on the total number who can come in as permanent workers on the path to citizenship so none of these would count against the caps, out of the 11 to 12 million.

So 75 percent of the 11.5 million are like that. What about those in the compromise? They say we are going to be a little different than the Kennedy bill for those 1.4 million people who have been here from 2 to 5 years. What happens to those that have only been here illegally for 2 to 5 years? You get to stay legally, and you are able to continue to work in the United States while you apply for a work visa if, within 3 years, at any time during that 3 years, you go across the border through a consular office and pick up a nonimmigrant visa that you can apply for from the United States. Although the Department of Homeland Security Secretary may waive the departure requirement. So you can go across the border, go to the office, pick up the thing and come right back the same day.

Spouses and children get the same status. If they came here illegally, they get the same green card status, but they don't have to go across the border to pick it up, they can get it right here at home. If they apply for the H–2C, a new work visa created under title IV, the employer can sponsor them for a green card the day they come back into the United States.

The employer can petition that day to get them a green card. Once you get that green card, you are a legal, permanent resident, entitled to the welfare and governmental benefits of our country.

What about those who are here for less than 2 years? That is not directly addressed in this compromise bill that we now have before us that is supposed to solve all of our problems. Unfortunately, it doesn't solve them.

The compromise sponsors will tell you that the people who have been here less than 2 years—that is about 1.2 to 1.7 million—will have to leave immediately or be deported.

First, let me ask how many people are being apprehended and deported today? Who is going to apprehend and deport these people who are here illegally in the last year?

I raise that as a practical question.

But under the bill language, you can qualify for the new H–2C worker program, even if you are unlawfully present in the United States.

My legal counsel is a smart reader of the law.

This is the way the bill explains it. It doesn't say that plainly. It says:

> In determining the alien's admissibility as an H–2C nonimmigrant. . . . paragraphs (5), (6)(A), (7), (9)(B) and (9)(C) of section 212(a) may be waived for conduct that occurred before the effective date.

What does all that mean?

If you do not have time to put aside the statute, the compromise bill, and go back and read the underlying statute, you don't know what it means, but if you do that, as my counsel did, you will see that is a pretty sneaky maneuver. As I noted, under the new H–2C program, 400,000 per year can get green cards as workers, and these people will qualify for that because those code sections refer to aliens who came here illegally and those who have been ordered removed but have come illegally will go back into the United States.

The last bunch, the 1.2 million that have been here less than 2 years, they are not going to leave this country.

First of all, nobody is going to come and get them. They are going to apply under the new visa program, the H–2C worker program that has these huge numbers that we have triple the numbers for. And it specifically says in the statute that they will qualify, even if they came here illegally or have been apprehended here illegally or removed—and removed from the United States—and they have come back illegally, they still get to qualify and stay here.

We don't need to vote for a bill such as that.

By the way, in reading the bill carefully, my fine staff discovered—it is kind of hard to do all this when you get a bill last night at 10 p.m. which is 325 pages—that those here illegally, whom I just mentioned, in the last 2 years or have been removed and come back illegally, they do not even count against the cap. Why would we want to do that?

I say to you that whoever drafted the bill—I don't really say this to the sponsors because the sponsors of the compromise who met for a few hours and put this thing together didn't realize who all had worked on it. I guess it is the forces who believe that no illegal alien should be left behind. So everybody who is here illegally gets to stay in the country, and they don't even count against the cap for the green card.

I don't think we ought to welcome back into this country someone who has been apprehended, deported and removed from the country and they come back again illegally. They ought not to be allowed to stay, period, much less be given a permanent status and much less be put on a path to citizenship, which this compromise legislation will do.

We think somebody had to have intended this. Somebody who was involved in the writing of this knew what they were doing and definitely wanted to include everybody to make sure that they could say publicly: Well, if it is 5 years, you know you can stay, but if is less than 5 years, you could be removed. None will be removed unless they are convicted of a felony or three misdemeanors.

They basically said you wouldn't be eligible for citizenship if you came here after January of 2004. That is not true. The bill covers everybody. That is part of the compromise legislation and still part of it. It is part of the Kennedy bill that we roundly rejected this morning, and it is part of the compromise that is before us now.

Let me take a few minutes to run over some of the provisions in that 95 percent of the Kennedy bill that was rejected this morning that remains in the Hagel compromise.

Here are some of the difficulties with it.

Let us take loophole No. 1: Absconders and some individuals with felonies or 3 misdemeanors are not barred from getting amnesty.

An absconder is somebody who was apprehended by Border Patrol people, detained, they did not have time to take him or her out of the country, they were busy, they did not have jail space, detention space for them, so they release them on bail. That is what they do all over the country because we don't take this seriously, and they don't show up when they are supposed to be deported. Surprise. They abscond.

Absconders and some individuals with felonies or three misdemeanors are not barred from getting amnesty.

Under the Immigration and Nationality Act, different crimes make aliens ''inadmissible,'' ''deportable,'' or ''ineligible'' for specific benefits.

As written, the Specter substitute—it is included in this bill—only requires an alien to show they are not ''inadmissible'' to qualify for the amnesty contained in the bill. However, some felonies make an alien ''inadmissible,'' but some do not.

Absconders—aliens with final orders of removal who are currently watched by ICE immigration officers—should not be eligible for amnesty. They remain eligible for this amnesty. The Kyl-Cornyn amendment that was blocked by the other side so we couldn't get a vote on it, was designed to fix this loophole. It would keep aliens with felony convictions or three misdemeanors from being eligible for the new amnesty program. Surely, we agree on that. If we had a vote on it, I am sure it would pass.

But the leader on the other side has managed to block us from getting a vote.

Loophole No. 2: Aliens specifically barred from receiving immigration benefits for life because they filed a frivolous asylum application will also be able to receive amnesty. Under INA, section 208(d)(6), if the Attorney General determines that an alien knowingly filed a frivolous asylum application, the alien will be permanently ineligible for any benefits under the INA. This bill changes that. On page 333, it says: ''Notwithstanding any other provision of law, the Secretary shall adjust . . . '' an alien who meets the requirement of INN 245B. There is no provision that states that the alien is eligible for amnesty if they file a frivolous asylum application. It, therefore, gives benefits to aliens previously barred from all immigration benefits.

Loophole No. 3: All aliens who are subject to a final order of removal—for some reason you are brought up and the court has ordered you removed from the country—who failed to leave pursuant to a voluntary departure agreement, they entered into those agreements and oftentimes people promise to leave and never leave—or who are subject to the reinstatement of a final order of removal because they illegally reentered after being ordered removed from the United States are also eligible for amnesty.

I call on my colleagues to look at the bill. On page 353, line 3, the bill clearly states that any alien with a final order of removal can apply for amnesty. This means that the aliens who have already received their day in court have had their case fully litigated, and they have been ordered removed and have failed to depart will now be rewarded for not following the law and leaving like they were ordered to do. They will qualify for this amnesty.

This will include many of the 37,000 Chinese nationals that China has refused to take back. I understand maybe they have agreed to take them back in the last day or so, but they have been pretty recalcitrant on it. I will be surprised if they are all approved for repatriation.

But do you see how important this could be.

Loophole No. 4: Aliens who illegally entered the country multiple times are also eligible for amnesty. Page 334, line 8 requires continuous physical presence and states than an alien must not have departed from the United States before April 5, 2006, except for brief, casual or innocent departures. Every time the alien reenters the United States illegally, they are committing a criminal offense. But this bill rewards those aliens with amnesty also.

Loophole No. 5: This bill allows aliens who have persecuted anyone on account of race, religion, nationality, membership in a particular social group or political opinion get amnesty. It fails to make persecutors ineligible for amnesty.

I would have thought that was an oversight until I noticed on page 363, line 22, that the bill makes those heinous acts bar aliens here between 2 and 5 years from amnesty but not those who have been here longer. The same bar left out for the 8.8 million who have been here for more than 5 years. This will be interpreted as an intentional decision of Congress when we pass this bill.

That is not inadvertent. I don't know why they did that.

Loophole No. 6: There is no continuous presence or continuous work requirement for amnesty. To be eligible to adjust from illegal to legal statutes under the bill, the alien must simply have been ''physically present in the United States on April 5, 2001,'' and have been ''employed continuously in the United States'' for 3 of the 5 years ''since that date.''

The bill does not say ''employed continuously in the United States since that date,'' as some have said. It does not require that employment be full time. Which means that it will be interpreted by any fair court following the law to mean that the alien will be eligible for amnesty if they have been employed in the United States either full time, part time, seasonally, or self-employed.

The bill also allows the time of employment be shortened if the alien has attendance in a school. The employment requirement under the language, as written, is as broad as possible. Essentially, any alien who worked in the United States for 3 out of 5 years any time prior to April 5, 2006, will fulfill the eligibility requirements.

Loophole No. 7: The bill tells the Department of Homeland Security to accept ''just and reasonable inferences'' from day labor centers as evidence of an alien meeting the bill's work requirements.

Day labor centers—I am not sure how reliable those can be to make major decisions. Some of these are openly and notoriously promoting illegal workers.

Under the bill, an alien can ''conclusively establish'' that he was employed in the United States, and it can be either full time, part time, seasonally, or self-employed by presenting documents from Social Security, the Internal Revenue Service or an employer related to employment. The alien meets ''the burden of proving by a preponderance of the evidence that the alien has satisfied the requirements'' if the alien can demonstrate ''such employment as a matter of just reasonable inference.''

If you can just have a reasonable inference that you have worked, get a document from a day labor center, you meet the work requirements. Everybody will meet it. No illegal alien will be left behind.

The bill then states:

> . . . it is the intent of Congress that the [work] requirement . . . be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

The invitation is there to abuse the system. The invitation for fraud is clear.

Congress is telling the Department of Homeland Security to accept pretty much anything as proof of work, and if they don't take it, they will be sued and they will win in court because the bill we have written says anything goes as valid proof of work.

Loophole 8: The bill benefits only those who broke the law, not those who followed it and got work visas to come to the United States. That is a plain fact. If you were here legally on or before April 5, 2001, you will not get the benefit of this amnesty. This amnesty benefits you only if you came here illegally.

Loophole 9: The essential worker permanent immigration program for nonagriculture low-skilled workers leaves no illegal alien out. It is not limited to people outside the United States who want to come here to work in the future but includes illegal aliens currently present in the United States who do not qualify for the amnesty program in title VI, including aliens here for less than 2 years. Under the bill language, you can qualify for this new program to work as a low-skilled permanent immigrant even if you are unlawfully present in the United States.

The bill specifically states:

> In determining the alien's admissibility as an H–2C . . .

The program is specifically intended to apply to absconders. There are 400,000 absconders out there now that we are trying to apprehend and trying to deport. They have been ordered deported yet they absconded; illegal aliens who were in removal proceedings and signed a voluntary departure agreement but never left, many of them did that, and illegal aliens already removed from the United States but who have come back.

Loophole No. 10: The annual numerical cap on this program is a completely artificial cap. If the 400,000 cap per year is reached, what happens then? The cap immediately adjusts itself to make more room under the cap. I kid you not. If the cap is reached, an additional 80,000 visas can be given out that year and the cap will go up automatically the next year as much as 20 percent. Even if the cap stays at 400,000 per year, we will have a minimum of 2.4 million low-skilled permanent—not part-time—immigrants in the first 6 years, the length of the H–2C visa if the individual did not file for a green card.

I see the Democratic leader. I have been going over some of the things in the bill that I think the American people and maybe our colleagues are not aware of. It is a breathtaking piece of legislation. It is something that jeopardizes our ability to be successful in the Senate in passing good legislation. The compromise will not deal with the problems I mentioned today. I am very disappointed.

I urge my colleagues, if you said you would not vote for amnesty, you should not vote for this compromise. If you voted against the Kennedy-Specter-McCain committee bill that came out today—and the vote was 60–39 against it—you should not vote for this bill. It is essentially the same thing.

Mr. REID. Mr. President, I so appreciate the courtesy of my friend from Alabama.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I appreciate your courtesy so very much.

Mr. President, the Democrats continue to fight for strong border enforcement and comprehensive immigration reform. This compromise is the second bipartisan plan we have supported, this Martinez amendment which is now before the Senate. We are happy to welcome Senator FRIST. He has been very cooperative in working to get this bill where it is now, to the Senate, at this time. It is a comprehensive, tough, smart approach that we have advocated all along.

Unfortunately, other Republicans seem intent on delaying and defeating this compromise. We are ready to move forward, but a group of Republican Senators want to slow this matter down, it appears. If not for them, this legislation could move forward. We would head into the recess with a bipartisan victory for the American people.

Although this compromise is not perfect, it still is the right comprehensive approach. It is ''enforcement plus,'' tough reforms to protect our border and crack down on employers who hire illegally plus it will bring the millions of undocumented immigrants out of the shadows.

The Republicans are divided, obviously, on this issue. We must protect this fragile compromise and those bent on gutting this bill with hostile amendments. We still must ensure that this comprehensive approach is not lost when the bill reaches conference with the House of Representatives.

Therefore, I have suggested to the distinguished majority leader that the conferees on this be the Judiciary Committee. There would still be the two-vote majority that we have on all conference committees. These men and women who make up the Judiciary Committee fully understand this legislation. I believe they would make sure the Senate's position was protected.

I have also said in addition to that we should have a limited number of amendments. I have made that proposal to the distinguished majority leader.

I believe it is a test of leadership for President Bush to see what he can do to help bring everyone into this program. We do not need this matter derailed.

I will meet with Senator FRIST at approximately 8:30 again tonight and see if there is something we can work out. Here he is. So I hope there is something we can do.

I have, as I indicated, suggested that the Judiciary Committee members be conferees and we have a limited number of amendments. It sounds fair. It sounds reasonable, to me. I hope President Bush, who has talked about immigration reform, would get involved and help us reach the finish line.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I said this earlier this morning: we find ourselves at an interesting moment. This morning we had a cloture vote which gave us the opportunity to start afresh. We started in a very positive way in that we had a strong bipartisan show of support for an amendment, the Martinez-Hagel amendment. That is a good alternative. That is what we will be voting on tomorrow morning.

We left that meeting with the understanding that we would be able to debate amendments and bring up amendments and discuss amendments to this issue of immigration given the fact that it is a complex issue. And I think this Senate has come to the real point where we agree it is going to take a comprehensive approach to address the illegal and undocumented people coming into this country across our borders. That is real progress over the last week.

However, the problem we have, we have not been given the opportunity to treat each of these colleagues in this room fairly, allowing them to come forward and offer their amendments and to have them debated, to improve, to modify, to probably win some and to lose some, but to help shape legislation as we did on other bills, including the transportation bill, highway bill, other large, complex bills in this Senate.

Over the course of the day it was my expectation as we set out this morning, we take a step forward in terms of debating an amendment and looking at the overall immigration bill and offering amendments on that immigration bill to improve it. Yet here we are, 10 hours later, and we have made absolutely no progress.

The amendments that were first offered on this bill were a week ago, Wednesday of last week, the Kyl amendment. To this day, we have not been able to have a vote on that Kyl amendment, the Dorgan amendment, or the Isakson amendment, all of which have been on the table and discussed, but we are not allowed to vote on them. It takes unanimous consent, all of us working together to do that.

The problem is, unless the Senate is able to work its will, we are not ever going to be able to finish a bill and all the good we want to do in addressing immigration will come to naught today or tomorrow and in the near future. That is the tragedy.

I still think we have an opportunity to reverse that. What I recommend, and I will talk to the Democratic leader shortly, is that we proceed and take up the Kyl amendment and that we debate it, and we already have had sufficient debate. We can vote on it and dispose of that and take that next amendment, the Dorgan amendment, and vote on that, dispose of that, and take up the Isakson amendment, and vote on that, and then develop some good will.

I think, again, most everyone in this Senate wants to move this bill forward, see where we are, and then continue through the evening and the night in order to consider other amendments. That would be the normal process and the process I would expect.

I will be talking to the Democratic leader and I hope we can make progress and do just that.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I am a little puzzled as to why the distinguished Democratic leader needed to come to the Senate at this time because, as he said, there is going to be a conversation between him and the majority leader in 15 minutes.

We all know where we are. We all know the obstacles we face. But we also know that people of good will need to sit down together and implement the bipartisan agreement made after a lot of labor and hard work.

All I can say is I am a little puzzled, but I still hope in 15 minutes the conversation between two individuals of good will would agree to move forward with a process. That is, obviously, the will of the majority of this Senate.

I am puzzled, but I hope the conversation that takes place in about 15 minutes between the two leaders would bear fruit and the details of what that agreement would be would, obviously, be between the two leaders.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, let me salute those on the floor who have been so instrumental in bringing us to this point.

I look over and see Senator MARTINEZ, who has worked very hard to find a bipartisan compromise which I now support. I thank him for that leadership.

I say the same of Senator MCCAIN and Senator GRAHAM and so many others who have gathered here today. They are people of good will who generally want to pass a bill, as I do. The same can be said for many on our side of the aisle who have spent an extraordinary amount of time trying to find this common ground.

But let's be very blunt about where we are at the moment. It is 8:15 on Thursday night. Tomorrow is the last day of the session before a 2-week recess.

Clearly, if we don't reach some agreement as to how we are going to deal with this bill when we return after the Easter recess, it really is a troubling situation. I hope it is not a situation that would jeopardize the bill. We are trying to come up with a reasonable number of amendments. Yesterday, we

calculated there were 228 amendments filed to the pending bill. It is physically impossible to deal with that number of amendments. We know that. As the whip on this side, I have faced 100 or more amendments and had to try to talk Members out of them. At this point, we are trying to reach a reasonable number.

We have been given a list of potential amendments on the Republican side. I will tell you that almost without exception, they are authored by Senators who have expressly stated on the floor they want to defeat this bill. So at some point, we have to acknowledge the obvious. Senators should have the opportunity, I suppose, to express themselves, but if the purpose of the amendments is just to drag this out once we return to the point where it never passes, we have done a great disservice.

It was not that long ago that we gathered on the floor of the third floor of this Capitol in the press room congratulating ourselves on what we had achieved on a bipartisan basis. Supposedly there was a bipartisan will to move forward. We need the same thing now. And we need to acknowledge that every Senator who wants to offer every amendment cannot be allowed to do so, if we are ever going to complete action on the bill. Both sides have to be reasonable in the amount of amendments that will be offered or nothing will happen.

The final point the Democratic leader, Senator REID, made, is equally important. We want the conference committee to be a working committee that understands the bill. The clearest way to achieve that is to have the Senate Judiciary Committee, with 10 Republicans and 8 Democrats, represent our interests, if the bill ever passes in the Senate. We think it is going to be an arduous process facing a House where the chairman of the House Judiciary Committee has passed a bill far different than the one we are considering in the Senate today. I don't think that is an unreasonable request by the Senator from Nevada. It reflects a two-vote plurality for the Republicans, as is usually the case, and brings the people to this conference committee who have worked on this bill the longest and the hardest. That is what we put on the table.

I sincerely hope that before we adjourn this evening we can announce an agreement to move forward. If we don't, I fear that tomorrow there will be a race for the airports without this resolved, and we will wait for 2 weeks in the hopes that when we return we will have the same spirit of bipartisan cooperation. We may and we may not. We shouldn't miss this chance, this historic opportunity to seize this moment and to pass comprehensive immigration reform which starts with enforcement of our borders, enforcement against employers who are misusing those who are undocumented, and a legal pathway so that those who have lived in the shadows and in fear for so long finally have a chance to prove themselves, in a long and difficult process, that they are in a position to be legal participants as part of our great democracy.

Tonight may be the test as to whether we can achieve that. I hope before we close down the session tonight, it is with the good news that we have reached a bipartisan agreement; otherwise, I am very concerned about the fate of this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Illinois. He has been involved in many, probably too many, conversations we have had on this issue and meetings and gatherings. It is very interesting. Everybody is expressing the same desire, yet we can't quite get there. That is hard to understand.

I would like to make one comment to my friend from Illinois about conferees. One, I am confident it will be a fair conference. Obviously, in my personal view, the Judiciary Committee will be the appropriate conference. But that is a privilege and a right and a responsibility of the majority leader. We know the way it works around here. The majority leader appoints conferees. The majority leader wants to resolve this. He doesn't want the legislation gutted or destroyed in conference. We have worked too hard to get where we are. We have to proceed, at least a little bit, in good faith, recognizing if at some point as we are moving along that confidence is not there, you can derail it at any time. You can start the procedure that we have been in for the last 9 or 10 days. That seems to me the right thing to do, and I hope the discussion between the two leaders in 10 minutes will yield us an agreement to move forward.

The Kyl-Cornyn amendment has been pending for 10 days. We have on your side Senator DORGAN who feels strongly about his amendment, and so does the Senator from Georgia, Mr. ISAKSON. Those are issues we could work through and then see the end of the tunnel. We all know what happens. I think we are down to something like 20 amendments on our side, and it would probably be less than that. But there are only so many major issues associated with this bill.

I thank the Senator from Illinois for his cooperation and his efforts to bring this process forward. I think any objective observer would argue that it is time we move forward with the process. As the Senator from Illinois said, it is almost too late.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. MCCONNELL. Mr. President, if I may echo the comments of the Senator from Arizona, had we followed a normal procedure in the Senate over the last week or 10 days, we would have probably had way more votes than Senators on this side of the aisle are requesting. A modest number of amendments, as Senator MCCAIN indicated, roughly 20 amendments, is an incredibly small number of amendments when you consider the magnitude of the bill that is before us and the length of time that it has been before us. We could have been to the end of the process if we had had the kind of procedure that is typically followed in this body. I am hoping that we can get to that point. I am optimistic that the meeting between the two leaders may produce an agreement to get started. We have a group of amendments that are the logical place to start. I hope before the evening is over, we will have an opportunity to lock those in and to move forward, as we do on every other piece of legislation that we handle in this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I have been involved, along with many other people, trying to work hard. And if this were an easy problem, we would have solved it many years ago. As a nation, in 1986, we offered amnesty under Ronald Reagan, and 3 million people have turned into 11 million people. We can argue rightfully about what is punishment, what is amnesty. But what we can't afford is to take broken borders and combine them with a broken Senate.

America needs something to work around here on immigration. The House has spoken. I don't agree with their conclusion, but at least they spoke. The President is speaking. The Senate is trying to speak. We have reached a bipartisan compromise that enjoys support on both sides but also enjoys fair criticism. If it begins to be the rule that you can't offer an amendment if you oppose a bill, that is probably not a good policy for our friends in the minority.

We want to be able to tell America why we differ with each other and in some constructive way vote on what our differences are. Three amendments on a bill this important is unfair to our colleagues who disagree with what we are trying to do. Some of them are trying to make the compromise better. I was in the Judiciary Committee. It has been a heck of a place to reside. If I had known going in what it was about, I don't know if I would have accepted the job. But I have thoroughly enjoyed it in this sense: We have taken very important issues, and we talked about them and we voted. We spent days on this bill. We had dozens of votes, Senator SESSIONS. Nobody said you couldn't vote. We worked through it, and we came out with a bill that some like and some don't. Now we are on the Senate floor.

Everybody who is not on Judiciary deserves at least a shot to have a say about this bill. As much as I like being on the Judiciary Committee, I don't

think we should take over the whole Senate. So what we are trying to do is give people on the committee and not on the committee a chance to revisit this legislation in some orderly process.

Here is what we propose. It really is about who to trust, and trust is pretty low around here. The country has lots of problems, but we have to be able to prove to each other we mean what we say. I hope I have proven this. I mean it when I say I am for a comprehensive bill. I have taken some votes that are not that popular at home. But I believe it is best for the country and the people of South Carolina to realistically solve this problem. Senator ISAKSON has a good amendment. Senator KYL and Senator CORNYN, there are a bunch of good amendments out there. Some of them I will vote against, but they deserve the right to be voted on.

What do we do in conference? Senator FRIST has been a very good leader this week. He has taken a majority of his conference in a way they really didn't want to go, but they are now understanding it is better to get something done than nothing. And to get to the end of the tunnel, we are going to have to trust each other a little bit.

Senator DURBIN has been terrific. You have been in every meeting I have been in, and I believe in your heart you believe it is good for the country to solve this problem. The only way we are going to get there from here is to have a little bit of faith. If at the end of the day this bill blows up, I don't expect you to accept that result, nor will I. But I am willing to give the process an opportunity to prove to each other that we can do what we said we can do.

I think we can deliver a bill with Republicans and Democrats that would honor the compromise we reached today, but we can't do it shutting out our colleagues. I know if we give this a shot, we will make it. But those who want to kill it, you need to be on notice. As long as I am in the Senate, we are going to be talking about this kind of problem. Every day we talk, people come across our border, and we don't know who they are. Some are doing good and some may not. We need to fix this problem.

To my colleague from Illinois, I know where your heart is, and I appreciate what you have done. But we need to move forward. America needs a better legal system when it comes to immigration. America needs secure borders. America needs to treat with dignity 11 million people who have committed a wrong but could be of great value to us in the future. But more than anything else, America needs a Senate that can work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I will be brief. Obviously, Senator SESSIONS is on the committee and had been speaking prior to this interlude with our leaders.

I have worked 5 years to get a piece of this bill, and I have a piece of the bill that is currently before us. At the same time, I have voted consistently to allow my colleagues who disagree to have a vote on their issues. Senator SESSIONS and I rarely disagree on issues. On this we disagree.

He is very artful in casting certain provisions of it one way. I could argue it the opposite way. I suspect my arguments would sound nearly as logical as his. But what is important here is the final shaping of a very important piece of legislation.

Controlling our borders is an absolute must that we have denied ourselves for now two decades. Everybody talks about the 1986 act. It didn't work. No, it didn't work. It didn't work because we didn't realize, at least some didn't, that we were sending a signal out that if you could get here and wait your time, some day you might become legal. You might become a citizen. We didn't realize that we put a megaphone to the world and said: Come one, come all.

We also had an economy and job-creating environment in which there were jobs to be had. We didn't control the border. Again in 1996, a decade later, we attempted to tackle it again. Numbers had grown. We didn't control the border.

In 1999, I began to work on the agricultural issue. I worked a compromise over a period of 5 years now with a lot of different people. But in the heart of what I have done is a very important key: it is controlling the border. No matter how we write this legislation, if you cannot define the number and control the number, it is for naught. That is an absolute fact.

It isn't by accident that the first few titles of the committee bill are all about border control. I wish we would move much faster on border control. I wish nationally we could move tomorrow because what we have offered will take a few years to implement.

We have to train more Border Patrol men, 1,500 a year, and go on and on with beds of detention and all that. That is important and part of the control. We have to find the resources to do it. So all of that has to fit together.

At the same time, Americans are phenomenally frustrated about what we are doing and where we are. They know why we need to do something, and they know our borders ought to be controlled. Well, I am going to stand here and defend the right of my colleagues to offer amendments. I would like to think that on the issues I am passionate about, my arguments are more persuasive to a majority and I can defeat any amendment that might be proposed to change certain provisions. I don't know, but I am willing to take that risk because I have to guarantee this process.

The attitude of shut out and deny has never worked in this Senate. We always shape it a little bit, but we never deny it. Yet for a week now it has been denied and it will not stand or the bill will fall. That would be wrong for the American people not only to see but to understand because in it are the ingredients to solve a problem, if we have the heart and the will to implement it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I agree with much of what Senator CRAIG said—particularly about the ineffectiveness at the border. Let's be real frank and honest about the bill we have today. The reason we are in trouble today, the reason we are not going to be able to pass this legislation is that the bill is a failure. It is a colossal failure. It is a dead horse. It has been lying out in the sun, and people have been having to look at it, and they are now able to smell it. A few amendments and a compromise is not going to revive this. It doesn't do what we want it to do. It has a huge surge in immigration.

The compromise is 95 percent of what was in the bill we just rejected this morning by a 60-vote margin—95 percent of it. And the others were supposed to make some big difference, but part of the changes in the bill increase the number of people who would come into the country, and there is not any restraint on the legislation. So the underlying bill that came out of committee was bad from the beginning.

Let me tell you what happened. We debated the bill. We spent 5 days in markup, and 4 of those days basically were on border control issues. We debated individual words. Then, all of a sudden, on the last day, when the majority leader said we had to have the bill out, about noon we got around to the amnesty for the 11 million people and what we were going to do about future immigration policies. And without any amendments—maybe no more than one or two—they were adopted in toto, without any real discussion, no expert testimony, no full understanding of the comprehensiveness of it. We just rushed it through. We passed this bill last Monday at about 6 or 7 o'clock at night. It hit the floor on Tuesday or Wednesday. The bill was not even printed until Wednesday night. We were devoting Wednesday all day to the bill, and it had not even been printed.

I ask my colleagues this: Should you not know how much the bill costs? Is anybody here prepared to stand up and say what this bill would cost, the compromise bill, if we pass it? How much will it cost? Does anybody know?

I made inquiry today and got back a letter from CBO that said it is clearly in violation of the Budget Act. Now, they said that was just a part of the cost; it was much more than that. They were still trying to run the numbers.

So within minutes, I got this e-mail from the Congressional Budget Office. It has a score on it. It says that CBO and Joint Tax estimate that direct spending outlays under this bill would total about $8 billion for the first 5

years. That is clearly in violation of the Budget Act.

What about revenues? Joint Tax and CBO—our two agencies we depend on to tell us what the cost and impact of the legislation will be—estimate that the legislation would result in an on-budget revenue loss of $5 billion from 2007 to 2011 and $2 billion over the 2007-to-2016 period, largely because of lower tax payments by businesses.

Here is discretionary spending. Assuming the appropriation of a necessary sum, CBO estimates that outlays for those purposes would total at least $16 billion from 2007 to 2011 and more than $30 billion over 2007 to 2016. And they are in a governmental mandate. The bill would impose mandates on State and local governments with costs that would exceed the threshold established by the Unfunded Mandates Act and at least 1 of the first 5 years after they take effect, totaling $29 billion over 5 years.

Well, why am I saying that? First of all, that is a lot of money. We have Social Security in trouble, Medicaid in trouble, and we are going to add $29 billion more to our costs?

What is really troubling is that it is symptomatic of the lack of thought and serious evaluation that went into writing this bill to begin with. It is not a good piece of legislation. It has good intentions. It desires to do the right thing. Unfortunately, as I have studied it, having been on the Judiciary Committee, I have come to believe it cannot be amended. And we are going to have three amendments that are going to somehow fix this bill? It fundamentally needs to be reviewed. I really think so.

I will repeat that I am optimistic about our ability to make this work. I am optimistic that, with just a commitment of will and some resources, we can create secure borders and increase the number of people who come into our country legally. We can deal humanely and fairly with the 11 million to 12 million—or maybe even 20 million—illegals who are here. We don't have to give them every single benefit we give to those who follow the law, but we can allow most to stay and work and live here, if that is what they have been doing and if that is possible. We can work out all those things. We can deal with those issues in an effective way. But this legislation doesn't do it, and it is too late to fix it.

We need to have some real hearings, get the best minds in America to tell us about this problem, and work out legislation that is not amnesty, that doesn't cost $27 billion, that creates a lawful system on our borders so people can enter and exit easily with biometric identifiers if they are lawful and those who try to come in unlawfully get apprehended. That can be done. This bill doesn't do it. The compromise legislation doesn't do it. It needs to be voted down.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, we have been in a stalemate over the issue of amendments for several days now on what is an issue which, as the Senator from Alabama so eloquently said, is very important to all Americans. It is a very important issue to those who support the bill and to those who might oppose the bill. It is an issue where the lives of many people in America are hanging on its outcome.

The President has spoken in the last 24 hours about the need for the Senate, with a seriousness of purpose, to move forward to try to arrive at a reasonable resolution of this issue. The fact is that, as we have over now several days endured, I am not so familiar with every nuance of Senate procedure so as to fully understand all that might be and could be done. But there is also a benefit to that, which is that I am so accustomed to what the rest of America thinks and hears and, frankly, have a view that I think is also fresh, which is to say: How do you explain to anyone in America that on something as fundamentally important as the immigration laws of this country, on a system that admittedly, while we cannot agree on much, we have to agree is a broken system, that today is not working, not serving America's need for security of the border, that is not serving America's need to know who these 12 million people are and why they are here, that today is a system that compounds and permits illegal behavior by those who cross the border illegally and those who employ them and benefit by their labor.

There is a tacit understanding that we have an illegal system and we are fine with that. In the midst of that need and in the midst of this overwhelming problem we have in our country, the Senate has a responsibility to do something about it.

So how do we explain to the people of America that 100 Senators, led by their leaders, have been hung up over the fact that they cannot agree on how many amendments they are going to have to this bill? It is that simple. We just cannot agree on the number of amendments that will be considered on the bill. Some would say it is too fragile a compromise. If it is too fragile to not have the sufficient votes to defeat amendments to the bill, why, then, it would not pass anyway. That is an indication of a lack of purpose.

Some would say: It is too broken down and cannot be fixed. Let's give it a try. I have never heard of a bill which I participated in in my short career in the Senate that came to the floor and there was not an up-or-down vote—well, sometimes they are done by unanimous consent. But on monumental, controversial legislation such as this, there are always going to be amendments. And I think about how am I going to explain to the people who are looking to me for leadership, telling me to get something done on this problem—and on both sides, people are demanding that the border be secure, and other people are asking that their status be resolved so they can move on to have a piece of the American dream—and say to both of them that the Senate has failed you and did not act; we could not act for the simple reason that we could not agree on the number of amendments. We agreed on the underlying idea—a majority of Senators, I believe, or perhaps a significant majority agreed on how we might perhaps make a contribution toward solving this problem with what now has been reached as a compromise. And we announced it with great fanfare. Then we get to the issue of how many amendments.

The bottom line is that this issue is too important—too many people are depending on it and the security of our Nation depends upon it—for us to fail this test of leadership. If we fail to act on this bill, as I seriously fear we will because of the reason that some would prefer to have the politics of this issue over the policy we could create by acting upon this issue, whatever the will of the Senate may be on it, we will have seriously failed the American people and failed the test of leadership. The President has encouraged us, told us, urged us to move forward and to act on this very important issue. We simply are dilly-dallying and failing to act on something that is fundamentally important to the people of this country.

So I say that if this issue fails to be acted upon, there will be people looking for places to hide and fingers to point as to who is to blame. I would blame all 100 of us for not getting it done. Those who agree with it can vote for it, and those who disagree with it can vote against. Those who have legitimate amendments should be able to offer them and be able to have a vote on them up or down.

Obviously, we have to limit the number of amendments. So we are back to the decision of how many amendments. You would think that grown people could decide how many amendments to have on a bill of this significance and of this importance to the Nation. If we don't agree on the question of how many amendments, I look forward to hearing suggestions on how we explain to the American people why we failed to act.

Ms. LANDRIEU. Mr. President, I would like to speak to an amendment designed to clarify existing immigration law and ease the burden on families sent abroad in service to the United States.

Under the Immigration and Nationality Act, there is normally a 3-year residence requirement for spouses of U.S. citizens to be naturalized. Section 319 (B)(3) waives that requirement for applicants whose citizen spouses are ordered abroad by our Government to keep families intact while certain members do their duty to our country, wherever in the world that may require them to go. The same law rightly places value on cohabitation between

spouses in requiring that applicants spend no more than 45 days away from their citizen spouse. The waiver provided under existing law is clearly intended to prevent our Government from splitting up families whose members are in the service of this country for the mere purpose of satisfying shortsighted antifamily regulations. Yet that is exactly what has occurred as a result of the Bureau of Citizenship and Immigration Services' overly narrow interpretation of this law.

I wish to briefly tell you a story about two constituents of mine, a husband and wife from New Orleans, who were subjected to this particular fate. Brett Schexnider has served as an Active-Duty officer in the Armed Forces for more than 20 years, and holds the rank of commander in the U.S. Navy. Commander Schexnider married his wife Gisele in March of 1999. When the Navy ordered Commander Schexnider to leave New Orleans for a foreign post over 2 years later, Gisele, who is originally from France, understandingly and dutifully accompanied her husband on his tour of duty. After 14 months, the Navy sent Commander Schexnider back home, and his wife returned with him. Four months later, she applied for naturalization. Her application was denied as a result of her having joined her husband abroad, which caused a break in the 3 years of continuous residence normally required. Relying neither on explicit regulation nor statute, USCIS determined that she was no longer entitled to a waiver of the 3-year requirement because her husband had returned to the United States by the time she filed her application. After 6 years of marriage, Gisele was told that she would have to wait another 3 years before her application could be approved. I submit to my colleagues that this unwritten policy and absurd determination is not only bureaucratically senseless but also a shameful offense to the institution of marriage.

Again, this amendment does not seek to do anything more than clarify existing law so that it may achieve its original purpose. The provision in Federal regulations requiring that duty abroad last at least 1 year would remain intact, as would the requirement that an applicant be present in the United States at the time of naturalization. My amendment would simply prevent applicants from failing residence requirements if they choose to follow their spouse to a Government-ordered post.

Our military families and the families of this Nation's public servants who are sent abroad do not deserve to be punished for their service. The laws of this Government and the agencies that execute them must not be allowed to separate families whose members stand up to answer the call of duty, and I would hope that all my colleagues could join me in protecting our Nation's families from this disgraceful practice.

I ask unanimous consent that the text of the Amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

At the appropriate place, insert the following:

SEC. _____. RESIDENCY REQUIREMENTS FOR CERTAIN ALIEN SPOUSES.

Notwithstanding any other provision of law, for purposes of determining eligibility for naturalization under section 319 of the Immigration and Nationality Act with respect to an alien spouse who is married to a citizen spouse who was stationed abroad on orders from the United States Government for a period of not less than 1 year and reassigned to the United States thereafter, the following rules shall apply:

(1) The citizen spouse shall be treated as regularly scheduled abroad without regard to whether the citizen spouse is reassigned to duty in the United States.

(2) Any period of time during which the alien spouse is living abroad with his or her citizen spouse shall be treated as residency within the United States for purposes of meeting the residency requirements under section 319 of the Immigration and Nationality Act, even if the citizen spouse is reassigned to duty in the United States at the time the alien spouse files an application for naturalization.

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 dispensed with.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, we are about to close in a few moments. We have some business to do. But I want to comment briefly on the events of today with respect to what I think is tragic in the sense that we are, in all likelihood, not going to be able to address a problem that directly affects the American people.

What the Senate does best is to identify a problem, to develop and take a solution through committee, and then bring that product to the floor of this body and allow 100 Senators—the body itself—to modify, to take away, or to add to that product and produce a bill. And it becomes especially important when you are addressing very complicated issues, tough issues, tough challenges that you produce a product that reflects the intent and the will of this entire body, the Senate.

In this particular case, when we are discussing immigration, the problem has been clearly identified. Our borders are broken. Our immigration system does not work, Our laws that are on the books are not being enforced.

Again and again, we have heard over the last 2 weeks that we are a nation of laws, a proud nation, a rich nation because of our immigrants and our history of immigrants. But with those laws not enforced, our workplace is not protected, and with employers not having the tools available to enforce those laws, with too many people living in the shadows, we have a set of problems that have to be addressed.

This body has moved in the direction of addressing that in a comprehensive way. We developed a product in the committee, we took that product to the floor, but when we came to the point where the minority, using their rights, which I would argue is abusing those privileges, caused the system of deliberation and amendment to fail, that resulted in postponement, it resulted in blocking amendments, not having votes, obstruction.

They did not allow amendments to be offered—the substantive amendments, the really important amendments—or to be voted on.

Everybody watching this debate over the last week and a half asked—we all have that telephone call or that question in town meetings: How in the world could the Senate possibly operate that way? How can a handful of Senators or a minority of Senators—fewer than 50 in this body—actually stop progress on an important bill?

The American people are baffled by it, and appropriately so. The answer lies in that the rules of the Senate allow them to do that, and if those rules are used in that manner, then things can be stopped, postponed, and blocked.

People call it tyranny of a minority. Is that an overstatement? Not really, because the tyranny means that you have something bad happening, and the strength is of the minority, and that has actually taken place. We have seen it play out over the course of the last 12 hours, almost exactly 12 hours after a vote today to oppose a bill that gives illegal immigrants, undocumented people, a direct special path to citizenship. Many thought it would be a new day and, indeed, shortly thereafter, a large number, a bipartisan group of people, rallied in support of proceeding to an amendment put forth by Senators HAGEL and MARTINEZ, broadly supported with a number of cosponsors on both sides of the aisle.

That amendment, coupled with the work that the committee had done to date, that the Senate had done, did everything pretty much in terms of tightening the borders, worksite enforcement, looking at 12 million undocumented, illegal immigrants here and saying it is not a monolithic group and has to be addressed in a certain way and developing a temporary worker program.

However, at that point, the minority, having said the amendments could be

offered, reversed course, and over the course of today we have not had any amendments offered. We have had them offered—in fact, 396 amendments are at the desk—but we are not allowed to take any of those amendments out and debate and vote on them. And we did not do any amendments today. We all know a lot of people say they will file amendments, and they do not ultimately even want to debate them, but 396 amendments reflect a lot of Members with interest, on both sides of the aisle, with an interest in modifying or attempting to modify or discussing how they might modify the underlying bill.

I have been consistent in my remarks over the last several days, actually at the end of last week, as well, that it is important we begin debate and we begin that amendment process and get votes on some of those amendments. People say, well, you had three votes. There are 396 amendments, and we did have three votes. They were fairly noncontroversial. The problem is that we have a lot more substantial amendments.

The amendment that we talked about earlier tonight, the Kyl amendment, was offered Wednesday of last week; and another amendment, the Dorgan amendment, was offered last week; and the Isakson amendment was offered last week. These are amendments we have not been allowed to vote on.

Earlier tonight, a couple of hours ago, when the Democratic leader and I were both on the floor, I suggested we go ahead and take up the Kyl amendment. Even if we could not come to all the agreements about what will happen weeks or months from now, let's go ahead and take up an amendment and maybe we could capture the good will of the Senate, show progress, and after that take up the Dorgan amendment and the Isakson amendment, and hopefully at some point—maybe it even could have been now—we could see how we could proceed with other amendments.

That proposal was refused and, thus, we are here now a couple of hours later. A lot of other proposals have gone back and forth, and without talking too much about what the Democratic leader and I have talked about, we have tried to put together packages or groups of amendments that might be considered. I have been quite open. We would like to see about 20 amendments, out of 396, about 20 be considered at some point in the future, in a package, and ultimately have passage of the bill after those amendments. How they fall is important, but voting is important. And however they fall, if we can vote on the underlying bill, I think it would pass. But the response to that, again, was ''no.''

I mention that because we have seen this flow over the course of the day, a lot of optimism earlier today, but now, since we have had no amendments over the course of today, I don't see how cloture can be invoked tomorrow morning. We will have to wait and see how the votes go, but I would think all of the people who have been denied the opportunity to offer their amendments are not going to want to proceed where, in a process, they are being shut out, totally shut out. But we have to wait and see how that vote goes tomorrow morning.

Now, where do we go from here? I always say that tomorrow is a new day, and we do not know what exactly will happen tomorrow morning. I do see little progress on this bill possible tomorrow because of the obstruction that we have run up against.

What is disheartening to me is that we do have a huge problem along our borders today. As I have said many times before, when I was last at the Rio Grande border, 400 people were caught that night. That means 400 people will probably be caught tonight in that one little sector. But in addition to those 400 people being gone, there are probably about 800 or 1,200 people who are going to get through that border tonight—just that little sector tonight—and tomorrow night and the next night and the next night because we did not act and because we are not acting and not moving forward. I think that is a disservice to the people living along those borders. It is a disservice to the people who are going in those hospitals along the borders in the border States, who have to wait hours, sometimes several hours, maybe even a whole day, because these waiting rooms are crowded with people who have come illegally across the border over the preceding days.

But we will have to see how the vote goes tomorrow morning. If cloture is not invoked—and I don't see how it can be, the way the process has proceeded—we will have a cloture vote on a strong border security bill, a bill that does deserve to be passed. If we cannot pass the comprehensive bill, because of obstruction, we will have the opportunity after that to vote on a strong border security bill that also has interior enforcement and worksite enforcement tomorrow morning as well.

I do hope we can turn the corner here at some point and address these problems which do affect the American people. We have to stay above partisanship. We have to work together and be able to debate in a civil way. I stressed that initially when we began the debate, saying we have to be civil and dignified, but then I found that we were not even really able to debate because we have not been allowed to vote on these amendments.

Mr. President, does the Democratic leader want to have any comment? If not, I will proceed on with business. I do not want to cut off anything.

Mr. REID. Mr. President, I will say a few words. I wasn't planning on saying anything, but I think I must say something.

Mr. President, no matter how many times I call this lectern a car, it does not matter, this is not a car. This is a lectern, used here in the Senate for us to put our papers on and deliver a speech. This is not a car. If I come to the Senate floor and, day after day, hour after hour, call this a car, it is not a car. It is a lectern.

If I come to this Senate floor day after day and say what the Democrats have done is unusual, unwarranted, unbelievable, it is wrong, it is as wrong as this lecturn being called a car.

Now, we are in a unique situation. The distinguished majority leader and I have really tried to work something out. I indicated that I thought it would be appropriate that we agree on who would be on the conference—the Judiciary Committee. It sounds reasonable.

I also thought we should have—not that I was rushing forward with this, but I would agree, on behalf of my caucus, to a reasonable number of amendments. Mr. President, 20 or so is not a reasonable number of amendments. That is filibuster by amendment. It appears here what they want is to filibuster. They, the Republicans, want to filibuster the Martinez bill.

So I do not know how much more reasonable we could be. We are united. We have produced votes this morning to show we are serious about legislation. We will continue to fight for strong border enforcement, comprehensive immigration reform.

What we have suggested is reasonable. It is fair. And the distinguished majority leader said we will see how the vote goes. I think that is really important, that we see how these votes go. I would hope that the night will bring the confidence that we can move forward and invoke cloture on the Martinez bill and finish this legislation. There are still votes that would be valid postcloture on that.

I also make this commitment: If cloture is not invoked—and I think that would be a terrible disservice to this country—I will continue to work on immigration reform. This is something that has to be done. It has to be done. The leader and I have gone back and forth so many times today that we are beating paths to our offices.

I hope this legislation will move forward tomorrow. I know people feel that this lecturn is a chair, but it is not. This is the Senate. This is how it works. The way to bring all this to a close is to invoke cloture. And then we can all walk out and declare victory for the American people. This isn't a question of who filed a cloture motion or who allowed amendments or didn't allow amendments. This is the Senate. That is how it has worked for almost 220 years.

I hope the night will bring what I think is common sense and we can resolve this matter. It would sure be something I would like very much.

Mr. FRIST. Mr. President, I want to, one more time, make it clear that we have tried to move to take up the Kyl amendment tonight, but the other side refused that opportunity, and the Dorgan amendment and the Isakson

amendment, to proceed with debate. The Democratic leader and I have had the discussion. I want to make it clear that not supporting cloture tomorrow is the only way we can support our right to be able to offer amendments and to debate them. It is important for everybody to understand that because it comes on the heels of broad support for the underlying amendment.

Mr. REID. If I could ask a question—pardon the interruption—that would be in addition to at least 17 other amendments at some time in the future; is that right?

Mr. FRIST. Mr. President, the intent is to start down the path of amendments and allow the debate and then to allow the votes. We have stopped short because I have said that our side, since 396 amendments have been offered, needs about 20 amendments—and this doesn't have to be right now; this could be at some point in the future—that we could put into a package and then debate the bill. With that, we have not been able to reach agreement. That is where we are. But this willingness to debate and vote, I want to make it crystal clear we have attempted again to do that. I keep mentioning it because with cloture in all likelihood not being invoked tomorrow, it is solely because we have not been given that opportunity to offer amendments to improve the bill. Some of them would win; some would lose.

Mr. DURBIN. Will the majority leader yield for a question?

Mr. FRIST. I am happy to.

Mr. DURBIN. If we fail to invoke cloture tomorrow, is the majority leader saying we then cannot amend the Martinez substitute that is before us?

Mr. FRIST. I believe that following the cloture, if cloture is not invoked on the Martinez amendment tomorrow, we will follow that immediately with a cloture vote on the bill itself, the border security bill.

Mr. DURBIN. If I might ask the majority leader, if I understand it, it is a cloture vote on the motion to commit which would make the Martinez substitute the bill before us. If that cloture vote prevails, there is ample opportunity then to amend that substitute that is before us. Why does the majority leader argue that Republicans would withhold their votes and stop the process? The process can still go forward. Amendments can still be offered at that point. We have not filed cloture on the underlying substitute. It is only on the motion to commit.

Mr. FRIST. Mr. President, the problem with tomorrow is, we will be in the exact same situation. If cloture is not invoked, we will have one amendment up. We will be exactly where we are now, with your ability to do what you have done, what the Democratic side has done, for the last week and a half, and that is not to allow amendments to come forward and continue to block and obstruct. That is the problem, that we can't come to an agreement on a package. And we have tried to bring it up with a group of amendments, say 20 amendments. We have tried to say let's take one amendment at a time. And the problem is that process is being thwarted, whatever technique we try.

I will not support cloture tomorrow and I don't think our side of the aisle will support cloture tomorrow because it denies our Members the right to offer their amendments and debate them.

Mr. REID. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. REID. If cloture is invoked tomorrow, there would still be an opportunity to offer amendments postcloture, germane amendments?

The PRESIDING OFFICER. If a slot were available on the amendment tree, they could be offered. Currently, there are no slots. The tree is full.

Mr. REID. Mr. President, I ask the distinguished Chair, those slots were not filled by the minority, were they?

I think the point is made.

The PRESIDING OFFICER. On the motion to commit, the amendments were offered by the majority leader.

Mr. REID. I have no further questions.

Mr. FRIST. Mr. President, the leader is aware that one amendment could be pending during that entire 30 hours. The minority could deny Members the right for votes on their germane amendments.

I guess I would ask, would the minority leader agree to allow amendments be given 30 minutes of debate, equally divided, so we can be assured that we can debate and vote on that and other important amendments?

Mr. REID. Is that postcloture?

Mr. FRIST. Yes.

Mr. REID. I would be happy to consider that. I think we would have to see what amendments were offered. But I think something such as that is within reason. I am happy to see what we can do. I cannot say until I know what the amendments are, which ones are germane or not.

My point is that there is a way we can have amendments offered postcloture. All we have to do is have cloture invoked tomorrow.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to votes in relation to the following amendments: The Kyl amendment, the Dorgan amendment, and the Isakson amendment.

I further ask that before each vote there be 30 minutes of debate equally divided in the usual form.

Before the Chair rules, I note that two Republican amendments in this agreement have been pending for over a week.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, of course, Mr. President, until we have an agreement, as has been indicated, on what is going to happen postcloture, and we have talked about this, and a conference—these things sound very procedural in nature, but they are important to what this body does. So I object.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I rise today to urge my colleagues to support a bill which I will introduce, entitled, ''Reverse the Raid on Student Aid Act of 2006.''

Forty years ago, our country made a promise to the young men and women to make college more affordable for those who have the determination to pursue higher education regardless of their financial background. This promise was made through the enactment of the Higher Education Act of 1965.

Even before the enactment of that legislation, the National Defense Education Act in the 1950s marked the first time that Congress made a Federal commitment to help young people complete their education.

Most people do not remember the circumstances. We started giving student loans across America because we were afraid. Our fear was based on the fact that the Russians in the 1950s launched a satellite known as Sputnik. We knew they had nuclear capacity and now they were launching a satellite in the heavens. It frightened us.

In the midst of the world war, we did not know if we had a new vulnerability, but we knew where to start in America. We started in the classroom. We decided we needed a new generation of Americans with a college education—specialists, scientists, engineers—people who could prepare America to defend itself and to be competitive in years to come. And we also realized that college education in the 1950s and 1960s was not what it is today. It was really the province of the lucky few, those who were the Senators and daughters of alumni across America and those fortunate enough to be discovered and given a chance to go on to higher education.

We changed everything in the 1960s. We democratized college education in America. College education became an opportunity for many in families that had never produced a college graduate. How did these kids get to school and finish? The National Defense Education Act said: We will loan you the money.

I know a little bit about this story because I was one of those students. After graduating from high school, I borrowed money from the National Defense Education Act and went on to complete a college degree and a law degree. I never could have done it without borrowing that money. The terms now seem so simple and so easy. I was supposed to pay that money back over the next 10 years, after 1 year of grace period, but for the next 10 years after graduation, 10 percent a year at the outrageous interest rate of 3 percent. Of course, I did pay it back and look

back now as I reflect on it and realize what a great loan it was and what a great investor it was. I was one of millions who benefited.

The good news is that the number of students who enroll in higher education across America has nearly doubled over the past 35 years: 8.5 million college students in 1970 to approximately 16 million by 2005. There is some bad news to this story. Despite the importance of college education in the 21st century, many millions of young adults never make it to college.

Never has higher education been more important than it is today. Over the course of a lifetime, a college graduate will earn over $1 million more than someone without a college degree. Today, six out of every ten jobs in America require some postsecondary education or training.

In addition to the individual benefits of a college education, we know that investing and producing more college-educated Americans is vital to our Nation's future. Economists estimate that the increase in the education level of the U.S. labor force between 1915 and 1999 resulted directly in at least a 23-percent overall growth in U.S. productivity.

If you are a student of history, you come to realize how critical education is to where we are today. Why was the 20th century, from 1900 to 1999, the American century? What was it that made America different? Why did we excel when other nations stalled? I think you look back to education there as well.

Between 1890 and 1912, during that 22-year period of time, we built, on average, one new high school in America every single day. All across America, communities decided that high school education was now something worth the investment. Was it a Federal mandate? No. It was the decision of local communities that kids would not quit at the eighth grade. High school—once again, a province of the wealthy and the privileged—became customary and public and universal in America.

So with this rush of new high school graduates coming to lead America, in so many different fields—business and education and other places—the 20th century became the American century. We moved from the Model T from Ford Motor Company to launching our own rockets at Cape Canaveral. We moved forward, with the understanding that education was the key.

Recently, many reports have sounded the alarm that we may be losing our education. The world's technology is moving faster than our education. Countries such as China and India are showing dramatic progress when it comes to technology and innovation. To keep America at the economic forefront of the 21st century, we have to realize we need to continue to value education. We need to invest in it. We need to make certain that Americans are in the forefront, leading the world when it comes to educational standards. We also have to understand that many of these young college students, tomorrow's leaders, will not have a chance unless we give them a helping hand, the same kind of helping hand that this college student had many years ago.

The cost of college education is far beyond the reach of many American students, not just those from poor families but those who come from middle-income households and farm families and families of recent immigrants to our country. According to the College Board, in current dollars, the total cost for tuition fees and room and board at a 4-year public university has increased by 44 percent over the last 5 years. Federal financial assistance is not keeping pace. Twenty years ago, the maximum Pell grant for low-income and working-class families covered about 55 percent of the costs of attending a 4-year public college. Today, the maximum Pell grant of $4,050 covers about 33 percent of the cost.

More and more students find that grant is not enough. According to the U.S. Department of Education, the average student debt of $17 thousand has increased by more than 50 percent over the last decade. We know the stories, stories of students who finally get the diploma, proudly walk down the steps, pose for photographs with their parents, and then try to figure out how in the world are they going to pay back that student loan. That student loan is going to guide them in their lifetime decisions. I have met so many who said: I took this job because it paid a little more. It was not the job I wanted, it was not the thing I wanted to do, but I have to pay off a student loan. So these students, burdened with more debt, find their life choices limited and restricted.

Smart, hard-working kids deserve a chance to go as far as their talent will take them in America.

Students who are qualified to go to college, students who have the desire to go to college, students who can make valuable economic, intellectual, and cultural contributions to America by pursuing higher education should not be kept away from school because they don't have the money. These students are our future.

Let me tell you why I come to the floor and make a speech, which virtually everyone would agree with, and why I am introducing a bill today. Earlier this year, we decided to change the law when it came to college student loans. Earlier this year, the Republican leadership in Congress missed an opportunity to make an important investment in our Nation's future. A bill known as the deficit reduction bill, pushed through Congress by the Republican leadership and signed by President Bush, made $12 billion in cuts in student aid, the single largest cut in financial aid programs in history.

Democrats, on the other hand, proposed reinvesting in student benefits the savings from reducing excessive bank subsidies. We were turned aside. Our approach was rejected. Unfortunately, the Republican majority missed an opportunity to prevent higher student loan interest rates from getting out of hand and going into effect. So as of July 1 of this year, regardless of how low interest rates may be, student loan interest rates will be fixed at 6.8 percent for student borrowers and 8.5 percent for parents who borrow for their child's education. Students will no longer be able to take advantage when interest rates go down by consolidating their loans. Currently, those loan rates are about 5.3 percent for student borrowers, 6.1 for parents.

In addition, students are prohibited from consolidating loans that they might have from various sources and various schools in an effort to lower their interest rates. If we want to move ahead in the global economy, we can't succeed by saddling our newest workers with more debt. That is exactly what this bill does. Anyone who owns a home and a mortgage knows that there comes a time when you get the news that interest rates are going down, that you might consider renegotiating your mortgage and then your monthly payment will go down. You can pay off more on principle and maybe retire your mortgage sooner. It is something we do all the time, whether we are refinancing a car or a home or something else for which we borrowed.

But along come the financial institutions and special interest groups and say: There is one group in America that we will not allow to consolidate their loans and at a lower interest rate. Which group did we pick? The most vulnerable—college students. And do you know why? They are not very good lobbyists. These kids spend too darned much time on their books, and they don't buy the good lobbyists in Washington. I just don't know what is wrong with this generation that they haven't hired the fancy lobbyists, who roam our hallways with considerable retainers, to represent them. Maybe they just assumed some of the Members of the Senate might be sympathetic to college students.

Well, they were wrong. When it came to a choice between more money for the financial institutions that finance the student loans or standing up for the students to keep interest rates down, guess who won. The special interests won; the financial institutions won. The college students lost. As a consequence, they are burdened with more debt. Isn't it great that this Government, which generates so much debt every single day to be heaped on the shoulders of future generations in terms of our national debt, now decided to increase the personal debt of that same generation when it comes to college student loans?

Large educational debt changes the future for many of these students. Career plans change. Lifestyles change. Home and auto purchases are put on hold. Family plans have to be delayed to accommodate debt payments.

Let me tell you two real-life stories that illustrate the effects of these large student loan debts.

Margo Alpert is a 29-year-old Chicago public interest lawyer who is on a 30-year repayment plan, 30 years to repay her student loan. She will be in her mid 50s and thinking about her retirement by the time she has finally paid off her student loan.

Carrie Gevirtz, a 28-year-old social worker who earned her master's degree in social work last year from the University of Chicago, babysits and teaches kickboxing to supplement her $33,000 yearly income so she can pay off her $55,000 student loan. She is a social worker, for goodness' sakes. Here she is taking part-time jobs to pay off this mountain of debt which Congress, thank you, has just increased the cost of.

College graduates such as Margo and Carrie are forced to make lifestyle decisions based on their debt. But there are other lifestyle decisions that are being made as well. Are you familiar with an operation known as Sallie Mae? Sallie Mae was a quasi-governmental agency which went private about 10 years ago. Sallie Mae is a financial institution, one of the largest when it comes to financing student debt. Check it out. Google Sallie Mae. You will find one of the most profitable corporations in America. They loan money to students, and they are making a fortune.

Let me give an illustration of how good life is at Sallie Mae, the institution that is providing student loans for students across America. Sallie Mae's chairman, Albert Lord, racked in $40 million a year to oversee the student loan business and took some of the money that he made and decided to buy over 200 acres in nearby Maryland, right outside of Washington. People in the area were nervous, wondering what Mr. Lord, the chairman of Sallie Mae, was going to do with over 200 acres. They were afraid he was going to build a subdivision.

He calmed their fears: Don't worry. I am going to be building my personal, private golf course. It is just for me. So don't worry, there will be a lot of people here.

The chairman of Sallie Mae, this operation that is financing students loans, is doing pretty well, don't you think? Obviously, he is not sweating out paying back his student loan. He is worried about whether he is going to be golfing and breaking par on the next hole.

Young adults are forced to hold off on life plans such as starting a family and a home and car purchases in order to accommodate their loan payments, while Sallie Mae vice presidents, just below Mr. Lord, are making an average of $350,000 to $400,000 a year. Young people like Margo and Carrie should not face such high penalties because they had the desire and determination to pursue higher education.

High school graduates who qualify for college should not be turned away because they can't afford the cost. That is why I am introducing the Reverse the Raid on Student Aid Act of 2006. This bill would cut student loan interest rates to 3.4 percent for student borrowers, 4.25 percent for parent borrowers. Students would be allowed to consolidate loans while in school in order to lock in lower interest rates. The bill would repeal the single holder rule and allow students who want to consolidate their loans to shop around for the best deals rather than being locked in with their current lender. This is a luxury everybody enjoys. Why shouldn't students have it? The Pell Grant Program would be turned into a mandatory spending program with yearly increases.

An investment in our children's education is an investment in America's future. We must do what we can today to ensure that America remains a global leader in the future.

I recently went to a high school outside of Chicago in one of the suburbs. I wanted to meet with the math and science teachers. We have a serious challenge, not enough math and science teachers, particularly at the high school level. I sat down with a young lady who was very good and well liked by her students. I said: How did you pick this high school?

She said: Honestly, Senator, I had hoped to teach in Chicago in one of the inner-city schools. That is where I wanted to be. But this job paid me $200 more a month. I didn't have any choice. I couldn't pay off my student loan and buy a car and work in the Chicago public school system. So I took this job in the suburbs.

That was perfectly understandable. But it is a clear illustration of how this debt drives career decisions and how this young woman who might have made a significant difference in the life of some of the poorest kids in my State had to make a different choice and, having made that choice, you can understand the outcome when it comes to education in my State.

HONORING MIKE TRACY

Mr. CRAIG. Madam President, today I come to the floor to recognize the retirement from my staff of Mike Tracey, my director of communications. Mike started working for me 10 years ago. When I first met him, he said: ''Finally someone works here with less hair than me.'' Mike's head shines pretty brightly on a clear day.

Mike is always fond of saying that his job is not rocket science. It is not science, he is right. It is art—and Mike Tracey is a master at the art of communications. He is a man who finds a challenge and tackles it head-on.

His tenacity is legendary. When he heads into a battle with me, Mike is always out on the front line with the flag flying high. He is a man who loves America and is not afraid to let people know it. When you are around Mike, you cannot help but be boosted by this man's passion.

I am sad to see Mike Tracey leave my staff, but he goes on to a new challenge, and I know he will tackle that challenge with the same tenacity he approaches life and has for 10 years approached the job he does for me. I wish him the best of luck and thank him for his service to me, to the State of Idaho, and to America.

Mike Tracey, have a great life in your next job, as I know you will.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, today I rise to pay tribute to 27 young Americans who have been killed in Iraq since February 1. This brings to 550 the number of soldiers who were either from California or based in California who have been killed while serving our country in Iraq. This represents 24 percent of all U.S. deaths in Iraq.

PFC Sean T. Cardelli, 20, died February 1 from enemy small arms fire while conducting combat operations near Fallujah. He was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

PFC Caesar S. Viglienzone, 21, died February 1 in Baghdad when an improvised explosive device detonated near his Humvee. He was assigned to the Army's 1st Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division, Fort Campbell, KY. He was from Santa Rosa, CA.

SPC Roberto L. Martinez Salazar, 21, died February 4 in Mosul when an improvised explosive device detonated near his up-armored Humvee during patrol operations. He was assigned to Company A, 14th Engineer Battalion, 555th Maneuver Enhancement Brigade, Fort Lewis, WA. He was from Long Beach, CA.

PFC Javier Chavez, 19, died February 9 from wounds received as a result of an improvised explosive device while conducting combat operations near Fallujah. He was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from Cutler, CA.

Cpl Ross A. Smith, 21, died February 9 from an improvised explosive device while conducting combat operations against enemy forces near Fallujah. He was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

Petty Officer 3rd Class Nicholas Wilson, 25, died February 12 as a result of an improvised explosive device in Al Anbar Province. He was assigned to Explosive Ordnance Disposal Mobile Unit Three, based in San Diego, CA.

LCpl Michael S. Probst, 26, died February 14 from an improvised explosive

device while conducting combat operations near Abu Ghraib. He was assigned to 1st Tank Battalion, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from Irvine, CA.

Cpl Matthew D. Conley, 21, died February 18 when his vehicle was attacked with an improvised explosive device while conducting combat operations in Ar Ramadi. He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SSgt Jay T. Collado, 31, died February 20 from an improvised explosive device near Baghdad. He was assigned to Marine Light/Attack Helicopter Squadron-267, 3rd Marine Aircraft Wing, Camp Pendleton, CA. During Operation Iraqi Freedom, he was attached to the U.S. Army's 4th Infantry Division.

2LT Almar L. Fitzgerald, 23, died February 21 at Landstuhl Regional Medical Center, Germany, from wounds received February 18 as a result of an improvised explosive device while conducting combat operations against enemy forces in Al Anbar Province. He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Adam J. Vanalstine, 21, died February 25 from an improvised explosive device in Ar Ramadi. He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl John J. Thornton, 22, died February 25 of wounds received as a result of an enemy mortar attack in Ar Ramadi. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SPC Clay P. Farr, 21, died February 26 in Baghdad when an improvised explosive device detonated near his Humvee during patrol operations. He was assigned to the 1st Squadron, 71st Cavalry, 1st Brigade Combat Team, 10th Mountain Division of Fort Drum, NY. He was from Bakersfield, CA.

LCpl Matthew A. Snyder, 20, died March 3 from a non-combat-related vehicle accident in Al Anbar Province. He was assigned to Combat Service Support Group-1, 1st Marine Logistics Group, Twentynine Palms, CA.

Cpl Adam O. Zanutto, 26, died March 6 at National Naval Medical Center in Bethesda, Maryland, from wounds received as a result of an improvised explosive device in Al Anbar Province on February 25. He was assigned the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. He was from Caliente, CA.

LCpl Bunny Long, 22, died March 10 from a suicide, vehicle-borne, improvised explosive device in Al Anbar Province. He was assigned to Headquarters Battalion, 2nd Marine Division, Camp Lejeune, NC. He was from Modesto, CA.

LCpl Kristen K. Figaroa Marino, 20, died March 12 while conducting combat operations in the Al Anbar Province. He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA.

PFC Angelo A. Zawaydeh, 19, died March 15 in Baghdad when his traffic control point came under mortar attack during combat operations. He was assigned to the 2nd Battalion, 502nd Infantry Regiment, 2nd Brigade, 101st Airborne Division, Air Assault, Fort Campbell, KY. He was from San Bruno, CA.

SSG Ricardo Barraza, 24, died March 18 in Ar Ramadi when he came under small arms fire by enemy forces during combat operations. He was assigned to the 2nd Battalion, 75th Ranger Regiment, Fort Lewis, WA. He was from Shafter, CA.

SGT Dale G. Brehm, 23, died March 18 in Ar Ramadi when he came under small arms fire by enemy forces during combat operations. He was assigned to the 2nd Battalion, 75th Ranger Regiment, Fort Lewis, WA. He was from Turlock, CA.

Hospitalman Geovani Padillaaleman, 20, died April 2 as a result of enemy action in Al Anbar Province. He was permanently assigned to Bethesda Naval Hospital, USNS Comfort Detachment and operationally assigned to Third Battalion, 8th Marine Regiment, 2/28 Brigade Combat Team. He was from South Gate, CA.

Cpl David A. Bass, 20, died April 2 when the seven-ton truck he was riding in rolled over in a flash flood near Al Asad. He was assigned to an element of the 1st Marine Logistics Group, Camp Pendleton, CA.

LCpl Patrick J. Gallagher, 27, died April 2 when the seven-ton truck he was riding in rolled over in a flash flood near Al Asad. He was assigned to an element of the 1st Marine Logistics Group, Camp Pendleton, CA.

LCpl Felipe D. Sandoval-Flores, 20, died April 2 when the seven-ton truck he was riding in rolled over in a flash flood near Al Asad. He was assigned to an element of the 1st Marine Logistics Group, Camp Pendleton, CA. He was from Los Angeles, CA.

Cpl Brian R. St. Germain, 22, died April 2 when the seven-ton truck he was riding in rolled over in a flash flood near Al Asad. He was assigned to an element of the 1st Marine Logistics Group, Camp Pendleton, CA.

SSgt Abraham G. Twitchell, 28, died April 2 when the seven-ton truck he was riding in rolled over in a flash flood near Al Asad. He was assigned to the Combat Service Support Group-1, 1st Marine Logistics Group, Twentynine Palms, CA.

SPC Ty J. Johnson, 28, died April 4 in Kirkuk when an improvised explosive device detonated near his Humvee during combat operations. He was assigned to the 2nd Battalion, 320th Field Artillery Regiment, 1st Brigade Combat team, 101st Airborne Division, Fort Campbell, KY. He was from Elk Grove, CA.

Mr. President, 550 men and women who were either from California or based in California have been killed while serving our country in Iraq. I pray for these young Americans and their families.

I would also like to pay tribute to the two soldiers from or based in California who have died while serving our country in Operation Enduring Freedom since February 1.

SFC Chad A. Gonsalves, 31, died February 13 north of Deh Rawod, Afghanistan, when an improvised explosive device detonated near his Humvee during combat operations. He was assigned to the 3rd Battalion, 7th Special Forces Group, Fort Bragg, NC. He was from Turlock, CA.

MSG Emigdio E. Elizarraras, 37, died February 28 in Tarin Kowt, Afghanistan, when an improvised explosive device detonated near his Humvee during a reconnaissance mission. He was assigned to the 3rd Battalion, 7th Special Forces Group, Fort Bragg, NC. He was from Pico Rivera, CA.

Mr. President, 37 soldiers who were either from California or based in California have been killed while serving our country in Operation Enduring Freedom. I pray for these Americans and their families.

STAFF ARMY SPECIALIST ANTOINE J. MCKINZIE

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Indianapolis. Army Specialist Antoine J. McKinzie, 25 years old, died on March 21st when his unit came under attack during a patrol of western Baghdad. With his entire life before him, Antoine risked everything to fight for the values we Americans hold close to our hearts, in a land halfway around the world.

Antoine graduated from Pike High School in 2000 and joined the Army 3 years later, after receiving his associate's degree in computer-aided drafting from ITT Technical Institute. Jerry Henson, Antoine's best friend, described him as ''one of the best guys I've ever known. I just remember his laugh. He had one helluva laugh. He had a hearty, tall-guy laugh. It is one of those things that I will miss a lot.'' In December, Antoine returned to Indiana for 3 weeks to celebrate Christmas with his family. His stepfather recounted to a local newspaper, ''He looked great. He was healthy. He was happy. He felt like he was doing an important job He was proud to serve his country.''

Antoine was killed while serving his country in Operation Iraqi Freedom. He was a member of the 4th Battalion, 27th Field Artillery Regiment, 1st Armored Division, based in Baumholder, Germany. Today, I join Antoine's family and friends in mourning his death.

While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Antoine, a memory that will burn brightly during these continuing days of conflict and grief.

Antoine was known for his dedication to his family and his love of country. Today and always, Antoine will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Antoine's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Antoine's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Antoine J. McKinzie in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Antoine's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Antoine.

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 April 4, 2006. 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 $11.785 billion in budget authority and by $4.226 billion in outlays in 2006. Current level for revenues is $17.288 billion above the budget resolution in 2006.

This is my first report for the second session of the 109th Congress.

I ask unanimous consent that the accompanying letter and material 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, April 5, 2006.

Hon. JUDD GREGG,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2006 budget and are current through April 4, 2006. 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 2 on Table 2). This is my first report of the second session of the 109th Congress.

Sincerely,

DONALD B. MARRON,
Acting Director.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF APRIL 4, 2006

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (-) resolution
ON–BUDGET			
Budget Authority	2,094.4	2,082.6	−11.8
Outlays	2,099.0	2,094.8	−4.2
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	*

[1] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed $50.0 billion in budget authority and $62.4 billion in outlays in fiscal year 2006 from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in the previous session and the emergency requirements in Public Law 109–176 and Public Law 109–208 (see footnote 2 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 also off-budget, but are appropriated annually.

ANote.—* = Less than $50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF APRIL 4, 2006

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions:			
Revenues	n.a.	n.a.	1,607,180
Permanents and other spending legislation [1]	1,296,134	1,248,957	n.a.
Appropriation legislation	1,333,823	1,323,802	n.a.
Offsetting receipts	−479,868	−479,868	n.a.
Total, enacted in previous sessions	2,150,089	2,092,891	1,607,180
Enacted This Session:			
Katrina Emergency Assistance Act of 2005 (P.L. 109–176)	250	250	0
An act to make available funds included in the Deficit Reduction Act for the Low-income Energy Assistance Program for 2006 (P.L. 109–204)	1,000	750	0
Total, enacted this session:	1,250	1,000	0
Entitlements and mandatories:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	−68,740	879	n.a.
Total Current Level [1 2 3 4]	2,082,599	2,094,770	1,607,180
Total Budget Resolution	2,144,384	2,161,420	1,589,892
Adjustment to budget resolution for emergency requirements [4]	−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.	17,288
Current Level Under Adjusted Budget Resolution	11,785	4,226	n.a.

[1] P.L. 109–171 was enacted early in this session of Congress, but is shown under ''enacted in previous sessions'' as requested by the Budget Committee. Included in current level for P.L. 109–171 are $980 million in budget authority and −$4,847 million in outlays.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level totals exclude the following amounts:

	Budget authority	Outlays	Revenues
Emergency requirements enacted in previous session	74,981	112,423	−7,111
Katrina Emergency Assistance Act of 2006 (P.L. 109–176)	−250	0	0
National Flood Insurance Enhanced Borrowing Authority Act of 2006 (P.L. 109–208)	2,275	2,275	0
Total, enacted emergency requirements	77,006	114,698	−7,111

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[4] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed $50,000 million in budget authority and $62,424 million in outlays in fiscal year 2006 from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in the previous session and the emergency requirements in Public Law 109–176 and Public Law 109–208 (see footnote 2 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.

EXPOSING RECKLESS GUN DEALERS

Mr. LEVIN. Mr. President, in each of the last 4 years, amendments have been inserted in the Commerce, Justice,

Science, CJS, Appropriations Act by the House of Representatives which severely handicap the efforts of those working to stop the flow of guns from reckless gun dealers into the hands of criminals. These amendments prohibit the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, from disclosing important information from the Firearms Trace System Database to local law enforcement and government officials unless it is connected to a ''bona fide criminal investigation or prosecution'' and prohibiting release for purposes of civil lawsuits.

According to published reports, these amendments have directly impacted a lawsuit by the city of New York against several gun manufacturers and distributors who it alleges have adopted sales and marketing practices which facilitate the transfer of guns to criminals. The city received ATF firearms trace data from 1998 to 2003 but has been unable to attain data from subsequent years because of the prohibition inserted in the law on its release for the purposes of civil lawsuits.

Legislation has recently been introduced in the House of Representatives which would make the restrictions on ATF firearms trace data permanent. On March 28, 2006, New York City Mayor Michael Bloomberg testified before the House Judiciary Committee against this bill and said that it ''would make it immeasurably harder to stop the flow of illegal guns to criminals, and depriv[e] local governments and their law enforcement agencies of the tools they need to hold dealers accountable. Specifically, these obstacles would take the form of severe restrictions on our use of ATF trace data, which is perhaps the most effective tool we have in combating illegal gun trafficking.''

Mayor Bloomberg also expressed concern regarding provisions in the bill and current law which limit the ATF firearms trace data available to local law enforcement officials to data regarding the local geographic data. Mayor Bloomberg testified that 82 percent of the guns used in crimes in New York City were purchased outside of New York State. As Mayor Bloomberg pointed out in his testimony, restricting the access of law enforcement officials to firearms trace data from other jurisdictions severely limits their ability to take action against reckless gun dealers in other States.

I am hopeful the House of Representatives will defeat efforts to continue restrictions on law enforcement and local government officials' access to important ATF firearms trace data. In addition, I am hopeful that the Senate will take up and pass legislation introduced last week by Senator MENENDEZ to repeal restrictions in current law. ATF firearms trace data related to reckless gun dealers should be made easily available to those who have a responsibility to protect our families and communities from the threat of gun violence.

NATIONAL AUTISM AWARENESS MONTH

Mr. LAUTENBERG. Mr. President, I rise today to commemorate National Autism Awareness Month and to urge my fellow Senators to continue to back efforts to fight this disorder and support the families affected by it.

Autism is a complex developmental disability that is the result of a neurological disorder that affects the normal functions and development of the brain, which affects social and communication skills. Autism is a spectrum disorder, making early diagnosis crucial to minimize the symptoms through specialized intervention programs.

Autism and its associated behaviors have been estimated to occur in as many as 2 to 6 in every 1,000 individuals. As many as 1.5 million Americans today are believed to have some form of autism. The Department of Education indicates that autism is growing at a rate of 10 to 17 percent per year. At these rates, the prevalence of autism could reach 4 million Americans in the next decade.

The prevalence of autism has increased astronomically in the past decade, and in certain areas of New Jersey, the rates are higher still. We know far too little about this disorder, and the work of the Centers for Disease Control, CDC, and the National Institutes of Health, NIH, is vital to our efforts to learn more about the nature and incidence of autism.

I am a proud cosponsor of S. 843, the Combating Autism Act of 2005, which authorizes $860 million over 5 years to combat autism through research, screening, intervention, and education. I urge my fellow Senators to support the passage of this bill so that we can continue efforts to eliminate autism.

Congress approved the Individuals with Disabilities Education Act, IDEA, in 1975, requiring States to provide an appropriate education to students with special needs. While it committed to providing 40 percent of the additional costs for educating such students, today the Federal Government funds only 17.8 percent of the cost. In the fiscal year 2006 Labor, Health and Human Services, and Education appropriations bill, the Federal Government cut back on its share of the cost of providing special education. This leaves State governments and local school districts to choose between paying the extra cost or cutting programs. It is vital that Congress fund IDEA at the fully authorized level. I urge my fellow Senators to support IDEA and pass S. 2185, the IDEA Full Funding Act.

Congress must remain committed to supporting efforts by medical researchers, doctors, schools, State and local governments, and families to learn more about autism and to treat it. This disorder affects too many already. We must do what we can to eliminate future cases while we treat people who currently have autism. I hope we can all join together in this important fight and recognize the importance of National Autism Awareness Month.

BOB NEWHART

Mr. LEAHY. Mr. President, recently The New York Times ran another profile of Bob Newhart. I say ''another'' because it is one of so many glowing articles written about him over the years.

Marcelle and I are fortunate to know Bob and his wife Virginia, known by everyone as Ginnie. Bob is a wonderful family person who enjoys being with his wife, children, and grandchildren, but still has time to bring joy to everyone who comes in contact with him. As many times as I have heard some of his comedy routines, I still find myself convulsed in laughter, though nothing can equal the quiet times Marcelle and I have been able to spend with the Newharts.

Bob is extraordinarily well read and well informed and brings a wry and insightful view to whatever is happening. I can think of no one who is his equal, and I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, Mar. 25, 2006]

THE BUTTON-DOWN COMIC, STILL STANDING UP AT 76

(By Ben Sisario)

LOS ANGELES, MARCH 24: Hidden behind a wide black gate, with a fountain in front and a big pool in back that the grandchildren love to dive into, and with the bookcases inside cluttered with the likes of David McCulloch and Joseph J. Ellis, Bob Newhart's house in Bel Air would seem a perfectly comfortable spot for a man of 76 to cocoon and write his memoirs.

But a comedian craves the sound of laughter, and Mr. Newhart, though happily deep into his golf-playing years, cannot stay away from the stand-up circuit. He does about 30 dates a year, mostly on short weekend trips. (He will perform tonight at the Brooklyn Center for the Performing Arts.)

''I can't imagine not doing it,'' he said, sitting on an overstuffed sofa in his living room, in crisp gray slacks and a fuzzy blue sweater, with his narrow reading glasses resting at a steep angle almost at the tip of his nose. ''It's something I've done for 46 years, and at 5 o'clock I'll start pacing up and down to get the adrenaline going. It's like Russian roulette—you're out there and it's working and you're saying, 'Thank God the bullet's not in the chamber.' ''

Mr. Newhart built his career on a persona that would avoid tension and thrills at all cost. He emerged in the early 1960's as a former accountant and copywriter who acted out the mundane and ridiculous details of great moments in history through brilliantly minimalistic one-sided telephone calls, like a gigglingly skeptical Englishman talking to Sir Walter Raleigh about his discovery of tobacco. (''You take a pinch of tobacco and you stuff it up your nose and it makes you sneeze? Yeah, I imagine it would, Walt!'') And on two long-running sitcoms, he played versions of the same character, a slightly grouchy pragmatist always just a breath away from losing his cool over the neurotic foibles of his supporting cast.

''The Bob Newhart Show'' ran from 1972 to 1978 and is now finding a second life on DVD; its third season is being reissued April 11.

And since his second sitcom, ''Newhart,'' ended in 1990 after eight seasons, Mr. Newhart has lent his almost-unflappable deadpan to a handful of films and television shows, most recently ''ER'' and ''Desperate Housewives.'' But his favorite activity remains simply standing in front of a crowd with a microphone.

''I'm proudest of being a stand-up,'' he explained, ''because it's harder. The degree of difficulty is 3.85 instead of 3.5.''

It was also his baptism. Sitting in his spacious living room, dressed like the frumpy innkeeper of ''Newhart'' and speaking with a strategic stammer that sets up every punch line, he is comfortingly recognizable as one of his television characters. His naturalistic technique of relying on his own personality to fill out his characters, he said, is a skill he picked up early in his stand-up career.

''You start out doing somebody else,'' he said. ''I'd watch the Sullivan show and I'd watch the Paar show, and a comedian would be on, and I'd be laughing but at the same time analyzing him. When I started, I was doing all the good comedians I'd ever seen. Then I developed my own voice. My routines are my natural way of looking at the world.''

Mr. Newhart discusses his performance like a serious method actor. He said: ''With the stand-up comic on TV, whether it's Seinfeld or Cosby or Roseanne, more important than their knowledge of how to tell a joke is their knowledge of themselves, or the persona they've created as themselves. So that when you're in a room with writers you can say, 'Guys, that's a funny line but I wouldn't say it.' ''

As a stand-up, he draws from a lifetime of routines, and for his oldest fans he always includes a few numbers from his first albums, like the conversation between Abraham Lincoln and his public relations man, who urges him not to shave his beard because it plays so well in focus groups. Reading recently about the Zacarias Moussaoui trial, his ''button-down mind'' found an angle on the 9/11 pilots, and he has been toying with it as a possible stand-up bit.

''They didn't want to learn to take off and land,'' he said. ''They just wanted to fly. Some have criticized the F.B.I. because that should have been a red flag. But I saw it as a case of—'' he studied his coffee table it as if it were a weekly planner—'' 'O.K., well, I don't have to come in Monday; I can come in late Tuesday; Wednesday and Thursday, O.K., that's flying; and then I don't have to come in Friday.' ''

His understated style has been widely influential, often in surprising ways. One of his biggest fans is Bernie Mac, who says he is but one of a generation of black comedians who were inspired by Mr. Newhart.

''A lot of people define courage as being out front and in your face,'' Mr. Mac said, ''but Bob didn't come out of his picture frame for anybody. That bland style, that plaid jacket, with the hair combed to one side over the bald spot—that was Bob. And there's nothing wrong with that. Because it takes courage to be yourself, and he showed everybody that.''

Working on his memoir, to be published in the fall by Hyperion, Mr. Newhart was reminded of the time he was on David Susskind's talk show with a panel of comedians, including Buddy Hackett and Alan King, and Mr. Susskind asked him about his background.

'' 'You went to college?' he asked,'' Mr. Newhart said. ''And I said, 'Yes, I went to Loyola University and I got a degree in accounting.' And Buddy said—'' here Mr. Newhart did a remarkable imitation of Mr. Hackett's voice—'' 'You mean you didn't have to do this?' ''

''And now I can say, 'No, Buddy, I had to do this.'

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

HONORING BRAVO COMPANY OF WEIRTON, WEST VIRGINIA

• Mr. ROCKEFELLER. Mr. President, today it is my great honor to commend the soldiers of Bravo Company of the 463rd Engineering Battalion, Army Reserve Unit of Weirton, WV, as they return home. Selflessly leaving their families and communities behind during an 11-month deployment in Iraq, the 463rd served as a model of courage throughout their tour of duty.

In October 2004, more than 140 men and women of Bravo Company answered the call to service—leaving for training at Fort Bragg and in Kuwait. In doing so, they joined generations of West Virginians who have served our Nation in times of war, unselfishly putting themselves in harm's way to defend our country and protect the freedom of all Americans. I am not surprised by their actions—West Virginians, and our neighbors throughout the Ohio Valley, have always been among the first to respond to their country's call to service—but I am nevertheless grateful for their service and commitment. Thanks to the 463rd and so many other West Virginia men and women who have fought in Iraq and Afghanistan, I am proud to say that West Virginia's long tradition of patriotism is very much alive and well.

On Christmas Eve 2004, Bravo Company entered Iraq to begin its mission of rebuilding the war-torn country. Bravo Company provided engineering support for our troops, upgraded an Iraqi Air Force base, repaired a damaged bridge on the Tigris River needed for troop movements, and provided infrastructure for refueling the airplanes that provided such critical support in Operation Iraqi Freedom. Through their determined efforts, these individuals secured the safety of their fellow American men and women in uniform, simultaneously serving as the embodiment of American commitment to the people of Iraq. For that, they deserve our sincere gratitude and deepest respect.

Tragically, Bravo Company's mission was not completed without loss. On August 21, 2004, the life of Sgt. Joseph Nurre, a 22-year-old native of Wilton, CA was claimed by a roadside bomb near Samarra, Iraq. His fellow soldiers described him as an intensely dedicated soldier and a warm, engaging friend. As Bravo Company returns home, Sergeant Nurre and his family remain in our thoughts and prayers.

To all the men and women of Bravo Company, 463rd Engineering Battalion, I thank you for your service, patriotism, and commitment to our country and its defense. Your bravery and selfless sacrifice have earned you the admiration and respect of West Virginians and our Nation. God bless you all, and welcome home.•

ADDITIONAL STATEMENTS

25 YEARS DEFENDING DIGNITY AND WORTH

• Mr. CRAPO. Mr. President, 25 years ago, a community in my State found itself with some new unwelcome neighbors. North Idaho made dismaying national headlines as ''Hate's New Home.'' These headlines were a terrible distortion of the truth; the neo-Nazi organization that moved its headquarters to Hayden represented only a tiny fraction of the people who called Idaho home. Still, the damage was done, and people were left with the dreadful and mistaken impression that Idahoans were intolerant, prejudiced and hateful. And to make matters worse, like a malignant growth, some who did embrace doctrines of intolerance and bigotry were drawn to the area.

It is at crisis points that we define ourselves as either cowards or people of honor. The citizens of Kootenai County had a choice to make, and they chose to be people of honor. The Kootenai County Task Force on Human Relations was founded, giving that region a chance to speak out against human rights violations and prejudice. When the Aryan Nation decided to march down Main Street in Coeur d'Alene, rather than return hatred for hatred, businesses simply closed, giving the marchers no audience for their message of intolerance. Last year, the residents of Hayden exercised perhaps the most powerful right granted us as American citizens—our vote—sending a clear message that a leadership of hatred was absolutely unacceptable. And what didn't make the national press in recent years is the fact that according to the Southern Poverty Law Center, as of 2000, Idaho had 70 human rights groups, or one for every 18,500 people. To put this in perspective, at that time, California had one for every 358,000 people and New York had one for every 167,000 people. Now that is worthy of headlines, as far as I am concerned.

In cooperation with the task force and with a vision of established, ongoing education and leadership in human rights, the generous support of the Greg C. Carr Foundation, and dedicated leadership of Human Rights Education Institute board of directors, the Human Rights Education Institute was established, opening its doors in December 2005.

North Idaho was unexpectedly presented with a choice 25 years ago. Its citizens have not only responded with honor and justice, they, in the words of a former task force leader, ''made lemonade out of lemons.'' I commend my fellow Idahoans on their vision for dignity and worth for all people. I applaud their staunch commitment to uphold our Declaration of Independence, Constitution, and our Bill of Rights which ensure equality for all under the law.•

HONORING THE CITY OF MADISON ON ITS 150TH ANNIVERSARY

• Mr. FEINGOLD. Mr. President, today I wish to recognize and honor the city of Madison as it celebrates its 150th year. As a Wisconsinite, I take great pride in our State's Capital, which is well known for a unique mix of culture, education and natural beauty, as well as a vibrant civic and political life.

In the first part of the 19th century, James Duane Doty, who would later serve as Wisconsin's territorial governor, became enamored with a piece of land in south central Wisconsin that was nestled on an isthmus between two lakes. Doty purchased the land and named it after the fourth President, James Madison. It was this land that would become home to Wisconsin's capitol, its university, and one of the State's thriving cultural centers.

Doty had the territorial capital moved from Belmont to Madison in 1837. By the time the Village of Madison was incorporated as a city in 1856 there were nearly 7,000 residents.

Madison boasts a strong tradition of diversity. Yankees from the Eastern States came first, followed soon by German, Irish and Norwegian immigrants. After the turn of the century, Madison also became home to a growing number Italian, Greek, African-American, and Jewish residents.

The State constitution called for a university to be situated near the seat of government. In many ways, this provision could be credited with paving the way for ''the Wisconsin Idea'' that has made Wisconsin such a center for innovative public policy. Putting the capital and the university together has encouraged educators and researchers to play a central role in addressing social problems, and it has revolutionized the way that Wisconsin, and the nation, approach public policy issues.

The University of Wisconsin-Madison is also a cornerstone of Madison's rich cultural life, offering a tremendous array of concerts, plays, lectures and other activities. And UW's students bring an energy to life in the city that is one of Madison's hallmarks.

The State capitol is another defining Madison landmark, both the building itself, and how it has contributed to the city's character. Politics and public service have been a part of Madison from the very beginning, and they have made Madison home to some of the State's greatest moments, including the passage of historic progressive legislation at the turn of the last century under the leadership of then-Governor Robert M. La Follette.

Madison has also achieved a wonderful system of parks and architectural beauty in its public spaces, which complement the natural beauty of the lakes' shorelines. These areas also serve as host to outdoor concerts and countless other activities during summer months.

Having graduated from UW-Madison and served in the State senate, and as a resident of nearby Middleton, I am not only proud to represent the people of Madison, I am privileged to be a part of this community. I know Madison residents will continue to draw on their city's rich history and continue to enjoy the beautiful land that captivated James Doty so many years ago. I hope that my colleagues will join me in congratulating the city of Madison as it celebrates its sesquicentennial.•

SESQUICENTENNIAL OF MADISON, WISCONSIN

• Mr. KOHL. Mr. President, I rise today to recognize the sesquicentennial of the great city of Madison, WI. Over the next few days people from all over Wisconsin will gather in Madison for the 150-year anniversary festivities.

Madison is a city unlike all others. The vibrant people who give life to the city care about their community and appreciate the natural beauty and unique character that surrounds them. As a graduate of the University of Wisconsin, I spent 4 of the happiest years of my life in Madison and my fondness for the city is undiminished years later. Visiting the farmers' market is one of my favorite ways to spend a summer morning, even better if I can stop at Ella's Deli afterward.

Since that time, Madison has continued to grow and flourish. It is a place of great culture, home to a vast array of interests, and a center of learning. Madison is fortunate to have first-class opera, symphony, and theater. Art and history enthusiasts can find the Chazen Museum of Art, the Wisconsin Historical Museum and the Madison Museum of Contemporary Art. As the home of the University of Wisconsin, as well as Edgewood College, Madison Area Technical College and Herzing College, Madison's student population is an important part of the community and drives fresh thinking and new ideas.

As the State Capital, Madison has been the center of Wisconsin's proud progressive tradition. ''Fighting Bob'' La Follette founded his magazine, The Progressive, in 1909, and it is still published in Madison today. And we know that The Onion has its roots there, too.

Parks and trails, lectures and sporting events, fine food and nightlife make Madison a great place to live and work. Money Magazine wrote what we knew all along when it rated Madison as the best place to live in the United States.

These are just a few of the many more reasons that I am proud of the city of Madison and I congratulate them their sesquicentennial.•

RETIREMENT OF JOHN W. KEYS III

• Mr. SMITH. Mr. President, I rise today to recognize John W. Keys III, an extraordinary public servant who will be retiring on April 15, 2006, as the Commissioner of Reclamation. John is a truly dedicated Federal official who has worked tirelessly throughout his career on behalf of the Bureau of Reclamation and the water users it serves.

John has served as the Commissioner of Reclamation since July 2001. Prior to that, he spent 34 years as a career employee with the Bureau, starting as a civil and hydraulic engineer. He spent many years in my part of the country, serving as the Pacific-Northwest regional director for 12 years prior to his retirement in 1998.

John's tenure as Commissioner coincided with the worst five years of drought in the past 5 centuries. John had to deal with growing, often conflicting, demands for water in the arid West. He initiated the Water 2025 program to help States and water districts address these competing needs. He is a consensus builder who helped craft a historic agreement on the use of Colorado River water. Throughout his tenure, he made resolving water conflicts in the Klamath Basin, on the Oregon-California border, a top priority for the Bureau.

John is a commercial airline pilot and a white water enthusiast. He used to average about 300 flight hours a year, often flying for organizations like Angel Flight, Air LifeLine, and County Search and Rescue, based out of Moab, UT. He also used to officiate high school and college football games. It is my understanding that John intends to spend time with his family after he retires. John's wife Dell is a family practice physician and Airman Medical Examiner, and is also a pilot.

While I wish John well as he returns to the family and the activities he loves, I want him to know that he will be missed. His leadership and his understanding of western water issues have been invaluable over these last 5 years.

I wish John and his wife Dell well as they enjoy their family and their golden years.•

CONGRATULATING UNIVERSITY OF WISCONSIN NCAA CHAMPIONS

• Mr. KOHL. Mr. President I rise today as a proud alumnus of the University of Wisconsin to congratulate the Men's Cross Country and Women's Hockey teams on their recent NCAA National Championship victories.

On November 21, 2005, the UW Men's Cross Country team won their first NCAA Division I title since 1988. This fourth NCAA title for the Men's Cross Country program broke their 3-year streak of second place finishes. Since their first competition in 1905, the UW Men's Cross Country program has been no stranger to success. Just 5 years after UW Madison formed the team, the Badgers won the first Big Ten cross country championship in school history. Their success continued over the decades, with many more Big Ten Championship wins.

I also commend the UW Madison Women's hockey team. On March 26, 2006, the Badger Women defeated the defending champions, the University of Minnesota, to claim the 2006 NCAA National Championship. This victory represents several firsts: the first National

Championship won by the Badger women's hockey team; the first NCAA Championship for any UW women's team since 1985; and the first Division I women's hockey title won by a school outside the State of Minnesota. This accomplishment for the UW Madison Women's Hockey Team follows a record setting season in which the team recorded 36 wins.

I am proud to recognize these student-athletes and coaching staffs for all of their hard work and dedication, and I am pleased to have these two very deserving athletic teams represent our great state of Wisconsin.●

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 and a withdrawal 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 12:18 p.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 513. An act to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes.

H.R. 3127. An act to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

H.R. 4561. An act to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the ''Francisco 'Pancho' Medrano Post Office Building''.

H.R. 4646. An act to designate the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the ''Coach John Wooden Post Office Building''.

H.R. 4688. An act to designate the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the ''Mayor John Thompson 'Tom' Garrison Memorial Post Office''.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 360. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

H. Con. Res. 370. Concurrent resolution expressing the sense of the Congress that Saudi Arabia should fully live up to its World Trade Organization commitments and end all aspects of any boycott on Israel.

H. Con. Res. 371. Concurrent resolution honoring and congratulating the Minnesota National Guard, on its 150th anniversary, for its spirit of dedication and service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the Nation's citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation.

ENROLLED JOINT RESOLUTIONS SIGNED

At 6:04 p.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

H.J. Res. 81. Joint resolution providing for the appointment of Phillip Frost as a citizen of the Board of Regents of the Smithsonian Institution.

H.J. Res. 82. Joint resolution providing for the reappointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

The enrolled joint resolutions were subsequently signed by the President pro tempore (Mr. STEVENS).

At 8:06 p.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 320. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience, and other purposes.

H. Con. Res. 366. Concurrent resolution to congratulate the National Aeronautics and Space Administration on the 25th anniversary of the first flight of the Space Transportation System, to honor Commander John Young and the Pilot Robert Crippen, who flew Space Shuttle Columbia on April 12–14, 1981, on its first orbital test flight, and to commend the men and women of the National Aeronautics and Space Administration and all those supporting America's space program for their accomplishments and their role in inspiring the American people.

H. Con. Res. 382. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3127. An act to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes; to the Committee on Foreign Relations.

H.R. 4561. An act to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the ''Francisco 'Pancho' Medrano Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4646. An act to designate the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the ''Coach John Wooden Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4688. An act to designate the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the ''Mayor John Thompson 'Tom' Garrison Memorial Post Office''; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 320. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience, and other purposes; to the Committee on Foreign Relations.

H. Con. Res. 370. Concurrent resolution expressing the sense of the Congress that Saudi Arabia should fully live up to its World Trade Organization commitments and end all aspects of any boycott on Israel; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 513. An act to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6302. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report concerning the Agency's Collective Bargaining Proposal to the National Air Traffic Controllers Association; to the Committee on Commerce, Science, and Transportation.

EC–6303. A communication from the Senior Vice President, Communications, Tennessee Valley Authority, transmitting, pursuant to law, the Authority's Statistical Summary for Fiscal Year 2005; to the Committee on Environment and Public Works.

EC–6304. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Red-legged Frog, and Special Rule Exemption for Existing Routine Ranching Activities'' (RIN1018–AJ16) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6305. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled

''PM 2.5 De Minimis Emission Levels for General Conformity Applicability'' ((RIN2060–AN60) (FRL No. 8055–3)) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6306. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Magnetic Tape Manufacturing Operations'' ((RIN2060–AK23) (FRL No. 8054–2)) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6307. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production'' ((RIN2060–AM25) (FRL No. 8055–6)) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6308. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: General Provisions'' ((RIN2060–AM89) (FRL No. 8055–5)) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6309. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Vehicle Inspection Maintenance Program Requirements to Address the 8-Hour National Ambient Air Quality Standard for Ozone'' ((RIN2060–AM21) (FRL No. 8054–3)) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6310. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Hazelwood SO2 Nonattainment and the Monongahela River Valley Unclassifiable Areas to Attainment and Approval of the Maintenance Plan; Correction'' (FRL No. 8055-8) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6311. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ethylene Oxide Emissions Standards for Sterilization Facilities'' ((RIN2060-AK09) (FRL No. 8054-6)) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6312. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Incorporation by Reference of Approved State Hazardous Waste Management Program'' (FRL No. 8055-7) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6313. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)'' ((RIN2060-AK10) (FRL No. 8054-5)) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6314. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers'' ((RIN2060-AK16) (FRL No. 8054-1)) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6315. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report entitled ''Office of National Drug Control Policy Strategic Plan for Fiscal Years 2006–2012''; to the Committee on the Judiciary.

EC–6316. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Conditions for Payment of Power Mobility Devices, Including Power Wheelchairs and Power-Operated Vehicles'' (RIN0938-AM74) received on April 5, 2006; to the Committee on Finance.

EC–6317. A communication from the General Counsel, Office of General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Share Insurance and Appendix'' (RIN3133-AD18) received on April 5 , 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6318. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Supporting Human Rights and Democracy: The U.S. Record 2005-2006''; to the Committee on Foreign Relations .

EC–6319. A communication from the Secretary of Energy, transmitting, a report of proposed legislation entitled ''Nuclear Fuel Management and Disposal Act''; to the Committee on Energy and Natural Resources.

EC–6320. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the development of fusion energy; to the Committee on Energy and Natural Resources.

EC–6321. A communication from the Secretary of Energy, transmitting, the report of proposed legislation to authorize the Secretary of Energy to retain funds contributed pursuant to an agreement for international participation in the Global Threat Reduction Initiative (GTRI), and to utilize such funds without further appropriation and without fiscal year limitation; to the Committee on Armed Services.

EC–6322. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Lieutenant General Colby M. Broadwater III , United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6323. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–308, ''Walter E. Washington Way Designation Act of 2006'' received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6324. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–309, ''Home of Walter Washington Way Designation Act of 2006'' received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6325. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–310, ''Terry Hairston Run Designation Act of 2006'' received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6326. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–311, ''Carolyn Llorente Memorial Designation Act of 2006'' received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6327. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–312, ''District of Columbia Bus Shelter Amendment Act of 2006'' received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6328. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–314, '' Real Property Disposition Economic Analysis Amendment Act of 2006'' received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6329. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–315, ''Lamond-Riggs Air Quality Study Temporary Act of 2006'' received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6330. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–316, ''Victims of Domestic Violence Fund Establishment Temporary Act of 2006'' received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6331. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–318, ''School Without Walls Development Project Temporary Amendment Act of 2006'' received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6332. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–319, ''Vehicle Insurance Enforcement Amendment Act of 2006'' received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6333. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–313, ''Office and Commission on African Affairs Act of 2006'' received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6334. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–335, ''Way to Work Amendment Act of 2006'' received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6335. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–336, ''Home Again Initiative Community Development Amendment Act of 2006'' received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6336. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–337, ''Contracting and Procurement Reform Task Force Membership Authorization and Qualifications Clarification Temporary Act of 2006'' received on

April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6337. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–338, ''Unemployment Compensation Contributions Federal Conformity Temporary Amendment Act of 2006'' received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6338. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–339, ''Procurement Practices Timely Competition Assurance and Direct Voucher Prohibition Amendment Act of 2006'' received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6339. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–340, ''White Collar Insurance Fraud Amendment Act of 2006'' received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6340. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–341, ''School Modernization Financing Act of 2006'' received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

[Treaty Doc. 108–27 Mutual Legal Assistance Treaty with Germany (Ex. Rept. 109–14)]

[Treaty Doc. 108–12 Mutual Legal Assistance Treaty with Japan (Ex. Rept. 109–14)] and the text of the committee-recommended resolutions of advice and consent to ratification are as follows:

108–27 MUTUAL LEGAL ASSISTANCE TREATY WITH GERMANY

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Treaty Between the United States of America and the Federal Republic of Germany on Mutual Legal Assistance in Criminal Matters, signed at Washington on October 14, 2003, and a related exchange of notes.

108–12 MUTUAL LEGAL ASSISTANCE TREATY WITH JAPAN

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Treaty Between the United States of America and Japan on Mutual Legal Assistance in Criminal Matters, signed at Washington on August 5, 2003.

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. BAYH:

S. 2556. A bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. KOHL, Mr. DEWINE, Mr. LEAHY, Mrs. FEINSTEIN, and Mr. DURBIN):

S. 2557. A bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes; to the Committee on the Judiciary.

By Ms. STABENOW:

S. 2558. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to employers for employee catastrophic health care costs and to health insurance companies for insurer catastrophic health care costs, and for other purposes; to the Committee on Finance.

By Mr. LEAHY:

S. 2559. A bill to make it illegal for anyone to defraud and deprive the American people of the right to the honest services of a Member of Congress and to instill greater public confidence in the United States Congress; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. BIDEN, Mr. HATCH, Mr. GRASSLEY, and Mr. LEVIN):

S. 2560. A bill to reauthorize the Office of National Drug Control Policy; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 2561. A bill to authorize the Secretary of the Interior to make available cost-shared grants and enter into cooperative agreements to further the goals of the Water 2025 Program by improving water conservation, efficiency, and management in the Reclamation States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG (for himself and Mr. AKAKA):

S. 2562. A bill to increase, effective as of December 1, 2006, 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; to the Committee on Veterans' Affairs.

By Mr. COCHRAN (for himself, Mr. ENZI, and Mr. TALENT):

S. 2563. A bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part; to the Committee on Finance.

By Mr. BURR (for himself, Mr. FRIST, Mr. ENZI, Mr. GREGG, Mr. ALEXANDER, and Mrs. DOLE):

S. 2564. A bill to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 2565. A bill to designate certain National Forest System land in the State of Vermont for inclusion in the National Wilderness Preservation System and designate a National Recreation Area; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LUGAR (for himself and Mr. OBAMA):

S. 2566. A bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes; to the Committee on Foreign Relations.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2567. A bill to maintain the rural heritage of the Eastern Sierra and enhance the region's tourism economy by designating certain public lands as wilderness and certain rivers as wild a scenic rivers in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ALLEN, Ms. MIKULSKI, Mr. BIDEN, and Mr. CARPER):

S. 2568. A bill to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 2569. A bill to authorize Western States to make selections of public land within their borders in lieu of receiving five per centum of the proceeds of the sale of public land lying within said States as provided by their respective Enabling Acts; to the Committee on Energy and Natural Resources.

By Mr. DEWINE (for himself, Mr. DOMENICI, Mr. KYL, and Mr. MCCAIN):

S. 2570. A bill to authorize funds for the United States Marshals Service's Fugitive Safe Surrender Program; to the Committee on the Judiciary.

By Mr. CONRAD:

S. 2571. A bill to promote energy production and conservation, and for other purposes; to the Committee on Finance.

By Mr. BURNS (for himself and Mr. ROCKEFELLER):

S. 2572. A bill to amend the Aviation and Transportation Security Act to extend the suspended service ticket honor requirement; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 2573. A bill to amend the Higher Education Act of 1965 to provide interest rate reductions, to authorize and appropriate amounts for the Federal Pell Grant program, to allow for in-school consolidation, to provide the administrative account for the Federal Direct Loan Program as a mandatory program, to strike the single holder rule, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2574. A bill to suspend temporarily the duty on certain golf club driver heads; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2575. A bill to suspend temporarily the duty on certain golf club fairway heads; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2576. A bill to suspend temporarily the duty on certain golf club driver heads of titanium; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2577. A bill to suspend temporarily the duty on certain golf club driver heads with plasma welded face plate; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2578. A bill to suspend temporarily the duty on certain golf club driver heads with rhombus shaped center face; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2579. A bill to suspend temporarily the duty on certain leather basketballs; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2580. A bill to suspend temporarily the duty on certain rubber basketballs; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2581. A bill to suspend temporarily the duty on certain volleyballs; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2582. A bill to suspend temporarily the duty on certain basketballs; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2583. A bill to suspend temporarily the duty on certain synthetic basketballs; to the Committee on Finance.

By Mr. SALAZAR:

S. 2584. A bill to amend the Healthy Forests Restoration Act of 2003 to help reduce the increased risk of severe wildfires to communities in forested areas affected by infestations of bark beetles and other insects, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mr. KERRY):

S. 2585. A bill to amend the Internal Revenue Code of 1986 to permit military death gratuities to be contributed to certain tax-favored accounts; to the Committee on Finance.

By Mr. KERRY:

S. 2586. A bill to establish a 2-year pilot program to develop a curriculum at historically Black colleges and universities, Tribal Colleges, and Hispanic serving institutions to foster entrepreneurship and business development in underserved minority communities; to the Committee on Small Business and Entrepreneurship.

By Mr. SCHUMER:

S. 2587. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Administrator of the United States Fire Administration to provide assistance to firefighting task forces, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself, Mrs. LINCOLN, and Mr. LEVIN):

S. 2588. A bill to provide for the certification of programs to provide uninsured employees of small businesses access to health coverage, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. INHOFE) (by request):

S. 2589. A bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to ensure protection of public health and safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COBURN (for himself, Mr. OBAMA, Mr. CARPER, and Mr. MCCAIN):

S. 2590. A bill to require full disclosure of all entities and organizations receiving Federal funds; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DEWINE (for himself, Mr. GRASSLEY, Mr. HARKIN, and Mr. VOINOVICH):

S. 2591. A bill to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. DURBIN, Mr. CHAFEE, and Mrs. CLINTON):

S. 2592. A bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. MIKULSKI, Mr. LAUTENBERG, Ms. STABENOW, and Ms. CANTWELL):

S. 2593. A bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. PRYOR, and Ms. LANDRIEU):

S. 2594. A bill to amend the Small Business Act to reauthorize the loan guarantee program under section 7(a) of that Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY (for himself and Mr. PRYOR):

S. 2595. A bill to amend the Small Business Investment Act of 1958 to modernize the treatment of development companies; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY:

S.J. Res. 33. A joint resolution to provide for a strategy for successfully empowering a new unity government in Iraq; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SANTORUM:

S. Res. 434. A resolution designating the week of May 22, 2006, as ''National Corporate Compliance and Ethics Week.''; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. ALLEN, Mr. THUNE, Mr. BURNS, Mr. ISAKSON, Mr. BAYH, Mr. FRIST, Mr. COLEMAN, and Mr. LIEBERMAN):

S. Res. 435. A resolution honoring the entrepreneurial spirit of America's small businesses during National Small Business Week, beginning April 9, 2006; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. LUGAR, Ms. COLLINS, Mr. LIEBERMAN, Mr. ENSIGN, Mr. MENENDEZ, and Mr. MARTINEZ):

S. Res. 436. A resolution urging the Federation Internationale de Football Association to prevent persons or groups representing the Islamic Republic of Iran from participating in sanctioned soccer matches; to the Committee on Foreign Relations.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. COCHRAN, Mr. JEFFORDS, Mr. COLEMAN, Mrs. BOXER, Mr. STEVENS, Mr. LAUTENBERG, Ms. MURKOWSKI, Mr. AKAKA, Mr. ISAKSON, and Mr. DODD):

S. Res. 437. A resolution supporting the goals and ideals of the Year of the Museum; considered and agreed to.

ADDITIONAL COSPONSORS

S. 493

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 493, a bill to amend title II of the Higher Education Act of 1965 to increase teacher familiarity with the educational needs of gifted and talented students, and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 654

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 654, a bill to prohibit the expulsion, return, or extradition of persons by the United States to countries engaging in torture, and for other purposes.

S. 811

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 914

At the request of Mr. ALLARD, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1060

At the request of Mr. COLEMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1221

At the request of Mr. DAYTON, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1221, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1507

At the request of Mrs. LINCOLN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1507, a bill to protect children from Internet pornography and support law enforcement and other efforts to combat Internet and pornography-related crimes against children.

S. 1791

At the request of Mr. SMITH, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1800

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1800, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit.

S. 1888

At the request of Mr. FEINGOLD, the names of the Senator from Minnesota

(Mr. DAYTON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1888, a bill to provide for 2 programs to authorize the use of leave by caregivers for family members of certain individuals performing military service, and for other purposes.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2025

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2025, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2140

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2201

At the request of Mr. OBAMA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2235

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2235, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. 2253

At the request of Mr. DOMENICI, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2370

At the request of Mr. MCCONNELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2424

At the request of Mr. ALLEN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2424, a bill to amend the Internal Revenue Code of 1986 to increase the contribution limits for health savings accounts, and for other purposes.

S. 2429

At the request of Mr. LUGAR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2429, a bill to authorize the President to waive the application of certain requirements under the Atomic Energy Act of 1954 with respect to India.

S. 2446

At the request of Mr. OBAMA, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2446, a bill to promote the national security and stability of the economy of the United States by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2482

At the request of Ms. LANDRIEU, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2482, a bill to authorize funding for State-administered bridge loan programs, to increase the access of small businesses to export assistance center services in areas in which the President declared a major disaster as a result of Hurricane Katrina of 2005, Hurricane Rita of 2005, or Hurricane Wilma of 2005, to authorize additional disaster loans, to require reporting regarding the administration of the disaster loan programs, and for other purposes.

S. 2554

At the request of Mr. ENSIGN, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 2554, a bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include premiums for non-group high deductible health plan coverage.

S. CON. RES. 46

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Con. Res. 46, a concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 236

At the request of Mr. COLEMAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Res. 236, a resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

AMENDMENT NO. 3214

At the request of Mr. SANTORUM, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 3214 proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3223

At the request of Mr. DORGAN, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Montana (Mr. BAUCUS) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 3223 proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3295

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 3295 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. KOHL, Mr. DEWINE, Mr. LEAHY, Mrs. FEINSTEIN, and Mr. DURBIN):

S. 2557. A bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Madam President, I am sending to the desk today legislation captioned as the ''Oil and Gas Industry Antitrust Act of 2006,'' legislation on behalf of myself and Senator DEWINE, Senator KOHL, Senator LEAHY, Senator FEINSTEIN and Senator DURBIN. The Judiciary Committee has held hearings on the escalating price of gasoline, which has risen some 25 percent in the past year, from $1.85 per gallon nationally in January of 2005 to $2.38 a gallon early this year.

We have seen rapid consolidation in the oil and gas industry, with many mergers which are specified in the written statement I will have included in the RECORD and enormous profits characterized by the profits reported by ExxonMobil, which earned over $36 billion in 2005, the largest corporate profit in U.S. history.

The legislation we are introducing will do a number of things. First, it will eliminate the judge-made doctrines that prevent OPEC's members from being sued for violating the antitrust laws. There is no doubt that they take joint action when deciding how much oil to sell, actions would normally constitute unlawful price fixing.

This legislation would make them subject to our antitrust laws.

With fewer players in the industry, anticompetitive acts, including the withholding of supply and information sharing, become easier. The bill would prohibit oil and gas companies from diverting, exporting, or refusing to sell existing supplies with the specific intention of raising prices.

The bill also requires the FTC and the Attorney General to consider whether future oil and gas mergers should receive closer scrutiny. It requires the GAO to evaluate whether the divestitures required by the antitrust agencies for past mergers were adequate to preserve competition. There is significant evidence that the concentration in the industry has been a contributing factor to increasing gasoline and oil prices. There are other factors, but it is not explained simply by the increase in the cost of crude oil. This bill takes a firm stand to protect the American consumer from enormous increases in gasoline prices and in oil prices—something very serious when we have insufficient funds in LIHEAP to take care of people who are unable to pay for the increasing costs of heating oil.

I ask unanimous consent that the full text of my prepared statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSOLIDATION IN THE OIL AND GAS INDUSTRY: RAISING PRICES?

Mr. President, I have sought recognition to introduce new legislation, the Oil and Gas Industry Antitrust Act of 2005.

Average gasoline prices nationwide have risen by 25 percent in the past year alone, from $1.85 per gallon in January 2005 to $2.38 per gallon at the beginning of this year.

Prices for heating oil, other petroleum products and natural gas—products that are important to the lives of American consumers—have risen to similar heights.

While Americans are paying more for the products they use to get to work and heat their homes, the mammoth integrated oil companies that dominate the industry have earned record profits. ExxonMobil reported that it earned over $36 billion in 2,005, the largest corporate profit in U.S. history.

Although rising crude oil prices are one factor influencing gasoline prices, it is not the only factor. Increased prices simply cannot be entirely explained by higher crude oil prices.

In a hearing last month and another one next week, the Judiciary Committee is I exploring a likely cause for higher prices—the consolidation that has occurred in the industry over the past decade, and that continues today.

Over 2,600 mergers have occurred in the U.S. petroleum industry since the 1990s, including transactions involving the largest oil and gas companies in the nation.

Last summer, the FTC approved Chevron's acquisition of Unocal.

In 2002, Valero acquired Ultramar Diamond Shamrock and Phillips merged with Conoco.

The year 2000 saw the merger of British Petroleum and ARCO.

The largest transaction occurred in 1999 when Exxon merged with Mobil.

Other transactions included British Petroleum's acquisition of Amoco, Marathon's joint venture with Ashland Petroleum and another joint venture that combined the refining assets of Shell and Texaco.

Last month the Department of Justice just approved Conoco-Phillips' acquisition of Burlington Resources, a merger that creates the nation's largest natural gas company and the third largest integrated oil company.

These transactions have resulted in significantly increased concentration in the oil and gas industry, particularly in the downstream refining and wholesale gasoline markets.

Fewer competitors in a market conveys market power on remaining players, and with it, the opportunity to increase prices. As we have learned in Committee, there is some evidence that consolidation in the industry has increased wholesale gasoline prices.

Fewer competitors in a market also makes collusion easier. Recent events suggest that increased concentration may be creating a ''collusive environment'' in the industry.

A number of experts have pointed to limited refinery capacity as a cause for price spikes in recent years. No new refineries have been built in the U.S. for–30 years. While some existing refineries have expanded in recent years, other refineries have closed. From 1998 through 2004, total refinery capacity nationwide grew by less than one percent. Today, U.S. refineries routinely operate at over 90 percent of capacity. Critics have alleged that tacit collusion among industry players has restrained the growth of refinery capacity.

ExxonMobil and British Petroleum were recently sued by the Alaska Gasoline Port Authority for allegedly conspiring to withhold natural gas from customers who wished to transport the gas via pipeline to an Alaskan port. An agreement between Exxon and British Petroleum not to sell their natural gas to the Alaskan project would violate the antitrust laws.

The Judiciary Committee has held two hearings this year to consider the effects of concentration in the industry. The most recent hearing in March considered whether concentration had resulted, in increased prices for gasoline, other petroleum-based fuels and natural gas.

The witnesses at that hearing—two experienced and respected antitrust lawyers, the attorney general of Iowa, an economist from the University of California at Berkeley and the Senior Assistant Attorney General from California—all agreed that there were problems with market power in the industry.

Most of these witnesses testified that there was a serious problem with tacit coordination and information sharing in the industry made possible by having fewer players in the oil and gas industry. Such conduct unquestionably leads to higher prices.

Based on the testimony the Committee heard, it is pretty clear that increased concentration in the industry has led to higher prices. In part, the antitrust agencies need to adjust their enforcement posture to reflect existing conditions in the industry, but I believe there is a need for legislation. The Oil and Gas Industry Antitrust Act of 2006, which I am introducing today, would require the antitrust enforcement agencies, as well as the GAO, to take a close look at their past merger enforcement and whether the standard for reviewing mergers should be changed. The original draft of this legislation would have increased the standard of review for mergers in the industry, but we would like to give GAO and the enforcement agencies a chance to look at how the standard should be changed. The legislation:

Amends the Clayton Act by prohibiting oil and gas companies from diverting, exporting or refusing to sell existing supplies with the specific intention of raising prices or creating a shortage.

Requires the FTC and the Attorney General to consider whether the standard of review for mergers contained in Section 7 of the Clayton Act needs to be modified for mergers in the oil and gas industry to take into account the concentration that has already occurred in this industry.

Requires the Government Accountability Office to evaluate whether . divestitures required by the antitrust agencies in oil and gas industry mergers have been effective in restoring competition. Once the study is complete, the antitrust agencies must consider whether any additional steps are necessary to restore competition, including further divestitures or possibly unraveling some mergers.

Requires the antitrust agencies to establish a joint federal-state task force to examine information sharing and other anticompetitive results of consolidation in the oil and gas industry. Economic studies show that sharing price and production information in a concentrated market will result in increased prices. Oil companies frequently supply each other with gasoline in areas where they have no source of supply through so-called ''exchange agreements.'' Refiners also frequently share terminals and pipelines, which facilitates the exchange of information. These practices alone do not violate the antitrust laws, but parallel conduct in combination with information sharing could be enough to establish a violation of the antitrust laws.

Eliminates the judge-made doctrines that prevent OPEC members from being sued for violating the antitrust laws by conspiring to fix the price of crude oil.

It is my hope that this legislation will help reverse the trend toward less competition and higher prices. The cosponsors of this legislation—Senator KOHL, SENATOR DEWINE, Senator DURBIN, Senator LEAHY, Senator FEINSTEIN—deserve enormous credit for having the courage to take on this issue and for helping to develop this important legislation. I urge other members that are concerned about consolidation in the industry—and about the prices that consumers are paying to drive to work and heat their homes—to support this important legislation.

Mr. LEAHY. Mr. President, I am proud to join with Senators SPECTER, KOHL, DEWINE and others on a new bill, the Oil and Gas Industry Antitrust Act of 2006, which includes, as its centerpiece, our NOPEC legislation, which many of us have worked together on for years.

This measure—The No Oil Producing And Exporting Cartels Act, NOPEC—would make OPEC accountable for its anticompetitive behavior and allow the Justice Department to crack down on illegal price manipulation by oil cartels. It will allow the Federal Government to take legal action against any foreign state, including members of OPEC, for price fixing and other anticompetitive activities. The tools this bill would provide to law enforcement agencies are necessary to immediately counter OPEC's anticompetitive practices, and these tools would help reduce gasoline prices now.

The Congress should pass this measure immediately instead of waiting until the price of gasoline at the pump is $4 a gallon. OPEC has America over a barrel, and we should fight back. If OPEC were simply a foreign business engaged in this type of behavior, it

would already be subject to American antitrust law. It is wrong to let OPEC producers off the hook just because their anticompetitive practices come with the seal of approval of this cartel's member nations.

It is time for the President to join the bipartisan majority in the Senate which already said ''NO'' to OPEC by passing NOPEC and by sending it to the other body, where it was killed.

The Senate has already passed this bill, which would make OPEC subject to our antitrust laws. In fact, the Judiciary Committee has approved the NOPEC bill three times. Regrettably, even though President Bush promised in 2000 that he would ''jawbone OPEC,'' the Bush administration and its friends in the House have scuttled the NOPEC bill and the direct and daily relief it would bring to millions of Americans.

In addition, this bill makes it unlawful to divert petroleum or natural gas products from their local market to a distant market with the primary intention of increasing prices or creating a shortage in a market. This solves a real problem where products are being shipped for sale in that market but are later diverted and sold for less in another market.

We have an obligation to address these and other issues caused by oil cartels and by greedy companies who have money—that they have extracted from the American people—to burn. That is why I am also pleased that the bill includes provisions to conduct several studies that address serious competition, information sharing, and other antitrust problem areas related to the oil and natural gas industries. The American people deserve answers, and this bill also provides a path to getting those answers.

Authorizing tough legal action against illegal oil price fixing, and taking that action without delay, is one thing we can do without additional obstruction or delay.

The artificial pricing scheme enforced by OPEC affects all of us, not the least of whom are hardworking Vermont farmers. The overall increase in fuel costs for an average Vermont farmer last year was 43 percent, meaning that each farmer is estimated to pay an additional $700 in fuel surcharges in 2006 alone. Vermonters know what the terrible consequences of these high prices can be: forcing many farmers to make unfair choices between running their farms or heating their homes. No one should be forced to make these choices, certainly not our hard-working farmers.

In summary, this bill will provide law enforcement with the tools necessary to fight OPEC's anticompetitive practices immediately, and help reduce gasoline prices now. I urge my colleagues to support this bill, and to say ''NO'' to OPEC as we have done in the past.

Mr. KOHL. Mr. President, I rise today with Senator SPECTER to introduce the Oil and Gas Industry Antitrust Act of 2006. This legislation will make several important and overdue reforms to our antitrust laws to give our Federal Government more of the tools it needs to take action to combat anti-competitive conduct in the oil and gas industry. It will also direct that our antitrust enforcement agencies undertake several actions to ensure that they are enforcing our current antitrust laws properly.

We have all seen the suffering felt by consumers and our national economy resulting from rising energy prices. Gasoline prices are once again on the rise, with the national average price increasing more than thirty cents in the last month alone. Many industry experts fear, if current trends continue, that last summer's record levels of more than three dollars per gallon will be exceeded this coming summer. And prices for other crucial energy products—such as natural gas and home heating oil—have undergone similar sharp increases. These price increases are a silent tax that steals hard earned money away from American consumers every time they visit the gas pump and every time they raise their thermostat to keep their family warm.

There is much debate about the causes of these gas prices. The role of increasing worldwide demand and supply limitations obviously play a role. But our investigation in the Judiciary Committee—including two hearings in the last several months—have made plain the facts that make many of us suspect that oil and gas markets are not behaving in a truly competitive fashion. The GAO has found that there were over 2600 mergers and acquisitions in the oil industry since 1990, and that these mergers have caused the price of gasoline to increase from one to seven cents per gallon. Despite a substantial growth in demand, no new refineries have been opened in the United States in 25 years. Instead, more than half have been closed, so that overall national refining capacity declined by more than 9 percent from 1981 to 2004 while demand for gasoline rose 37 percent. Many argue that limiting refining capacity is actually in the oil companies' interest, as it enables them to gain market power over supply to raise price.

And the oil industry has unquestionably enriched itself during this period of high prices. Oil industry profits reached record high levels last year, led by Exxon Mobil's record high profits of over $36 billion. An independent study by the consumers group Public Citizen found that U.S. oil refiners increased their profits on each gallon of gasoline they refined by 79 percent in the five-year period ending in 2004. While it is true that the world price of crude oil has substantially increased, the fact that the oil companies can so easily pass along all of these price increases to consumers of gasoline and other refined products—and compound their profits along the way—demonstrates to many of us that that there is a failure of competition in our oil and gas markets.

Indeed, at our hearing last month, the chief executives of our Nation's largest oil companies admitted they had no difficulty in passing along crude oil price increases to consumers. Rex Tillerson of ExxonMobil forthrightly testified that ''[t]he high price of crude oil has been passed ultimately along to the consumer of whatever the finished product may be . . . .'' David O'Reilly of Chevron agreed.

It also seems clear that there has been a failure of our antitrust enforcement agencies to take action to restore competition to this vital industry. Vigorous antitrust enforcement is essential to restore competition to these markets, and it is now time to strengthen our antitrust laws to ensure that they are up to the job. This bill that Senator SPECTER and I are introducing today will significantly enhance our antitrust laws to ensure that the government has the necessary tools to take action to restore competition in this industry, and also direct that the government examine its enforcement policy to determine if additional changes are needed.

Our bill has five elements, each essential to strengthening antitrust enforcement in the petroleum industry. It contains two important changes to existing antitrust law. First, it will amend the Clayton Act to prohibit withholding supplies of petroleum, gasoline or any other fuel for the primary purpose of increasing prices or creating a shortage. This provision will prevent the ability of oil producers and refiners to limit supply to manipulate price. Second, it incorporates our NOPEC bill—legislation I have introduced each Congress since 2000—to make the actions of the OPEC oil cartel subject to U.S. antitrust law. This provision will, for the first time, establish clearly and plainly that when a group of competing oil producers like the OPEC nations act together to restrict supply or set prices, they are violating U.S. law. This provision will authorize the Attorney General to file suit under the antitrust laws for redress, and will remove the protections of sovereign immunity and the act of state doctrine from nations that participate in the oil cartel. Our NOPEC provision passed the Senate last year as an amendment to the energy bill, but was subsequently dropped by the House-Senate Conference Committee without explanation. It is past time to pass this much needed anti-cartel measure finally into law.

Our bill also will direct that the antitrust enforcement agencies undertake several important actions to promote competition. The first two of these measures will address the government's response to the huge wave of consolidation in the oil industry. First, the bill will direct that the Justice Department and Federal Trade Commission conduct a study and report their

findings to us in nine months, as to whether the Clayton Act needs to be amended to ensure that mergers which truly lessen competition in the petroleum industry are prohibited. Second, the bill directs a study by the GAO to be completed within six months to examine whether the consent decrees and divestitures obtained by the Justice Department or FTC in the oil industry have been effective in protecting competition. The Attorney General and FTC are directed to consider additional action be required to restore competition upon completion of this report. Finally, the bill directs that the Attorney General and FTC Chairman establish a joint Federal-State task force to investigate information sharing among companies producing, refining, or marketing petroleum, gasoline or any other refined product.

As Ranking Member on the Senate Antitrust Subcommittee, I believe that this bill is an important step to reforming our antitrust laws and restoring competition to the oil and gas industry. All of us can agree that anticompetitive conduct leading to higher prices for gasoline and other energy products simply cannot be tolerated. It is essential that we give our government the necessary tools to do the job, and I am certain our bill is a long overdue measure to do just that.

I urge my colleagues to support the Oil and Gas Industry Antitrust Act of 2006.

Mr. DEWINE. Mr. President, I am proud to join as a co-sponsor of Senator SPECTER's Oil and Gas Industry Antitrust Act. This bill should help us curb the skyrocketing energy prices that have been an increasing burden on our Nation's consumers and businesses. It also should help us figure out how we can address these problems in the future.

High fuel costs are affecting every family, whether they are driving across town or heating their homes, and we must continue our efforts to do something about it. This bill would take immediate steps to help decrease possible price manipulation by oil companies and allow government enforcement agencies to take action to prevent price-fixing by oil producing nations.

I have been working on this problem for a long time. In fact, Senator KOHL and I have worked hard in our Subcommittee on Antitrust, Competition Policy and Consumer Rights to encourage FTC monitoring of gas prices and their careful investigation of oil industry behavior. I believe that those efforts have helped limit the fuel price increases; unfortunately, we still face enormous problems in this area, and we are all paying higher and higher prices for gas and heating oil. So, we need to continue our efforts and try some different approaches, and this legislation does just that.

Specifically, this bill calls for the Government Accountability Office to undertake a thorough study of the past enforcement actions taken by the Federal Trade Commission and the Department of Justice in prior oil industry merger investigations. This study will provide much-needed information on how effective the antitrust agencies' actions have been in preventing harm to consumers from mergers within the petroleum industry. Even more important, this bill also will call on the FTC and DOJ to use the findings from that study to examine those specific mergers and determine if they need to take further enforcement action regarding those deals. In addition, the antitrust agencies will utilize this information to take a close look at the petroleum industry and to determine whether they require special antitrust rules—applicable specifically to the oil industry—to give the agencies the tools they need to promote competition in the oil industry. This would be a very significant step, of course, but it is something they will consider.

Another important provision of this legislation creates a Joint Federal and State Task Force to investigate information sharing in the oil industry that may lead to artificially high prices for gasoline, electricity, and heating oil. The Federal Government and the various States have worked very effectively in the past to look into price spikes, supply disruptions, and a host of commercial arrangements that can harm consumers, and this bill provides a valuable framework for continuing and increasing this very effective cooperation.

Moreover, this bill will put an end to certain types of activities that oil companies may use to drive up prices or create shortages for all types of fuels. Specifically, this bill makes sure that oil companies cannot manipulate prices by refusing to sell their products in particular markets or diverting oil products away from American shores to artificially create a shortage and pad their profits. I am particularly pleased that the bill includes a provision that Senator KOHL and I have pursued since 2000—a provision that would make it clear that the Antitrust Division can prosecute OPEC for its price-fixing.

I believe that some of the provisions of this bill will help right away, like limiting the ability of the oil companies to refuse to sell petroleum in markets that need it and putting OPEC on notice that they can be prosecuted if they violate our laws. These provisions should help in the short-term. And, the other provisions, which require studies and review of past enforcement actions and analysis of possible changes in the antitrust laws, may help us address this problem in the long-run.

This bill will make a difference and help consumers. I strongly encourage my colleagues to join in support of its passage.

By Mr. LEAHY:

S. 2559. A bill to make it illegal for anyone to defraud and deprive the American people of the right to the honest services of a Member of Congress and to instill greater public confidence in the United States Congress; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce the ''Honest Services Act of 2006,''—a bill to provide new tools for Federal prosecutors to combat public corruption in our government. The purpose of this bill is to strengthen the tools available to Federal prosecutors to combat public corruption. This bill articulates more clearly for lobbyists, members of Congress, and Congressional staff the line that cannot be crossed regarding links between gifts or special favors and official acts, without incurring criminal liability.

Just recently, the Senate passed the Legislative Transparency and Accountability Act of 2006, S. 2349—the first lobbying reform bill in Congress in over a decade. I voted for the lobbying reform bill and I believe that this legislation takes an important step toward restoring the public's confidence in Congress.

I was disappointed, however, that I did not have an opportunity to offer the bill that I now propose as an amendment to the lobbying reform bill because cloture was invoked very early in the floor debate. My amendment would have offered an important and needed new dimension to the lobbying reform bill by strengthening our criminal public corruption laws.

Although it is certainly important to have high ethical standards within Congress and more transparency in the lobbying process, vigorous enforcement of our Federal public corruption laws is also an important component of this effort to restore public confidence in government. Indeed, it was only with the indictments of Jack Abramoff, Michael Scanlon, and Randy ''Duke'' Cunningham that Congress took note of the serious ethics scandals that have grown over the last years. If we are serious about restoring public confidence in Congress, we need to do more than just reform the lobbying disclosure laws and ethics rules. Congress must send a signal that it will not tolerate this type of public corruption by providing better tools Federal prosecutors to combat it.

This bill will do exactly that. The bill creates a better legal framework for combating public corruption than currently exists under our criminal laws. It specifies the crime of Honest Services Fraud Involving Members of Congress and prohibits defrauding or depriving the American people of the honest services of their elected representatives.

Under this bill, lobbyists who improperly seek to influence legislation and other official matters by giving expensive gifts, lavish entertainment and travel, and inside advice on investments to Members of Congress and their staff would be held criminally liable for their actions. The law also prohibits Members of Congress and their

staff from accepting these types of gifts and favors, or holding hidden financial interests, in return for being influenced in carrying out their official duties. Violators are subject to a criminal fine and up to 20 years imprisonment, or both.

This legislation strengthens the tools available to Federal prosecutors to combat public corruption, by removing some of the legal hurdles to public corruption prosecutions. Under current law, Federal prosecutors often have great difficulty bringing public corruption cases because it is difficult to prove a specific quid pro quo under the Federal bribery statute. In addition, the current honest services fraud statute—18 U.S.C. 1346—requires that prosecutors must also show that misconduct occurred via the mail or wire, even when there is clear evidence of an improper link between gifts and an official act. My bill makes it possible for Federal prosecutors to bring public corruption cases without having to first overcome these hurdles.

The bill also provides lobbyists, Members of Congress, and other individuals with much-needed notice and clarification as to what kind of conduct triggers this criminal offense. For much of the 20th Century, honest services fraud was a common law offense which courts read into the federal mail and wire fraud statutes. In 1987, the Supreme Court invalidated this common law concept in the case of McNally v. United States. In response to the McNally case, Congress subsequently added an honest services mail and wire fraud statute—18 U.S.C. 1346—to the Federal criminal code. Section 1346 has been regularly relied upon by prosecutors in public corruption cases ever since. However, that provision is often criticized for being too vague or for failing to give public officials sufficient notice about what type of conduct is covered by the statute. Courts have also disagreed about exactly what this statute means. My bill will help to resolve the confusion about honest services fraud in the legislative context, by setting out a well-defined honest services fraud offense for violations involving Members of Congress. In addition, the bill's intent requirements ensure that corrupt conduct can be appropriately prosecuted, but that innocuous actions will not be inappropriately targeted.

Lastly, my bill authorizes $25 million in additional federal funds over each of the next four years to give federal prosecutors needed resources to investigate public corruption. According to the FBI's 2004–2009 Strategic Plan, reducing public corruption in our country's Federal, State, and local governments is one of the FBI's top investigative priorities—behind only terrorism, espionage, and cyber crimes. However, an August 2005 report by the Department of Justice's Inspector General, found that, since 2000, there has been an overall reduction in the number of public corruption matters investigated by the FBI. That report noted that, in 2004, the FBI referred 63 fewer public corruption cases to the United States Attorney's offices across the Nation than it referred in 2000. My bill will give the FBI and the Public Integrity Section within the Department of Justice new resources to hire additional public corruption investigators and public corruption prosecutors.

If we are serious about addressing the egregious misconduct that we have recently witnessed, Congress must enact meaningful legislation to strengthen our public corruption laws and give investigators and prosecutors the resources they need to enforce these laws.

The unfolding public corruption investigations involving lobbyist Jack Abramoff and former Representative Randy ''Duke'' Cunningham demonstrate that unethical conduct by public officials has broad ranging impact. Just last month, the Washington Post reported that, as an outgrowth of the Cunningham investigation, federal investigators and the Pentagon are now looking into contracts awarded by the Pentagon's new intelligence agency—the Counterintelligence Field Activity—to MZM, Inc., a company run by Mitchell J. Wade, who recently pleaded guilty to conspiring to bribe Mr. Cunningham. The Cunningham case demonstrates that our democracy and national security depend upon a healthy, efficient, and ethical government.

The American people expect—and deserve—to be confident that their representatives in Congress perform their legislative duties in a manner that is beyond reproach and that is in the public interest.

Because I strongly believe that Congress must do more to restore the public's trust in their Congress, I urge all Senators to support this bill.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2559

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 ''Honest Services Act of 2006''.

SEC. 2. HONEST SERVICES FRAUD INVOLVING MEMBERS OF CONGRESS.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

''§ 1351. Honest services fraud involving members of Congress

''(a) IN GENERAL.—Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice to defraud and deprive the United States, the Congress, or the constituents of a Member of Congress, of the right to the honest services of a Member of Congress by—

''(1) offering and providing to a Member of Congress, or an employee of a Member of Congress, anything of value or a series of things of value, with the intent to influence the performance an official act or series of official acts; or

''(2) being a Member of Congress, or an employee of a Member of Congress, accepting anything of value or a series of things of value or holding an undisclosed financial interest, with the intent to be influenced in performing an official act or series of official acts;

shall be fined under this title or imprisoned not more than 20 years, or both.

''(b) DEFINITIONS.—In this section:

''(1) HONEST SERVICES.—The term 'honest services' includes the right to conscientious, loyal, faithful, disinterested, and unbiased service, to be performed free of deceit, undue influence, conflict of interest, self-enrichment, self-dealing, concealment, bribery, fraud, and corruption.

''(2) OFFICIAL ACT.—The term 'official act'—

''(A) has the meaning given that term in section 201(a)(3) of this title; and

''(B) includes supporting and passing legislation, placing a statement in the Congressional Record, participating in a meeting, conducting hearings, or advancing or advocating for an application to obtain a contract with the United States Government.

''(3) UNDISCLOSED FINANCIAL INTEREST.—The term 'undisclosed financial interest' includes any financial interest not disclosed as required by statute or by the Standing Rules of the Senate.

''(c) NO INFERENCE AND SCOPE.—Nothing in this section shall be construed to—

''(1) create any inference with respect to whether the conduct described in section 1351 of this title was already a criminal or civil offense prior to the enactment of this section; or

''(2) limit the scope of any existing criminal or civil offense.''.

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 63 of title 18, United States Code is amended by adding at the end, the following:

''1351. Honest services fraud involving Members of Congress.''.

SEC. 3. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO INVESTIGATE AND PROSECUTE HONEST SERVICES FRAUD, BRIBERY, GRAFT, AND CONFLICTS OF INTEREST OFFENSES.

There are authorized to be appropriated to the Department of Justice, including the Public Integrity Section of the Criminal Division, and the Federal Bureau of Investigations, $25,000,000 for each of the fiscal years 2007, 2008, 2009, and 2010, to increase the number of personnel to investigate and prosecute violations of section 1351 and sections 201, 203 through 209, 1001, 1341, 1343, and 1346 of title 18, United States Code, as amended by this Act.

By Mr. SPECTER (for himself, Mr. BIDEN, Mr. HATCH, Mr. GRASSLEY, and Mr. LEVIN):

S. 2560. A bill to reauthorize the Office of National Drug Control Policy; to the Committee on the Judiciary.

Mr. SPECTER. Madam President, I further introduce the reauthorization for the Office of National Drug Control Policy Act of 2006. Senators HATCH, BIDEN, and GRASSLEY have worked with me on this issue. This is the office to establish our drug policy. Since 2001, according to the ONDCP—the Office of National Drug Control Policy—the combined use of illicit drugs by 8th, 10th, and 12th graders has decreased by some 19 percent. We have seen a serious problem with methamphetamine. This agency is very important to carry out the administration's policy to try to reduce drug usage.

I ask unanimous consent that the full text of my prepared statement be printed in the RECORD.

INTRODUCTORY STATEMENT—''OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2006''

Mr. President, to reiterate I seek recognition today to introduce the ''Office of National Drug Control Policy Reauthorization Act of 2006'' and ask for the support of my colleagues for this important legislation concerning the war on illegal drugs.

This bill re-authorizes the Office of National Drug Control Policy—(''ONDCP'')—the Administration's office responsible for establishing policy and objectives to reduce illicit drug use, manufacturing, and trafficking, drug-related crime and violence, and drug-related health consequences. Senators BIDEN, HATCH and GRASSLEY have worked diligently with me in crafting this bill to provide authorization for ONDCP and its programs, and maintain a high level of Congressional oversight. I appreciate their consistent leadership.

Since 2001, according to ONDCP, the combined use of illicit drugs by 8th, 10th, and 12th graders has decreased 19 percent. This amounts to roughly 700,000 students who are not using drugs. ONDCP has prepared a National Drug Control Strategy that seeks to build on this progress and attain the President's goal of a 25 percent reduction in 5 years. I want to see the President's 25 percent reduction goal become a reality, and this bill will assist the Administration meet this objective.

Drug use and abuse—particularly among our youth—has a profoundly negative impact that spreads among our society like ripples made in water. Drug use leads to increased crime and violence, lowers educational standards, and has a destructive impact on the family unit. We need to take affirmative steps to provide the Executive Branch with the tools it needs to confront the problem of drugs and the negative consequences that follow from their abuse. This bill seeks to do just that.

We have seen over the last few years an epidemic involving the abuse of methamphetamine—a highly addictive drug that has been particularly damaging to our youth. This is a drug that can be cooked in low-tech labs with ingredients that can be purchased at most convenience stores. As a result, we included in the USA Patriot Act—which was recently signed into law—provisions that: (1) restrict the sale and distribution of chemical ingredients that make methamphetamine; (2) provides critical resources to state and local law enforcement; and (3) enhances international law enforcement of methamphetamine trafficking. Congress affirmatively responded to this problem and acted by passing the Combat Meth Act. We seek to continue these efforts with this legislation.

Once again, the President's 2007 budget seeks to shift funding of High Intensity Drug Trafficking Areas (HIDTA's) from ONDCP to the Department of Justice as a separate entity within the Organized Crime Drug Enforcement Task Force—(OCDETF). The HIDTA program was created by Congress to exist within ONDCP, and has successfully grown from 5 HIDTA's in 1990 to 28 HIDTA's that currently exist across the United States. HIDTA's enhance and coordinate drug control efforts among local, state, and federal law enforcement agencies, and provides agencies with equipment, technology, and additional resources to combat drug trafficking and their harmful consequences in critical regions of the United States. This bill keeps the HIDTA program within ONDCP where Congress intended it to remain.

I am hopeful the provisions in this bill meet the goals set by the President and reduce the overall use and abuse of illegal drugs in our country.

By Mr. DOMENICI:

S. 2561. A bill to authorize the Secretary of the Interior to make available cost-shared grants and enter into cooperative agreements to further the goals of the Water 2025 Program by improving water conservation, efficiency, and management in the Reclamation States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, an excerpt from John Steinbeck's classic The Grapes of Wrath recounting the conditions preceding the great Dust Bowl is eerily similar to the conditions currently faced by the Southwestern United States. ''The sky grew pale and the clouds that had hung in high puffs for so long in the spring were dissipated. The sun flared down on the growing corn each day until a line of brown spread along the edge of each green bayonet. The clouds appeared, and went away, and in a while they did not try any more. The weeds grew darker green to protect themselves, and they did not spread any more. The surface of the earth crusted, a thin hard crust, and as the sky became pale, so the earth became pale, pink in the red country and white in the gray country . . . Every moving thing lifted the dust into the air. . . . The dust was long in settling back again.''

As of April 5, 2006, statistics provided by the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture indicate that my home State of New Mexico is facing one of the worst droughts in the past 100 years. Historic snow pack data indicates the 2005–2006 snow season is the worst in more than 50 years. Several river basins in New Mexico, including the Rio Hondo and Mimbres river basins currently have no snow pack. This fact is particularly troubling when one considers that we rely on spring run-off for our surface water. Moreover, lack of snow pack indicates that our reservoirs, already depleted after years of drought, will remain at alarmingly low levels. According to the NRCS, ''Record low snow packs in several of the major basins have water managers scratching their heads, wondering how best to manage the water resource, with no real hopes of realizing any significant runoff to refill the reservoirs.'' These facts, taken together, are particularly ominous.

Unseasonably warm temperatures in New Mexico have resulted in the start of the runoff season in early March, something that usually starts in middle to late April. The early beginning of the run-off season will be particularly damaging to the agriculture industry which relies on spring run-off for irrigation during the early growing season. The lack of precipitation will also be devastating to our ranchers and dairymen. Because drought has hindered local production of hay, it has to be hauled from great distances. As a result, hay is approximately twice as expensive as usual, placing a great economic strain on the ranching and dairy industries. I fully anticipate that the drought will interrupt municipal water service. Although early in the year, the Village of Ruidoso, New Mexico has contacted my office seeking emergency Federal assistance to address looming water shortages. In addition, numerous New Mexico communities are under severe water restrictions.

The current drought illustrates how perilously close we are coming to having serious and widespread water shortages and the need to make more efficient use of the water we do have. The competing demands of agriculture, industry, municipalities and environmental needs have placed an enormous strain on available supplies of water. This is particularly true with respect to our interstate rivers that are governed by compacts. These interstate agreements require that a certain amount of water be delivered to downstream States. Meanwhile, enormous amounts of water are lost because of antiquated water infrastructure. In many instances, relatively cheap water infrastructure upgrades can minimize water losses. For example, by lining dirt canals, large amount of water can be saved that otherwise would have been lost to seepage. For the past 3 years, Congress has made available efficiency and conservation grants through the Administration's Water 2025 program. The goal of this program is to make more water available in water-short river systems through infrastructure conservation and efficiency upgrades. The bill I introduce today would authorize the Water 2025 program. While not a panacea to our water woes, I believe that this legislation will help us maximize the water available to us during times of drought.

I would like to thank Representative HEATHER WILSON, our Congresswoman from the First Congressional District of New Mexico for introducing the House companion to this measure. She fully appreciates the breadth of this problem and I look forward to working with her on this critically important issue.

Ensuring adequate water supplies for the Southwestern United States is as important a matter as any I can contemplate. As Chairman of the Energy and Natural Resources Committee, which has jurisdiction over this legislation, I assure it will receive prompt Committee consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2561

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 ''Bureau of Reclamation Water Conservation, Efficiency, and Management Improvement Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) NON-FEDERAL ENTITY.—The term ''non-Federal entity'' means a State, Indian tribe, irrigation district, water district, or any other organization with water delivery authority.

(2) RECLAMATION STATE.—The term ''Reclamation State'' means each of the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

SEC. 3. AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—The Secretary may, in accordance with the criteria published under subsection (b), provide grants to, and enter into cooperative agreements with non-Federal entities to pay the Federal share of the cost of a project to plan, design, construct, or otherwise implement improvements to conserve water, increase water use efficiency, facilitate water markets, enhance water management, or implement other actions to prevent water-related crises or conflicts in watersheds that have a nexus to Federal water projects within the Reclamation States.

(b) ELIGIBILITY CRITERIA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, consistent with this Act, publish in the Federal Register criteria developed by the Secretary for—

(A) determining the eligibility of a non-Federal entity for assistance under subsection (a); and

(B) prioritizing requests for assistance under subsection (a).

(2) FACTORS.—The criteria developed under paragraph (1) shall take into account such factors as—

(A) the extent to which a project under subsection (a) would reduce conflict over water;

(B) the extent to which a project under subsection (a) would—

(i) increase water use efficiency; or

(ii) enhance water management;

(C) the extent to which unallocated water is available in the area in which a project under subsection (a) is proposed to be conducted;

(D) the extent to which a project under subsection (a) involves water marketing;

(E) the likelihood that the benefit of a project under subsection (a) would be attained;

(F) whether the non-Federal entity has demonstrated the ability of the non-Federal entity to pay the non-Federal share;

(G) the extent to which the assistance provided under subsection (a) is reasonable for the work proposed under the project;

(H) the involvement of the non-Federal entity and stakeholders in a project under subsection (a);

(I) whether a project under subsection (a) is related to a Bureau of Reclamation project or facility; and

(J) the extent to which a project under subsection (a) would conserve water.

(c) FEDERAL FACILITIES.—If a grant or cooperative agreement under subsection (a) provides for improvements to a Federal facility—

(1) the Federal funds provided under the grant or cooperative agreement may be—

(A) provided on a nonreimbursable basis to an entity operating affected transferred works; or

(B) determined to be nonreimbursable for non-transferred works; and

(2) title to the improvements to the Federal facility shall be held by the United States.

(d) COST-SHARING REQUIREMENT.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project assisted under subsection (a) shall be not more than 50 percent.

(2) NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of carrying out a project under subsection (a), the Secretary—

(A) may include any in-kind contributions that the Secretary determines would materially contribute to the completion of proposed project; and

(B) shall exclude any funds received from other Federal agencies.

(e) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the cost of operating and maintaining improvements assisted under subsection (a) shall be 100 percent.

(f) MUTUAL BENEFIT.—Grants or cooperative agreements made under this section or section 4 may be for the mutual benefit of the United States and the entity that is provided the grant or enters into the cooperative agreement.

(g) LIABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the United States shall not be liable under Federal or State law for monetary damages of any kind arising out of any act, omission, or occurrence relating to any non-Federal facility constructed or improved under this Act.

(2) EXCEPTION.—Notwithstanding paragraph (1), the United States may be held liable for damages to non-Federal facilities caused by acts of negligence committed by the United States or by an employee or agent of the United States.

(3) NO ADDITIONAL LIABILITY.—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (commonly known as the ''Federal Torts Claim Act'').

SEC. 4. RESEARCH AGREEMENTS.

The Secretary may enter into cooperative agreements with institutions of higher education, nonprofit research institutions, or organizations with water or power delivery authority to fund research to conserve water, increase water use efficiency, or enhance water management under such terms and conditions as the Secretary determines to be appropriate.

SEC. 5. EFFECT.

Nothing in this Act—

(1) affects any existing project-specific funding authority; or

(2) invalidates, preempts, or creates any exception to State water law, State water rights, or any interstate compact governing water.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $25,000,000 for each of fiscal years 2007 through 2016.

By Mr. CRAIG (for himself and Mr. AKAKA):

S. 2562. A bill to increase, effective as of December 1, 2006, 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; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, today I join Senator AKAKA in introducing legislation that would provide a cost-of-living adjustment to the rates of disability compensation provided to our Nation's disabled veterans and to the compensation provided to survivors of veterans and servicemembers who died, or who will die, as a result of military service. Every year since 1976 Congress has enacted an annual COLA adjustment for veterans with disabilities and survivors. The regularity of Congress's action on COLA legislation underscores its importance. Without it, inflation would erode the purchasing power of millions of beneficiaries.

According to its fiscal year 2007 budget, VA estimates that it will provide disability compensation to 2,867,013 veterans with service-connected disabilities in the upcoming fiscal year. Among the veterans estimated to receive such compensation are 5 World War I veterans; 335,180 World War II veterans; 160,889 Korean-conflict veterans; 992,360 Vietnam-era veterans; and 762,230 veterans of the Persian Gulf war era. The COLA legislation will also benefit an estimated 348,479 survivors.

The Congressional Budget Office, CBO, estimates that inflation, at the close of this fiscal year, will be at 2.2 percent as measured by the consumer price index published by the Department of Labor's Bureau of Labor Statistics. Once the actual inflation level is known, this legislation would adjust payment rates in effect on November 30, 2006, and be applied to payments made to veterans and survivors effective December 1, 2006. CBO also estimates that the legislation will increase direct spending by $530 million in fiscal year 2007. Again, because of the importance accorded to annual COLA legislation, all of this spending is assumed in the budget baseline and, thus, requires no offset.

In summary, this legislation is critical to the lives of over 3 million beneficiaries who have served our country well and faithfully. I ask my colleagues for their continued support for our nation's veterans. And I ask for their support of the Veterans' Compensation Cost-of-Living Adjustment Act of 2006.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2562

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2006''.

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

(a) RATE ADJUSTMENT.—Effective on December 1, 2006, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on

November 30, 2006, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

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

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

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

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

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2006, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2007.

By Mr. COCHRAN (for himself, Mr. ENZI, and Mr. TALENT):

S. 2563. A bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part; to the Committee on Finance.

Mr. COCHRAN. Mr. President, The Medicare prescription drug plan is a tremendous success with more than 27 million Medicare beneficiaries now enrolled in the program. Seniors are realizing significant decreases in the cost of their prescription drugs and the savings are even greater than expected. The Centers for Medicare and Medicaid Services (CMS) and health care providers worked together to plan and implement this program. In particular, community pharmacists played an important role in making this benefit successful. Prior to the January 1 start of the program, pharmacists assisted their Medicare patients in the selection and enrollment process. This process was new and challenging, but pharmacists were diligent in serving their patients and providing much-needed medications while the program became functional.

We are introducing a bill today to assist pharmacists as they continue to serve their patients and as they help to continue the success of the Medicare drug benefit. This bill will allow pharmacists to achieve efficiencies in reimbursement for the products they have provided to new beneficiaries. This is especially needed by small, rural independent pharmacies. This legislation will also provide incentives for pharmacists and other providers to help beneficiaries better utilize their medications, adhere to their drug regimens, and utilize cost saving medication therapy management programs.

I am pleased to offer this legislation that will help continue the success of the Medicare prescription drug benefit.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2563

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 ''Pharmacist Access and Recognition in Medicare (PhARM) Act of 2006''.

SEC. 2. PROMPT PAYMENT BY PRESCRIPTION DRUG PLANS AND MA–PD PLANS UNDER PART D.

(a) PROMPT PAYMENT BY PRESCRIPTION DRUG PLANS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

''(4) PROMPT PAYMENT OF CLEAN CLAIMS.—

''(A) PROMPT PAYMENT.—

''(i) IN GENERAL.—Each contract entered into with a PDP sponsor under this section with respect to a prescription drug plan offered by such sponsor shall provide that payment shall be issued, mailed, or otherwise transmitted with respect to all clean claims submitted under this part within the applicable number of calendar days after the date on which the claim is received.

''(ii) CLEAN CLAIM DEFINED.—In this paragraph, the term 'clean claim' means a claim that has no apparent defect or impropriety (including any lack of any required substantiating documentation) or particular circumstance requiring special treatment that prevents timely payment from being made on the claim under this part.

''(B) APPLICABLE NUMBER OF CALENDAR DAYS DEFINED.—In this paragraph, the term 'applicable number of calendar days' means—

''(i) with respect to claims submitted electronically, 14 days; and

''(ii) with respect to claims submitted otherwise, 30 days.

''(C) INTEREST PAYMENT.—If payment is not issued, mailed, or otherwise transmitted within the applicable number of calendar days (as defined in subparagraph (B)) after a clean claim is received, interest shall be paid at a rate used for purposes of section 3902(a) of title 31, United States Code (relating to interest penalties for failure to make prompt payments), for the period beginning on the day after the required payment date and ending on the date on which payment is made.

''(D) PROCEDURES INVOLVING CLAIMS.—

''(i) IN GENERAL.—A contract entered into with a PDP sponsor under this section with respect to a prescription drug plan offered by such sponsor shall provide that, not later than 10 days after the date on which a clean claim is submitted, the PDP sponsor shall provide the claimant with a notice that acknowledges receipt of the claim by such sponsor. Such notice shall be considered to have been provided on the date on which the notice is mailed or electronically transferred.

''(ii) CLAIM DEEMED TO BE CLEAN.—A claim is deemed to be a clean claim if the PDP sponsor involved does not provide notice to the claimant of any deficiency in the claim within 10 days of the date on which the claim is submitted.

''(iii) CLAIM DETERMINED TO NOT BE A CLEAN CLAIM.—

''(I) IN GENERAL.—If a PDP sponsor determines that a submitted claim is not a clean claim, the PDP sponsor shall, not later than the end of the period described in clause (ii), notify the claimant of such determination. Such notification shall specify all defects or improprieties in the claim and shall list all additional information or documents necessary for the proper processing and payment of the claim.

''(II) DETERMINATION AFTER SUBMISSION OF ADDITIONAL INFORMATION.—A claim is deemed to be a clean claim under this paragraph if the PDP sponsor involved does not provide notice to the claimant of any defect or impropriety in the claim within 10 days of the date on which additional information is received under subclause (I).

''(III) PAYMENT OF CLEAN PORTION OF A CLAIM.—A PDP sponsor shall pay any portion of a claim that would be a clean claim but for a defect or impropriety in a separate portion of the claim in accordance with subparagraph (A).

''(iv) OBLIGATION TO PAY.—A claim submitted to a PDP sponsor that is not paid or contested by the provider within the applicable number of days (as defined in subparagraph (B)) shall be deemed to be a clean claim and shall be paid by the PDP sponsor in accordance with subparagraph (A).

''(v) DATE OF PAYMENT OF CLAIM.—Payment of a clean claim under such subparagraph is considered to have been made on the date on which full payment is received by the provider.

''(E) ELECTRONIC TRANSFER OF FUNDS.—A PDP sponsor shall pay all clean claims submitted electronically by electronic transfer of funds.''.

(b) PROMPT PAYMENT BY MA-PD PLANS.—Section 1857(f) of the Social Security Act (42 U.S.C. 1395w–27(f)) is amended by adding at the end the following new paragraph:

''(3) INCORPORATION OF CERTAIN PRESCRIPTION DRUG PLAN CONTRACT REQUIREMENTS.—The provisions of section 1860D–12(b)(4) shall apply to contracts with a Medicare Advantage organization in the same manner as they apply to contracts with a PDP sponsor offering a prescription drug plan under part D.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into or renewed on or after the date that is 90 days after the date of the enactment of this Act.

SEC. 3. RESTRICTION ON PHARMACY CO-BRANDING ON MEDICARE PRESCRIPTION DRUG CARDS ISSUED BY PRESCRIPTION DRUG PLANS AND MA–PD PLANS.

(a) IN GENERAL.—Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended—

(1) in subsection (b)(2)(A), by striking ''The PDP sponsor'' and inserting ''Subject to subsection (l), the PDP sponsor''; and

(2) by adding at the end the following new subsection:

''(l) CO-BRANDING PROHIBITED.—A card that is issued under subsection (b)(2)(A) for use under a prescription drug plan offered by a PDP sponsor shall not display the name, brand, or trademark of any pharmacy.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to cards distributed on or after the date that is 90 days after the date of enactment of this Act.

SEC. 4. PROVISION OF MEDICATION THERAPY MANAGEMENT SERVICES UNDER PART D.

(a) PROVISION OF MEDICATION THERAPY MANAGEMENT SERVICES UNDER PART D.—

(1) IN GENERAL.—Section 1860D–4(c)(2) of the Social Security Act (42 U.S.C.1395w–104(c)(2)) is amended—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by inserting ''or other health care provider with advanced training in medication management'' after ''furnished by a pharmacist''; and

(II) by striking ''targeted beneficiaries described in clause (ii)'' and inserting ''targeted beneficiaries specified under clause (ii)''

(ii) by striking clause (ii) and inserting the following:

''(ii) TARGETED BENEFICIARIES.—The Secretary shall specify the population of part D eligible individuals appropriate for services under a medication therapy management program based on the following characteristics:

''(I) Having a disease state in which evidence-based medicine has demonstrated the benefit of medication therapy management intervention based on objective outcome measures.

''(II) Taking multiple covered part D drugs or having a disease state in which a complex combination medication regimen is utilized.

''(III) Being identified as likely to incur annual costs for covered part D drugs that exceed a level specified by the Secretary or where acute or chronic decompensation of disease would likely increase expenditures under the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund under sections 1817 and 1841, respectively, such as through the requirement of emergency care or acute hospitalization.'';

(B) by striking subparagraph (B) and inserting the following:

''(B) ELEMENTS.—

''(i) MINIMUM DEFINED PACKAGE OF SERVICES.—The Secretary shall specify a minimum defined package of medication therapy management services that shall be provided to each enrollee. Such package shall be based on the following considerations:

''(I) Performing necessary assessments of the health status of each enrollee.

''(II) Providing medication therapy review to identify, resolve, and prevent medication-related problems, including adverse events.

''(III) Increasing enrollee understanding to promote the appropriate use of medications by enrollees and to reduce the risk of potential adverse events associated with medications, through beneficiary and family education, counseling, and other appropriate means.

''(IV) Increasing enrollee adherence with prescription medication regimens through medication refill reminders, special packaging, and other compliance programs and other appropriate means.

''(V) Promoting detection of adverse drug events and patterns of overuse and underuse of prescription drugs.

''(VI) Developing a medication action plan which may alter the medication regimen, when permitted by the State licensing authority. This information should be provided to, or accessible by, the primary health care provider of the enrollee.

''(VII) Monitoring and evaluating the response to therapy and evaluating the safety and effectiveness of the therapy, which may include laboratory assessment.

''(VIII) Providing disease-specific medication therapy management services when appropriate.

''(IX) Coordinating and integrating medication therapy management services within the broader scope of health care management services being provided to each enrollee.

''(ii) DELIVERY OF SERVICES.—

''(I) PERSONAL DELIVERY.—To the extent feasible, face-to-face interaction shall be the preferred method of delivery of medication therapy management services.

''(II) INDIVIDUALIZED.—Such services shall be patient-specific and individualized and shall be provided directly to the patient by a pharmacist or other health care provider with advanced training in medication management.

''(III) DISTINCT FROM OTHER ACTIVITIES.—Such services shall be distinct from any activities related to formulary development and use, generalized patient education and information activities, and any population-focused quality assurance measures for medication use.

''(iii) OPPORTUNITY TO IDENTIFY PATIENTS IN NEED OF MEDICATION THERAPY MANAGEMENT SERVICES.—The program shall provide opportunities for health care providers to identify patients who should receive medication therapy management services.'';

(C) by striking subparagraph (E) and inserting the following:

''(E) PHARMACY FEES.—

''(i) IN GENERAL.—The PDP sponsor of a prescription drug plan shall pay pharmacists and others providing services under the medication therapy management program under this paragraph based on the time and intensity of services provided to enrollees.

''(ii) SUBMISSION ALONG WITH PLAN INFORMATION.—Each such sponsor shall disclose to the Secretary upon request the amount of any such payments and shall submit a description of how such payments are calculated along with the information submitted under section 1860D–11(b). Such description shall be submitted at the same time and in a similar manner to the manner in which the information described in paragraph (2) of such section is submitted.''; and

(D) by adding at the end the following new subparagraph:

''(F) PHARMACY ACCESS REQUIREMENTS.—The PDP sponsor of a prescription drug plan shall secure the participation in its network of a sufficient number of retail pharmacies to assure that enrollees have the option of obtaining services under the medication therapy management program under this paragraph directly from community-based retail pharmacies.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to medication therapy management services provided on or after January 1, 2008.

(b) MEDICATION THERAPY MANAGEMENT DEMONSTRATION PROGRAM.—Section 1860D–4(c) of the Social Security Act (42 U.S.C.1395w–104(c)) is amended by adding at the end the following new paragraph:

''(3) COMMUNITY-BASED MEDICATION THERAPY MANAGEMENT DEMONSTRATION PROGRAM.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—By not later than January 1, 2008, the Secretary shall establish a 2-year demonstration program, based on the recommendations of the Best Practices Commission established under subparagraph (B), with both PDP sponsors of prescription drug plans and Medicare Advantage Organizations offering MA–PD plans, to examine the impact of medication therapy management furnished by a pharmacist in a community-based or ambulatory-based setting on quality of care, spending under this part, and patient health.

''(ii) SITES.—

''(I) IN GENERAL.—Subject to subclause (II), the Secretary shall designate not less than 10 PDP sponsors of prescription drug plans or Medicare Advantage Organizations offering MA–PD plans, none of which provide prescription drug coverage under such plans in the same PDP or MA region, respectively, to conduct the demonstration program under this paragraph.

''(II) DESIGNATION CONSISTENT WITH RECOMMENDATIONS OF BEST PRACTICES COMMISSION.—The Secretary shall ensure that the designation of sites under subclause (I) is consistent with the recommendations of the Best Practices Commission under subparagraph (B)(ii).

''(B) BEST PRACTICES COMMISSION.—

''(i) ESTABLISHMENT.—The Secretary shall establish a Best Practices Commission composed of representatives from pharmacy organizations, health care organizations, beneficiary advocates, chronic disease groups, and other stakeholders (as determined appropriate by the Secretary) for the purpose of developing a best practices model for medication therapy management.

''(ii) RECOMMENDATIONS.—The Commission shall submit to the Secretary recommendations on the following:

''(I) The minimum number of enrollees that should be included in the demonstration program, and at each demonstration program site, to determine the impact of medication therapy management furnished by a pharmacist in a community-based setting on quality of care, spending under this part, and patient health.

''(II) The number of urban and rural sites that should be included in the demonstration program to ensure that prescription drug plans and MA–PD plans offered in urban and rural areas are adequately represented.

''(III) A best practices model for medication therapy management to be implemented under the demonstration program under this paragraph.

''(C) REPORTS.—

''(i) INTERIM REPORT.—Not later than 1 year after the commencement of the demonstration program, the Secretary shall submit to Congress an interim report on such program.

''(ii) FINAL REPORT.—Not later than 6 months after the completion of the demonstration program, the Secretary shall submit to Congress a final report on such program, together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

''(D) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI and XVIII as may be necessary for the purpose of carrying out the demonstration program under this paragraph.''.

Mr. ENZI. Mr. President, I rise to introduce the Pharmacist Access and Recognition in Medicare Act. I have enjoyed working closely with Chairman COCHRAN and Senator TALENT on

this bill that will help protect the valuable role that pharmacists play in our communities.

I have spent a lot of time over the past few months traveling around my home State of Wyoming talking to seniors about the new Medicare prescription drug benefit. This new voluntary benefit represents the most significant improvement to Medicare since its inception in 1965. Because of this new benefit, more seniors have prescription drug coverage and are able to purchase the medicines they need. Since the benefit took effect on January 1, 2006, 17,700 beneficiaries in Wyoming have signed up for prescription drug coverage and 27 million beneficiaries nationwide have drug coverage. I encourage all beneficiaries to enroll in a prescription drug plan before May 15, 2006.

I strongly support our community pharmacists. The changeover to Medicare Part D hasn't been easy and has produced several obstacles they have had to deal with as they have worked to serve Medicare beneficiaries. In traveling around my State over the past few months, I have talked to a few pharmacists who mentioned a few key problems they are facing with this new Medicare program that I believe we should address.

The first is an issue of cash flow management. As the only accountant in the United States Senate, I understand this problem. Most pharmacists have to pay their wholesalers like clockwork two times a month, but they are not receiving their reimbursement from the prescription drug plans in a similar timely fashion. This bill changes that. The bill states that plans have to reimburse all ''clean claims'' every 14 days. The bill also facilitates a quicker reimbursement by specifying that claims submitted electronically shall be paid by electronic transfer of funds. This is a small change in the law that I believe will play a large role in helping ease the transition to the new program for our local and community pharmacists.

The second issue I have heard about is called co-branding. Some of the prescription drug plans have partnered with some of the larger pharmacies and the plans are putting pharmacy logos on the benefit cards the beneficiaries use to get their prescriptions filled. Some people have told me that this is very confusing, because beneficiaries think that they must go to the pharmacy listed on the card. My bill says that co-branding is no longer allowed and all newly issued cards will not have pharmacy logos on them.

The final thing this bill does is expand upon what was in the Medicare bill that passed in 2003 regarding medication therapy management programs. I am pleased to say that Wyoming is ahead of the curve in this area. A few years ago, the Wyoming Department of Health partnered with the University of Wyoming to provide a service called Wyoming PharmAssist, which directly connects patients with registered pharmacists to review their medications for possible drug interactions and duplications. I was pleased to learn that this service is more advanced than systems in other States, providing patients with ways to reduce their monthly medication costs while improving safety. The Wyoming PharmAssist program can save clients $152 per month and $1,844 a year. Wyoming Pharm-Assist pays registered pharmacists for these unique services and is a model for the Nation. My bill tries to make the Federal program more like the very successful program in Wyoming.

I commend all the pharmacists across the country who are working so hard to make this new Medicare program work. They are getting life saving drugs to seniors who may not have been able to afford them before. I am proud to say I voted for this program back in 2003 and I am pleased with all the progress we are making.

I believe the Senate operates under what I call the 80/20 rule. 80 percent of the things that get done around here are non-contentious issues with support from both parties. The other 20 percent are the contentious issues that we seem to spend all our time talking about. I think this bill falls into the 80 percent category. This is a small bill that will do a lot of good for our pharmacists. It has wide support and I look forward to working with Chairman GRASSLEY to help move this bill through his Committee.

I invite my colleagues to join me and Senators COCHRAN and TALENT as sponsors of this bill to allow pharmacists to continue to provide the best quality care for seniors and the disabled who rely on them for their medications.

I ask that the text of the bill following my statement be placed in the RECORD.

By Mr. BURR (for himself, Mr. FRIST, Mr. ENZI, Mr. GREGG, Mr. ALEXANDER, and Mrs. DOLE):

S. 2564. A bill to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURR. 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. 2564

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 ''Biodefense and Pandemic Vaccine and Drug Development Act of 2006''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Biomedical Advanced Research and Development Authority; National Biodefense Science Board.
Sec. 4. Clarification of countermeasures covered by Project BioShield.
Sec. 5. Orphan drug market exclusivity for countermeasure products.
Sec. 6. Technical assistance.
Sec. 7. Collaboration and coordination.
Sec. 8. Procurement.
Sec. 9. Rule of construction.

SEC. 3. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY; NATIONAL BIODEFENSE SCIENCE BOARD.

(a) IN GENERAL.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 319K the following:

''SEC. 319L. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.

''(a) DEFINITIONS.—In this section:

''(1) BARDA.—The term 'BARDA' means the Biomedical Advanced Research and Development Authority.

''(2) FUND.—The term 'Fund' means the Biodefense Medical Countermeasure Development Fund established under subsection (d).

''(3) OTHER TRANSACTIONS.—The term 'other transactions' means transactions, other than procurement contracts, grants, and cooperative agreements, such as the Secretary of Defense may enter into under section 2371 of title 10, United States Code.

''(4) QUALIFIED COUNTERMEASURE.—The term 'qualified countermeasure' has the meaning given such term in section 319F–1.

''(5) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—The term 'qualified pandemic or epidemic product' has the meaning given the term in section 319F–3.

''(6) ADVANCED RESEARCH AND DEVELOPMENT.—

''(A) IN GENERAL.—The term 'advanced research and development' means, with respect to a product that is or may become a qualified countermeasure or a qualified pandemic or epidemic product, activities that predominantly—

''(i) are conducted after basic research and preclinical development of the product; and

''(ii) are related to manufacturing the product on a commercial scale and in a form that satisfies the regulatory requirements under the Federal Food, Drug, and Cosmetic Act or under section 351 of this Act.

''(B) ACTIVITIES INCLUDED.—The term under subparagraph (A) includes—

''(i) testing of the product to determine whether the product may be approved, cleared, or licensed under the Federal Food, Drug, and Cosmetic Act or under section 351 of this Act for a use that is or may be the basis for such product becoming a qualified countermeasure or qualified pandemic or epidemic product, or to help obtain such approval, clearance, or license;

''(ii) design and development of tests or models, including animal models, for such testing;

''(iii) activities to facilitate manufacture of the product on a commercial scale with consistently high quality, as well as to improve and make available new technologies to increase manufacturing surge capacity;

''(iv) activities to improve the shelf-life of the product or technologies for administering the product; and

''(v) such other activities as are part of the advanced stages of testing, refinement, improvement, or preparation of the product for such use and as are specified by the Secretary.

''(7) SECURITY COUNTERMEASURE.—The term 'security countermeasure' has the meaning given such term in section 319F–2.

''(8) RESEARCH TOOL.—The term 'research tool' means a device, technology, biological material (including a cell line or an antibody), reagent, animal model, computer system, computer software, or analytical technique that is developed to assist in the discovery, development, or manufacture of qualified countermeasures or qualified pandemic or epidemic products.

''(9) PROGRAM MANAGER.—The term 'program manager' means an individual appointed to carry out functions under this section and authorized to provide project oversight and management of strategic initiatives.

''(10) PERSON.—The term 'person' includes an individual, partnership, corporation, association, entity, or public or private corporation, and a Federal, State, or local government agency or department.

''(b) STRATEGIC PLAN FOR COUNTERMEASURE RESEARCH, DEVELOPMENT, AND PROCUREMENT.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Biodefense and Pandemic Vaccine and Drug Development Act of 2006, the Secretary shall develop and make public a strategic plan to integrate biodefense and emerging infectious disease requirements with the advanced research and development, strategic initiatives for innovation, and the procurement of qualified countermeasures and qualified pandemic or epidemic products.

''(2) CONTENT.—The strategic plan under paragraph (1) shall guide—

''(A) research and development, conducted or supported by the Department of Health and Human Services, of qualified countermeasures and qualified pandemic or epidemic products against possible biological, chemical, radiological, and nuclear agents and to emerging infectious diseases;

''(B) innovation in technologies that may assist advanced research and development of qualified countermeasures and qualified pandemic or epidemic products (such research and development referred to in this section as 'countermeasure and product advanced research and development'); and

''(C) procurement of such qualified countermeasures and qualified pandemic or epidemic products by such Department.

''(c) BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.—

''(1) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Biomedical Advanced Research and Development Authority.

''(2) IN GENERAL.—Based upon the strategic plan described in subsection (b), the Secretary shall coordinate and oversee the acceleration of countermeasure and product advanced research and development by—

''(A) facilitating collaboration among the Department of Health and Human Services, other Federal agencies, relevant industries, academia, and other persons, with respect to such advanced research and development;

''(B) promoting countermeasure and product advanced research and development;

''(C) facilitating contacts between interested persons and the offices or employees authorized by the Secretary to advise such persons regarding requirements under the Federal Food, Drug, and Cosmetic Act and under section 351 of this Act; and

''(D) promoting innovation to reduce the time and cost of countermeasure and product advanced research and development.

''(3) DIRECTOR.—The BARDA shall be headed by a Director (referred to in this section as the 'Director') who shall be appointed by the Secretary and to whom the Secretary shall delegate such functions and authorities as necessary to implement this section.

''(4) DUTIES.—

''(A) COLLABORATION.—To carry out the purpose described in paragraph (2)(A), the Secretary shall—

''(i) facilitate and increase the expeditious and direct communication between the Department of Health and Human Services and relevant persons with respect to countermeasure and product advanced research and development, including by—

''(I) facilitating such communication regarding the processes for procuring such advanced research and development with respect to qualified countermeasures and qualified pandemic or epidemic products of interest; and

''(II) soliciting information about and data from research on potential qualified countermeasures and qualified pandemic or epidemic products and related technologies;

''(ii) at least annually—

''(I) convene meetings with representatives from relevant industries, academia, other Federal agencies, international agencies as appropriate, and other interested persons;

''(II) sponsor opportunities to demonstrate the operation and effectiveness of relevant biodefense countermeasure technologies; and

''(III) convene such working groups on countermeasure and product advanced research and development as the Secretary may determine are necessary to carry out this section; and

''(iii) carry out the activities described in section 7 of the Biodefense and Pandemic Vaccine and Drug Development Act of 2006.

''(B) SUPPORT ADVANCED RESEARCH AND DEVELOPMENT.—To carry out the purpose described in paragraph (2)(B), the Secretary shall—

''(i) conduct ongoing searches for, and support calls for, potential qualified countermeasures and qualified pandemic or epidemic products;

''(ii) direct and coordinate the countermeasure and product advanced research and development activities of the Department of Health and Human Services;

''(iii) establish strategic initiatives to accelerate countermeasure and product advanced research and development and innovation in such areas as the Secretary may identify as priority unmet need areas; and

''(iv) award contracts, grants, cooperative agreements, and enter into other transactions, for countermeasure and product advanced research and development.

''(C) FACILITATING ADVICE.—To carry out the purpose described in paragraph (2)(C) the Secretary shall—

''(i) connect interested persons with the offices or employees authorized by the Secretary to advise such persons regarding the regulatory requirements under the Federal Food, Drug, and Cosmetic Act and under section 351 of this Act related to the approval, clearance, or licensure of qualified countermeasures or qualified pandemic or epidemic products; and

''(ii) ensure that, with respect to persons performing countermeasure and product advanced research and development funded under this section, such offices or employees provide such advice in a manner that is ongoing and that is otherwise designated to facilitate expeditious development of qualified countermeasures and qualified pandemic or epidemic products that may achieve such approval, clearance, or licensure.

''(D) SUPPORTING INNOVATION.—To carry out the purpose described in paragraph (2)(D), the Secretary may award contracts, grants, and cooperative agreements, or enter into other transactions, such as prize payments, to promote—

''(i) innovation in technologies that may assist countermeasure and product advanced research and development;

''(ii) research on and development of research tools and other devices and technologies; and

''(iii) research to promote strategic initiatives, such as rapid diagnostics, broad spectrum antimicrobials, and vaccine manufacturing technologies.

''(5) TRANSACTION AUTHORITIES.—

''(A) OTHER TRANSACTIONS.—In carrying out the functions under subparagraph (B) or (D) of paragraph (4), the Secretary shall have authority to enter into other transactions for countermeasure and product advanced research and development.

''(B) EXPEDITED AUTHORITIES.—

''(i) IN GENERAL.—In awarding contracts, grants, and cooperative agreements, and in entering into other transactions under subparagraph (B) or (D) of paragraph (4), the Secretary shall have the expedited procurement authorities, the authority to expedite peer review, and the authority for personal services contracts, supplied by subsections (b), (c), and (d) of section 319F-1.

''(ii) APPLICATION OF PROVISIONS.—Provisions in such section 319F-1 that apply to such authorities and that require institution of internal controls, limit review, provide for Federal Tort Claims Act coverage of personal services contractors, and commit decisions to the discretion of the Secretary shall apply to the authorities as exercised pursuant to this paragraph.

''(iii) AUTHORITY TO LIMIT COMPETITION.—For purposes of applying section 319F–1(b)(1)(D) to this paragraph, the phrase 'BioShield Program under the Project BioShield Act of 2004' shall be deemed to mean the countermeasure and product advanced research and development program under this section.

''(iv) AVAILABILITY OF DATA.—The Secretary shall require that, as a condition of being awarded a contract, grant, cooperative agreement, or other transaction under subparagraph (B) or (D) of paragraph (4), a person make available to the Secretary on an ongoing basis, and submit upon request to the Secretary, all data related to or resulting from countermeasure and product advanced research and development carried out pursuant to this section.

''(C) ADVANCE PAYMENTS; ADVERTISING.—The authority of the Secretary to enter into contracts under this section shall not be limited by section 3324(a) of title 31, United States Code, or by section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

''(D) MILESTONE-BASED PAYMENTS ALLOWED.—In awarding contracts, grants, and cooperative agreements, and in entering into other transactions, under this section, the Secretary may use milestone-based awards and payments.

''(E) FOREIGN NATIONALS ELIGIBLE.—The Secretary may under this section award contracts, grants, and cooperative agreements to, and may enter into other transactions with, highly qualified foreign national persons outside the United States, alone or in collaboration with American participants, when such transactions may inure to the benefit of the American people.

''(F) ESTABLISHMENT OF RESEARCH CENTERS.—The Secretary may establish one or more federally-funded research and development centers, or university-affiliated research centers in accordance with section 303(c)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)).

''(6) VULNERABLE POPULATIONS.—In carrying out the functions under this section, the Secretary may give priority to the advanced research and development of qualified countermeasures and qualified pandemic or epidemic products that are likely to be safe and effective with respect to children,

pregnant women, and other vulnerable populations.

''(7) PERSONNEL AUTHORITIES.—

''(A) SPECIALLY QUALIFIED SCIENTIFIC AND PROFESSIONAL PERSONNEL.—In addition to any other personnel authorities, the Secretary may—

''(i) without regard to those provisions of title 5, United States Code, governing appointments in the competitive service, appoint highly qualified individuals to scientific or professional positions in BARDA, such as program managers, to carry out this section; and

''(ii) compensate them in the same manner in which individuals appointed under section 9903 of such title are compensated, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

''(B) SPECIAL CONSULTANTS.—In carrying out this section, the Secretary may—

''(i) appoint special consultants pursuant to section 207(f); and

''(ii) accept voluntary and uncompensated services.

''(d) FUND.—

''(1) ESTABLISHMENT.—There is established the Biodefense Medical Countermeasure Development Fund, which shall be available to carry out this section.

''(2) FUNDS.—

''(A) FIRST FISCAL YEAR.—

''(i) AUTHORIZATION AND APPROPRIATION.—There are authorized to be appropriated and there are appropriated to the Fund $340,000,000 to carry out this section for fiscal year 2007. Such funds shall remain available until expended.

''(ii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, in addition to the amounts appropriated under clause (i), $160,000,000 to carry out this section for fiscal year 2007. Such funds shall remain available until expended.

''(B) SUBSEQUENT FISCAL YEARS.—

''(i) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(I) $500,000,000 for fiscal year 2008; and

''(II) such sums as may be necessary for fiscal years 2009 through 2012.

''(ii) AVAILABILITY OF FUNDS.—Such sums authorized under clause (i) shall remain available until expended.

''(e) INAPPLICABILITY OF CERTAIN PROVISIONS.—

''(1) DISCLOSURE.—

''(A) IN GENERAL.—The Secretary shall withhold from disclosure under section 552 of title 5, United States Code, specific technical data or scientific information that is created or obtained during the countermeasure and product advanced research and development funded by the Secretary that reveal vulnerabilities of existing medical or public health defenses against biological, chemical, nuclear, or radiological threats. Such information shall be deemed to be information described in section 552(b)(3) of title 5, United States Code.

''(B) OVERSIGHT.—Information subject to nondisclosure under subparagraph (A) shall be reviewed by the Secretary every 5 years to determine the relevance or necessity of continued nondisclosure.

''(2) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a working group of BARDA or to the National Biodefense Science Board under section 319M.

''SEC. 319M. NATIONAL BIODEFENSE SCIENCE BOARD AND WORKING GROUPS.

''(a) IN GENERAL.—

''(1) ESTABLISHMENT AND FUNCTION.—The Secretary shall establish the National Biodefense Science Board (referred to in this section as the 'Board') to provide expert advice and guidance to the Secretary on scientific, technical and other matters of special interest to the Department of Health and Human Services regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate.

''(2) MEMBERSHIP.—The membership of the Board shall be comprised of individuals who represent the Nation's preeminent scientific, public health, and medical experts, as follows—

''(A) such Federal officials as the Secretary may determine are necessary to support the functions of the Board;

''(B) four individuals representing the pharmaceutical, biotechnology, and device industries;

''(C) four individuals representing academia; and

''(D) five other members as determined appropriate by the Secretary.

''(3) TERM OF APPOINTMENT.—A member of the Board described in subparagraph (B), (C), or (D) of paragraph (2) shall serve for a term of 3 years, except that the Secretary may adjust the terms of the initial Board appointees in order to provide for a staggered term of appointment for all members.

''(4) CONSECUTIVE APPOINTMENTS; MAXIMUM TERMS.—A member may be appointed to serve not more than 3 terms on the Board and may serve not more than 2 consecutive terms.

''(5) DUTIES.—The Board shall—

''(A) advise the Secretary on current and future trends, challenges, and opportunities presented by advances in biological and life sciences, biotechnology, and genetic engineering with respect to threats posed by naturally occurring infectious diseases and chemical, biological, radiological, and nuclear agents;

''(B) at the request of the Secretary, review and consider any information and findings received from the working groups established under subsection (b); and

''(C) at the request of the Secretary, provide recommendations and findings for expanded, intensified, and coordinated biodefense research and development activities.

''(6) MEETINGS.—

''(A) INITIAL MEETING.—Not later than one year after the date of enactment of the Biodefense and Pandemic Vaccine and Drug Development Act of 2006, the Secretary shall hold the first meeting of the Board.

''(B) SUBSEQUENT MEETINGS.—The Board shall meet at the call of the Secretary, but in no case less than twice annually.

''(7) VACANCIES.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment.

''(8) CHAIRPERSON.—The Secretary shall appoint a chairperson from among the members of the Board.

''(9) POWERS.—

''(A) HEARINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out this subsection.

''(B) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(10) PERSONNEL.—

''(A) EMPLOYEES OF THE FEDERAL GOVERNMENT.—A member of the Board that is an employee of the Federal Government may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

''(B) OTHER MEMBERS.—A member of the Board that is not an employee of the Federal Government may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board.

''(C) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

''(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board with the approval for the contributing agency without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(b) OTHER WORKING GROUPS.—The Secretary may establish a working group of experts, or may use an existing working group or advisory committee, to—

''(1) identify innovative research with the potential to be developed as a qualified countermeasure or a qualified pandemic or epidemic product;

''(2) identify accepted animal models for particular diseases and conditions associated with any biological, chemical, radiological, or nuclear agent, any toxin, or any potential pandemic infectious disease, and identify strategies to accelerate animal model and research tool development and validation; and

''(3) obtain advice regarding supporting and facilitating advanced research and development related to qualified countermeasures and qualified pandemic or epidemic products that are likely to be safe and effective with respect to children, pregnant women, and other vulnerable populations, and other issues regarding activities under this section that affect such populations.

''(c) DEFINITIONS.—Any term that is defined in section 319L and that is used in this section shall have the same meaning in this section as such term is given in section 319L.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this section for fiscal year 2007 and each fiscal year thereafter.''.

(b) OFFSET OF FUNDING.—The amount appropriated under the subheading ''Biodefense Countermeasures'' under the heading ''Emergency Preparedness and Response'' in title III of the Department of Homeland Security Appropriations Act, 2004 (Public Law 108-90) shall be decreased by $340,000,000.

SEC. 4. CLARIFICATION OF COUNTERMEASURES COVERED BY PROJECT BIOSHIELD.

(a) QUALIFIED COUNTERMEASURE.—Section 319F–1(a) of the Public Health Service Act (42 U.S.C. 247d–6a(a)) is amended by striking paragraph (2) and inserting the following:

''(2) DEFINITIONS.—In this section:

''(A) QUALIFIED COUNTERMEASURE.—The term 'qualified countermeasure' means a drug (as that term is defined by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), biological product (as that term is defined by section 351(i) of this Act (42 U.S.C. 262(i))), or device (as that term is defined by section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))), that the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to—

''(i) diagnose, mitigate, prevent, or treat harm from any biological agent (including organisms that cause an infectious disease) or toxin, chemical, radiological, or nuclear agent that may cause a public health emergency affecting national security; or

''(ii) diagnose, mitigate, prevent, or treat harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device that is used as described in this subparagraph.

''(B) INFECTIOUS DISEASE.—The term 'infectious disease' means a disease potentially caused by a pathogenic organism (including a bacteria, virus, fungus, or parasite) that is acquired by a person and that reproduces in that person.''.

(b) SECURITY COUNTERMEASURE.—Section 319F–2(c)(1)(B) is amended by striking ''treat, identify, or prevent'' each place it appears and inserting ''diagnose, mitigate, prevent, or treat''.

(c) LIMITATION ON USE OF FUNDS.—Section 510(a) of the Homeland Security Act of 2002 (6 U.S.C. 320(a)) is amended by adding at the end the following: ''None of the funds made available under this subsection shall be used to procure countermeasures to diagnose, mitigate, prevent, or treat harm resulting from any naturally occurring infectious disease.''.

SEC. 5. ORPHAN DRUG MARKET EXCLUSIVITY FOR COUNTERMEASURE PRODUCTS.

(a) IN GENERAL.—Section 527 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360cc) is amended by adding at the end the following:

''(c) MARKET EXCLUSIVITIES FOR COUNTERMEASURES, ANTIBIOTICS, AND ANTIINFECTIVES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), with respect to a drug that is designated under section 526 for a rare disease or condition, the period referred to in this section is deemed to be 10 years in lieu of 7 years if—

''(A) such rare disease or condition is directly caused by a—

''(i)(I) biological agent (including an organism that causes infectious disease);

''(II) toxin; or

''(III) chemical, radiological, or nuclear agent; and

''(ii) such biological agent (including an organism that causes an infectious disease), toxin, or chemical, radiological or nuclear agent, is identified as a material threat under subsection (c)(2)(A)(ii) of section 319F-2 of the Public Health Service Act;

''(B) such drug is determined by the Secretary to be a security countermeasure under subsection (c)(1)(B) of such section 319F-2 with respect to such agent or toxin;

''(C) no active ingredient (including a salt or ester of the active ingredient) of the drug has been approved under an application under section 505(b) prior to the submission of the request for designation of the new drug under section 526; and

''(D) notice respecting the designation of a drug under section 526 has been made available to the public.

''(2) APPLICATION OF PROVISION.—Paragraph (1) shall apply with respect to an antibiotic drug or antiinfective drug designated under section 526 only if—

''(A) no active ingredient (including a salt or ester of the active ingredient) of such drug has been approved as a feed or water additive for an animal in the absence of any clinical sign of disease in the animal for growth promotion, feed efficiency, weight gain, routine disease prevention, or other routine purpose;

''(B) no active ingredient (including a salt or ester of the active ingredient) of such drug has been approved for use in humans under section 505 or approved for human use under section 507 (as in effect prior to November 21, 1997) prior to the submission of the request for designation of the new drug under section 526;

''(C) the Secretary has made a determination that—

''(i) such drug is not a member of a class of antibiotics that is particularly prone to creating antibiotic resistance;

''(ii) sufficient antibiotics do not already exist in the same class;

''(iii) such drug represents a significant clinical improvement over other antibiotic drugs;

''(iv) such drug is for a serious or life-threatening disease or conditions; and

''(v) such drug is for a countermeasure use; and

''(D) notice respecting the designation of a drug under section 526 has been made available to the public.

''(3) RULE OF CONSTRUCTION.—With respect to a drug to which this subsection applies, and which is also approved for additional uses to which this subsection does not apply, nothing in section 505(b)(2) or 505(j) shall prohibit the Secretary from approving a drug under section 505(b)(2) or 505(j) with different or additional labeling for the drug as the Secretary deems necessary to ensure that the drug is safe and effective for the uses to which this subsection does not apply.

''(4) STUDY AND REPORT.—Not later than January 1, 2011, the Comptroller General of the United States shall conduct a study and submit to Congress a report concerning the effect of and activities under this subsection. Such study and report shall examine all relevant issues including—

''(A) the effectiveness of this subsection in improving the availability of novel countermeasures for procurement under section 319F-2 of the Public Health Service Act;

''(B) the effectiveness of this subsection in improving the availability of drugs that treat serious or life threatening diseases or conditions and offer significant clinical improvements;

''(C) the continued need for additional incentives to create more antibiotics and antiinfectives;

''(D) the economic impact of the section on taxpayers and consumers, including—

''(i) the economic value of additional drugs provided for under this subsection, including the impact of improved health care and hospitalization times associated with treatment of nosocomial infections; and

''(ii) the economic cost of any delay in the availability of lower cost generic drugs on patients, the insured, and Federal and private health plans;

''(E) the adequacy of limits under subparagraphs (A) and (B) of paragraph (2) to maximize the useful period during which antibiotic drugs or antiinfective drugs remain therapeutically useful treatments; and

''(F) any recommendations for modifications to this subsection that the Comptroller determines to be appropriate.

''(5) EFFECTIVE DATE.—This subsection shall apply only to products for which an applicant has applied for designation under section 526 after the date of enactment of the Biodefense and Pandemic Vaccine and Drug Development Act of 2006.

''(6) SUNSET.—This subsection shall not apply with respect to any designation of a drug under section 526 made by the Secretary on or after October 1, 2011.''.

SEC. 6. TECHNICAL ASSISTANCE.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

''SEC. 565. TECHNICAL ASSISTANCE.

''The Secretary, in consultation with the Commissioner of Food and Drugs, shall establish within the Food and Drug Administration a team of experts on manufacturing and regulatory activities (including compliance with current Good Manufacturing Practice) to provide both off-site and on-site technical assistance to the manufacturers of qualified countermeasures (as defined in section 319F–1 of the Public Health Service Act), security countermeasures (as defined in section 319F–2 of such Act), or vaccines, at the request of such a manufacturer and at the discretion of the Secretary, if the Secretary determines that a shortage or potential shortage may occur in the United States in the supply of such vaccines or countermeasures and that the provision of such assistance would be beneficial in helping alleviate or avert such shortage.''.

SEC. 7. COLLABORATION AND COORDINATION.

(a) LIMITED ANTITRUST EXEMPTION.—

(1) MEETINGS AND CONSULTATIONS TO DISCUSS SECURITY COUNTERMEASURES, QUALIFIED COUNTERMEASURES, OR QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT DEVELOPMENT.—

(A) AUTHORITY TO CONDUCT MEETINGS AND CONSULTATIONS.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary''), in coordination with the Attorney General and the Secretary of Homeland Security, may conduct meetings and consultations with persons engaged in the development of a security countermeasure (as defined in section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b)) (as amended by this Act), a qualified countermeasure (as defined in section 319F–1 of the Public Health Service Act (42 U.S.C. 247d–6a))) (as amended by this Act), or a qualified pandemic or epidemic product (as defined in section 319F–3 of the Public Health Service Act (42 U.S.C. 247d–6d)) for the purpose of the development, manufacture, distribution, purchase, or storage of a countermeasure or product. The Secretary may convene such meeting or consultation at the request of the Secretary of Homeland Security, the Attorney General, the Chairman of the Federal Trade Commission (referred to in this section as the ''Chairman''), or any interested person, or upon initiation by the Secretary. The Secretary shall give prior notice of any such meeting or consultation, and the topics to be discussed, to the Attorney General, the Chairman, and the Secretary of Homeland Security.

(B) MEETING AND CONSULTATION CONDITIONS.—A meeting or consultation conducted under subparagraph (A) shall—

(i) be chaired or, in the case of a consultation, facilitated by the Secretary;

(ii) be open to persons involved in the development, manufacture, distribution, purchase, or storage of a countermeasure or product, as determined by the Secretary;

(iii) be open to the Attorney General, the Secretary of Homeland Security, and the Chairman;

(iv) be limited to discussions involving covered activities; and

(v) be conducted in such manner as to ensure that no national security, confidential commercial, or proprietary information is disclosed outside the meeting or consultation.

(C) LIMITATION.—The Secretary may not require participants to disclose confidential commercial or proprietary information.

(D) TRANSCRIPT.—The Secretary shall maintain a complete verbatim transcript of each meeting or consultation conducted under this subsection, which shall not be disclosed under section 552 of title 5, United States Code, unless such Secretary, in consultation with the Attorney General and the Secretary of Homeland Security, determines that disclosure would pose no threat to national security. The determination regarding possible threats to national security shall not be subject to judicial review.

(E) EXEMPTION.—

(i) IN GENERAL.—Subject to clause (ii), it shall not be a violation of the antitrust laws for any person to participate in a meeting or consultation conducted in accordance with this paragraph.

(ii) LIMITATION.—Clause (i) shall not apply to any agreement or conduct that results from a meeting or consultation and that is not covered by an exemption granted under paragraph (4).

(2) SUBMISSION OF WRITTEN AGREEMENTS.—The Secretary shall submit each written agreement regarding covered activities that is made pursuant to meetings or consultations conducted under paragraph (1) to the Attorney General and the Chairman for consideration. In addition to the proposed agreement itself, any submission shall include—

(A) an explanation of the intended purpose of the agreement;

(B) a specific statement of the substance of the agreement;

(C) a description of the methods that will be utilized to achieve the objectives of the agreement;

(D) an explanation of the necessity for a cooperative effort among the particular participating persons to achieve the objectives of the agreement; and

(E) any other relevant information determined necessary by the Attorney General, in consultation with the Chairman and the Secretary.

(3) EXEMPTION FOR CONDUCT UNDER APPROVED AGREEMENT.—It shall not be a violation of the antitrust laws for a person to engage in conduct in accordance with a written agreement to the extent that such agreement has been granted an exemption under paragraph (4), during the period for which the exemption is in effect.

(4) ACTION ON WRITTEN AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, in consultation with the Chairman, shall grant, deny, grant in part and deny in part, or propose modifications to an exemption request regarding a written agreement submitted under paragraph (2), in a written statement to the Secretary, within 15 business days of the receipt of such request. An exemption granted under this paragraph shall take effect immediately.

(B) EXTENSION.—The Attorney General may extend the 15-day period referred to in subparagraph (A) for an additional period of not to exceed 10 business days.

(C) DETERMINATION.—An exemption shall be granted regarding a written agreement submitted in accordance with paragraph (2) only to the extent that the Attorney General, in consultation with the Chairman and the Secretary, finds that the conduct that will be exempted will not have any substantial anticompetitive effect that is not reasonably necessary for ensuring the availability of the countermeasure or product involved.

(5) LIMITATION ON AND RENEWAL OF EXEMPTIONS.—An exemption granted under paragraph (4) shall be limited to covered activities, and such exemption shall be renewed (with modifications, as appropriate, consistent with the finding described in paragraph (4)(C)), on the date that is 3 years after the date on which the exemption is granted unless the Attorney General in consultation with the Chairman determines that the exemption should not be renewed (with modifications, as appropriate) considering the factors described in paragraph (4).

(6) AUTHORITY TO OBTAIN INFORMATION.—Consideration by the Attorney General for granting or renewing an exemption submitted under this section shall be considered an antitrust investigation for purposes of the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.).

(7) LIMITATION ON PARTIES.—The use of any information acquired under an agreement for which an exemption has been granted under paragraph (4), for any purpose other than specified in the exemption, shall be subject to the antitrust laws and any other applicable laws.

(8) REPORT.—Not later than one year after the date of enactment of this Act and biannually thereafter, the Attorney General and the Chairman shall report to Congress on the use of the exemption from the antitrust laws provided by this subsection.

(b) SUNSET.—The applicability of this section shall expire at the end of the 6-year period that begins on the date of enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) ANTITRUST LAWS.—The term ''antitrust laws''—

(A) has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(B) includes any State law similar to the laws referred to in subparagraph (A).

(2) COUNTERMEASURE OR PRODUCT.—The term ''countermeasure or product'' refers to a security countermeasure, qualified countermeasure, or qualified pandemic or epidemic product (as those terms are defined in subsection (a)(1)).

(3) COVERED ACTIVITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''covered activities'' includes any activity relating to the development, manufacture, distribution, purchase, or storage of a countermeasure or product.

(B) EXCEPTION.—The term ''covered activities'' shall not include, with respect to a meeting or consultation conducted under subsection (a)(1) or an agreement for which an exemption has been granted under subsection (a)(4), the following activities involving 2 or more persons:

(i) Exchanging information among competitors relating to costs, profitability, or distribution of any product, process, or service if such information is not reasonably necessary to carry out covered activities—

(I) with respect to a countermeasure or product regarding which such meeting or consultation is being conducted; or

(II) that are described in the agreement as exempted.

(ii) Entering into any agreement or engaging in any other conduct—

(I) to restrict or require the sale, licensing, or sharing of inventions, developments, products, processes, or services not developed through, produced by, or distributed or sold through such covered activities; or

(II) to restrict or require participation, by any person participating in such covered activities, in other research and development activities, except as reasonably necessary to prevent the misappropriation of proprietary information contributed by any person participating in such covered activities or of the results of such covered activities.

(iii) Entering into any agreement or engaging in any other conduct allocating a market with a competitor that is not expressly exempted from the antitrust laws under subsection (a)(4).

(iv) Exchanging information among competitors relating to production (other than production by such covered activities) of a product, process, or service if such information is not reasonably necessary to carry out such covered activities.

(v) Entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the production of a product, process, or service that is not expressly exempted from the antitrust laws under subsection (a)(4).

(vi) Except as otherwise provided in this subsection, entering into any agreement or engaging in any other conduct to restrict or require participation by any person participating in such covered activities, in any unilateral or joint activity that is not reasonably necessary to carry out such covered activities.

(vii) Entering into any agreement or engaging in any other conduct restricting or setting the price at which a countermeasure or product is offered for sale, whether by bid or otherwise.

SEC. 8. PROCUREMENT.

Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(1) in the section heading, by inserting ''**AND SECURITY COUNTERMEASURE PROCUREMENTS**'' before the period; and

(2) in subsection (c)—

(A) in the subsection heading, by striking ''BIOMEDICAL'';

(B) in paragraph (5)(B)(i), by striking ''to meet the needs of the stockpile'' and inserting ''to meet the stockpile needs'';

(C) in paragraph (7)(B)—

(i) by striking the subparagraph heading and all that follows through ''Homeland Security Secretary'' and inserting the following: ''INTERAGENCY AGREEMENT; COST.—The Homeland Security Secretary''; and

(ii) by striking clause (ii);

(D) in paragraph (7)(C)(ii)—

(i) by amending clause (I) to read as follows:

''(I) PAYMENT CONDITIONED ON DELIVERY.—The contract shall provide that no payment may be made until delivery of a portion, acceptable to the Secretary, of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary's discretion) that an advance payment, partial payment for significant milestones, or payment to increase manufacturing capacity is necessary to ensure success of a project, the Secretary shall pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The Secretary shall, to the extent practicable, make the determination of advance payment at the same time as the issuance of a solicitation. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform by the vendor under the contract. The contract may also provide for additional advance payments of 5 percent each for meeting the milestones specified in such contract. Provided that the specified milestones are reached, these advanced payments of 5 percent shall not be required to be repaid. Nothing in this subclause shall be construed as affecting the rights of vendors under provisions of law or regulation (including the Federal Acquisition Regulation) relating to the termination of contracts for the convenience of the Government.''; and

(ii) by adding at the end the following:

''(VII) SALES EXCLUSIVITY.—The contract may provide that the vendor is the exclusive supplier of the product to the Federal Government for a specified period of time, not to exceed the term of the contract, on the condition that the vendor is able to satisfy the needs of the Government. During the agreed period of sales exclusivity, the vendor shall not assign its rights of sales exclusivity to another entity or entities without approval by the Secretary. Such a sales exclusivity provision in such a contract shall constitute a valid basis for a sole source procurement under section 303(c)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)).

''(VIII) SURGE CAPACITY.—The contract may provide that the vendor establish domestic manufacturing capacity of the product to ensure that additional production of the product is available in the event that the Secretary determines that there is a need to quickly purchase additional quantities of the product. Such contract may provide a fee to the vendor for establishing and maintaining such capacity in excess of the initial requirement for the purchase of the product. Additionally, the cost of maintaining the domestic manufacturing capacity shall be an allowable and allocable direct cost of the contract.

''(IX) CONTRACT TERMS.—The Secretary, in any contract for procurement under this section, may specify—

''(aa) the dosing and administration requirements for countermeasures to be developed and procured;

''(bb) the amount of funding that will be dedicated by the Secretary for development and acquisition of the countermeasure; and

''(cc) the specifications the countermeasure must meet to qualify for procurement under a contract under this section.''; and

(E) in paragraph (8)(A), by adding at the end the following: ''Such agreements may allow other executive agencies to order qualified and security countermeasures under procurement contracts or other agreements established by the Secretary. Such ordering process (including transfers of appropriated funds between an agency and the Department of Health and Human Services as reimbursements for such orders for countermeasures) may be conducted under the authority of section 1535 of title 31, United States Code, except that all such orders shall be processed under the terms established under this section for the procurement of countermeasures.''.

SEC. 9. RULE OF CONSTRUCTION.

Nothing in this Act, or any amendment made by this Act, shall be construed to affect any law that applies to the National Vaccine Injury Compensation Program under title XXI of the Public Health Service Act (42 U.S.C. 300aa–1 et seq.), including such laws regarding—

(1) whether claims may be filed or compensation may be paid for a vaccine-related injury or death under such Program;

(2) claims pending under such Program; and

(3) any petitions, cases, or other proceedings before the United States Court of Federal Claims pursuant to such title.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 2565. A bill to designate certain National Forest System land in the State of Vermont for inclusion in the National Wilderness Preservation system and designate a National Recreation Area; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. JEFFORDS. Mr. President, I rise today to join my colleague from Vermont, Mr. LEAHY, in introducing the Vermont Wilderness Act of 2006. This legislation designates 48,051 acres within the Green Mountain National Forest for management under the 1964 Wilderness Act.

The Green Mountain National Forest constitutes more than 400,000 acres of woodlands in central and southern Vermont. The Forest hosts up to 3.4 million visitors each year and is capable of supporting a variety of uses, from timber production to snowmobiling to hiking, which contribute to Vermont's economy. The forest is also an important wildlife habitat and source of clean, fresh water. If well managed, the Green Mountain National Forest will remain one of Vermont's most precious environmental treasures, while continuing to support our state's economic and recreational needs for generations to come.

The National Forest Service is responsible for most aspects of national forest management but Congress reserved the authority to set aside undisturbed wilderness lands. Good stewardship of the forest requires leadership, and now is the time for us to accept this responsibility to designate additional wilderness areas.

Twenty-two years ago, as a member of the U.S. House of Representatives, I joined my Senate colleagues, Mr. Stafford and Mr. LEAHY, to introduce the Vermont Wilderness Act of 1984. That act designated 41,260 acres as wilderness. Since that time the Green Mountain National Forest has acquired over 110,000 additional acres, while the populations of the State and the region have increased. These changing demands, and the changing landscape, provide the opportunity and drive the need to designate additional land as wilderness.

The Vermont Wilderness Act of 1984 directed Congress to consider additional wilderness designations in the Green Mountain National Forest only after 15 years had elapsed and the management plan for the Forest had been thoroughly reviewed. With last month's adoption of a completely revised Land Resource Management Plan for the Green Mountain National Forest, these conditions have been met and it is time to act.

I have worked for the past 6 years with the other members of Vermont's Congressional delegation, the National Forest Service, and State leaders. I have reviewed comments from thousands of constituents, visited the forest on the ground and viewed it from the air, and spent countless hours studying maps. These new designations are the result of thorough analysis and thought, and we do not make them lightly.

Many Vermonters disagree with the need for any wilderness designations, much less additional lands to be set aside at this time. I understand their concerns, but I also recognize the intent of the Wilderness Act of 1964, and I believe deeply in the benefits of managing some areas so that forces of nature hold sway.

The Vermont Wilderness Act of 2006 designates two significant new wilderness areas: the 28,491-acre Glastenbury wilderness in southern Vermont, and the 12,437-acre Battell wilderness in central Vermont. These are pristine, remote forest lands, and would remain undisturbed for future generations.

The recently completed Land and Resource Management Plan for the Green Mountain National Forest is a credit to everyone who worked on it, and reflects the hard work of the U.S. National Forest Service. This plan calls for additions to several existing wilderness areas including Peru Peak, Big Branch, Breadloaf and Lye Brook. These recommended additions are included in this legislation, with some modification.

This legislation also calls for 16,890 acres of the Moosalamoo Recreation Area in Central Vermont to be designated a national recreation area. Moosalamoo exists today as a world-class destination for widely diverse outdoor recreation activities on both public and private land. Moosalamoo is managed cooperatively by a group of owners and it attracts visitors from far and wide for hiking, camping, Nordic and alpine skiing and other activities. From the Robert Frost interpretive trails to the blueberry management areas and oak clad escarpments, Moosalamoo is uniquely deserving of national recreation area designation.

The Green Mountain National Forest is an important source of wood products and the timber industry is critically important to Vermont's economy. These wilderness and national recreation area designations are not meant to interfere with a robust timber management program within the forest, and I will work to support that program at every opportunity.

As we introduce this legislation it is important to acknowledge the fine work of Supervisor Paul Brewster and the staff of the Green Mountain National Forest. They applied great skill and technical expertise in developing the new management plan for the forest. The same professionalism will certainly be applied to implement the plan. Our wilderness designations differ somewhat from those proposed by the Forest Service, which is the reason this authority is reserved for Congress, but the new management plan has helped to inform and guide our work.

It is with great pride that I join my colleagues to introduce the Vermont Wilderness Act of 2006. Our great state has been blessed with a beautiful natural landscape, which Vermonters have worked hard to preserve. This bill will continue in that tradition by helping to secure areas of the unspoiled wilderness that Vermont is known and admired for.

Mr. LEAHY. Mr. President, I join with Senator JEFFORDS today to introduce the Vermont Wilderness Act of 2006, to designate two new wilderness areas and to make a number of additions to existing wilderness areas in Vermont's Green Mountain National Forest. This legislation will also designate a new National Recreation Area (NRA) in the Green Mountain National Forest in the area commonly known as Moosalamoo.

The U.S. Forest Service has recently released its Record of Decision (ROD) and Final Environmental Impact Statement (FEIS) for the revision of

the Green Mountain National Forest Land and Resource Management Plan. This has been an effort encompassing several years, a lengthy process including significant public involvement, and a great deal of difficult and detailed work on the part of the Forest Service staff in Vermont and our region.

I want to extend my appreciation and thanks to the staff of the Green Mountain National Forest for their perseverance and professionalism throughout the plan revision process. This has been by no means an easy task, with Vermonters and other interested citizens who care deeply about the National Forest weighing in with sincere and often conflicting views on land, resource and forest management decisions.

While there is much of interest in such a comprehensive plan, the primary role of the Congress lies with wilderness and other related special designations, such as National Recreation Areas. The Vermont Congressional Delegation has taken this responsibility seriously as we have sought a compromise between those who would prefer significant additions in wilderness areas and those who would prefer none. If this recommendation were enacted, about a quarter of the current Green Mountain National Forest would be designated as wilderness.

Just as the recently released Land and Resource Management Plan for the Green Mountain National Forest has elicited abundant feedback across the spectrum of interested citizens and organizations, we expect our proposal to do the same. We offer this legislation as a good-faith effort to find a middle ground, and once this proposal is referred to the Senate Committee on Agriculture, Nutrition, and Forestry—of which I am a member—we will welcome constructive comments and criticisms to improve the bill. Since the Vermont Congressional Delegation has long been on the public record in favor of additional wilderness designations within the Green Mountain National Forest, comments that are as specific as possible will be especially helpful in helping to refine our proposal.

In specific terms, this legislation proposes a new wilderness area in the Glastenbury Mountain area of approximately 28,500 acres. In the Romance, Monastery and Worth Mountain areas the bill proposes adding approximately 12,500 acres, which together would become the Battell Wilderness in honor of Joseph Battell, who once owned some 9,000 acres in this area and bequeathed thousands of acres to Middlebury College, which eventually became the core of the north half of the Green Mountain National Forest.

The bill also proposes designating approximately 4,200 acres for addition to the existing Breadloaf Wilderness, 2,200 acres to the Lye Brook Wilderness, 800 acres to the Peru Peak Wilderness, and 40 acres to the Big Branch Wilderness. The proposed Moosalamoo National Recreation Area covers approximately 17,000 acres.

This legislation does not include additional acreage for the George D. Aiken Wilderness Area or the Bristol Cliffs Wilderness Area. It does not propose a wilderness designation for the area known as Lamb Brook, and it does not propose a new National Recreation Area in the Somerset region.

Our legislation builds on the recommendations of the Forest Service. In many areas the Delegation bill closely tracks the Forest Service plan—Breadloaf, Big Branch and Peru Peak areas are nearly identical. In the Glastenbury area, the Forest Service added more than 8,000 acres to their original plan, and we have further increased the acreage of a proposed Glastenbury Wilderness Area. In addition, this legislation adds about 2,000 acres to the Lye Brook Wilderness, above the Forest Service recommendation. Finally, we are proposing the new Battell Wilderness Area, which encompasses lands the Forest Service included in a Remote Backcountry management category, which is essentially managed as a wilderness area.

In the Moosalamoo area, this legislation codifies the Moosalamoo National Recreation Area, which has the strong support of the various communities and local partners in the area. We believe this designation best represents the actual goals of the various stakeholders and merits this national designation. Furthermore, we have included the Forest Service's Escarpment management category in the designated area and have also included previously agreed upon management guidelines in the bill.

I would offer the following thoughts which we have returned to on those numerous occasions over recent years whenever this subject has been brought up for discussion in our State.

In sponsoring this legislation today, the Vermont Congressional Delegation is demonstrating our commitment to additional wilderness designations on the Green Mountain National Forest. The Green Mountain National Forest is the largest contiguous public land area in Vermont and within a days drive for over 70 million people. We are committed to protecting some National Forest lands for future generations under the National Wilderness Preservation System.

Our proposals have not been driven by acreage quotas, but rather by data supplied by the Forest Service and by interested Vermonters. Therefore, what is too much for some will be too little for others.

The timing of this introduction was conditioned so as to allow the Forest Service process to reach its conclusion and, at the same time, to enable Vermonters and other interested parties to review both the Forest Service and the Delegation recommendations. Throughout our deliberations, we have appreciated the help of the Forest Service staff and have recognized their commitment to their planning regulations, guidelines and timetable. We invite all Vermonters to join us in thanking the Forest Service staff for all the hard work in their planning effort.

While this legislation proposes to add significant wilderness to the Green Mountain National Forest, it bears noting that most of the lands designated in this bill are not suitable for timber harvesting. This legislation would retain many thousands of acres available for timber harvesting which will have to be managed in a fair, open and professional manner. We are committed to the development of such a process and we know the Forest Service shares this commitment. We invite all interested parties to join in this effort. It is our hope that given the superior manner in which the Forest Service conducted the Forest Plan Revision process, unnecessary appeals and litigation of the plan and future management activities can be avoided.

The Green Mountain National Forest has expanded since the last wilderness designations were made. As Senator Stafford, then Congressman JEFFORDS and I remember, during the consideration of the last Vermont Wilderness bill in 1984 there were many perspectives on the use of our National Forest. We assume there will be again this time. As we were 1984, we remain committed to carrying on the strong conservation legacy that generations of Vermonters, like Senator Robert Stafford, have fostered over the decades.

We urge anyone who is interested in the Green Mountain National Forest to review the whole Plan, as the Forest Service has recommended, and to look beyond their own primary areas of concern so that we can all do what we can to help implement the Plan.

In closing, I would note that the Delegation knows that you cannot undertake every possible use on every acre of National Forest land, and we believe most Vermonters support our approach to this issue. In recognition of this fact, we are introducing this legislation as a vision for the Green Mountain Forest for this and future generations.

By Mr. LUGAR (for himself and Mr. OBAMA):

S. 2566. A bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to introduce the Cooperative Proliferation Detection, Interdiction Assistance, and Conventional Threat Reduction Act of 2006. This bill is based upon the legislation that Senator OBAMA and I introduced last year by the same name. Over the last six months we have worked closely with the Administration and the Department of State on legislation to improve U.S. programs focused on conventional weapons dismantlement and counterproliferation assistance more effective and efficient.

The Lugar-Obama bill launches two major weapons dismantlement and

counterproliferation initiatives. Modeled after the Nunn-Lugar program, which dismantles weapons of mass destruction in the former Soviet Union and beyond, our legislation seeks to build cooperative relationships with willing countries to secure vulnerable stockpiles of conventional weapons and strengthen barriers against WMD falling into terrorist's hands.

The first part of our legislation energizes U.S. programs to dismantle MANPADS and large stockpiles of other conventional weapons, including tactical missile systems. There may be as many as 750,000 MANPADS in arsenals worldwide. The State Department estimates that more than 40 civilian aircraft have been hit by such weapons since the 1970's. In addition loose stocks of small arms and other weapons help fuel civil wars and provide ammunition for those who attack peacekeepers and aid workers seeking to help war-torn societies. Our bill would enhance U.S. capability to safely destroy munitions like those used in the improvised roadside bombs that have proved so deadly to U.S. forces in Iraq.

In August Senator OBAMA and I traveled to Ukraine and saw stacks of thousands of mortars and other weapons, left over from the Soviet era. The scene there is similar to situations in other states of the former Soviet Union, Africa, Latin America, and Asia. In many cases, the security around these weapons is minimal. Every stockpile represents a theft opportunity for terrorists and a temptation for security personnel who might seek to profit by selling weapons on the black market. The more stockpiles that can be safeguarded or eliminated, the safer we will be. We do not want the question posed the day after an attack on an American military base, embassy compound, or commercial plane why we didn't do more to address these threats.

Some foreign governments have already sought U.S. help in eliminating their stocks of lightweight antiaircraft missiles and excess weapons and ammunition. But low budgets and insufficient attention have hampered destruction efforts. Our legislation would require the Administration to develop a response commensurate with the threat, by requiring better coordination and a three-fold increase in spending in this area, to $25 million—a relatively modest sum that would offer large benefits to U.S. security.

The other part of the Lugar-Obama legislation would strengthen the ability of America's friends and allies to detect and intercept illegal shipments of weapons and materials of mass destruction. Stopping these weapons and materials of mass destruction in transit is an important complement to the Nunn-Lugar program, which aims to eliminate weapons of mass destruction at their source.

We cannot do this alone. We need the vigilance of like-minded nations. The Proliferation Security Initiative has been successful in enlisting the help of other countries, but many of our partners lack the capability to detect and interdict hidden weapons. Lugar-Obama seeks to address this gap by providing $50 million to establish a coordinated effort to improve the capabilities of foreign partners by providing equipment, logistics, training and other support. Examples of such assistance may include maritime surveillance and boarding equipment, aerial detection and interdiction capabilities, enhanced port security, and the provision of hand-held detection equipment and passive WMD sensors.

On February 9 the Committee on Foreign Relations held a hearing to examine the State Department's efforts in these important areas. In response to a question on how important conventional weapons elimination and counter-proliferation is to U.S. security Under Secretary Joseph stated that ''other than stopping weapons of mass destruction (at their source), I personally do not think that there is . . . a higher priority.'' The Under Secretary also pointed out that with more resources he was confident additional progress could be achieved faster.

We have worked closely with Secretary Rice and her staff to improve this legislation. The bill has been modified in a number of ways to improve its effectiveness and to provide the Department with the authority necessary to carry out important nonproliferation and counter-proliferation missions. At the Department's request, we provide authorization for the entire Nonproliferation, Antiterrorism, Demining, and Related Programs account. We also authorize international ship-boarding agreements under the Proliferation Security Initiative, the use of the Nonproliferation and Disarmament Fund outside the former Soviet Union, and the use of funds for administrative purposes. In addition, we provide the Secretary with the authority to make a reprogramming request to use the funds required under this legislation for other nonproliferation and counter-proliferation activities in an emergency.

Earlier this week, Secretary Rice appeared before the Committee on Foreign Relations. I took the opportunity to ask her opinion of Lugar-Obama. She stated her personal support and that of the Department and the Administration. I am pleased that efforts to craft this important effort not only have bipartisan Congressional support but the support of the Administration as well.

The U.S. response to conventional weapons threats and the lack of focus on WMD detection and interdiction assistance must be rectified if we are to provide a full and complete defense for the American people. Senator OBAMA and I understand that the United States cannot meet every conceivable security threat everywhere in the world. But filling the security gaps that we have described and that Secretary Rice and Under Secretary Joseph have confirmed, should be near the top of our list of priorities. We do not believe these problems have received adequate resources and look forward to working with our colleagues in the Senate to rectify the situation.

Mr. OBAMA. Mr. President, Senator LUGAR has already outlined the legislation that we are reintroducing here today and the process that has led us to this point, so I will be brief.

I don't want my brevity to be confused with indifference towards this legislation. I want to underscore the importance of this bill in establishing a broad framework to more effectively combat the proliferation of weapons of mass destruction and heavy conventional weapons. As I have said before, these are two critical issues that directly impact the security of the United States.

In some ways, the bill has already had its desired impact. There was a reorganization of the State Department that will improve the Department's ability to deal with the proliferation of weapons of mass destruction and heavy conventional weapons. Moreover, the legislation has focused additional high-level attention—the scarcest commodity in Washington—on these Issues.

However, there is more that needs to be done. I believe the Senate can and should move this bill in an expeditious fashion. We have already held a hearing on the bill, worked with the State Department to update and improve the legislation, and have received endorsements from an array of non-governmental organizations that follow these issues.

I will defer to the Chairman on the procedural issues, but my hope is that we can report this bill out of the Foreign Relations Committee as soon as possible and work for Senate passage shortly thereafter.

In closing, I want to thank Senator LUGAR for his steadfast commitment to these critical issues and look forward to collaborating with him in the coming months on this legislation.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2567. A bill to maintain the rural heritage of the Eastern Sierra and enhance the region's tourism economy by designating certain public lands as wilderness and certain rivers as wild and scenic rivers in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, today I am introducing ''the Eastern Sierra Rural Heritage and Economic Enhancement Act,'' a bill that will provide protection for thousands of some of the most pristine, wild, and beautiful acres in California. I am glad to be joined in this effort by my colleague, Senator FEINSTEIN. Representative MCKEON, whose congressional districts contains these special lands, introduced companion legislation today in the House of Representatives.

My bill will protect three very special California treasures in the Eastern Sierra. It makes considerable additions to existing Hoover Wilderness areas, which border on Yosemite National Park. These additions will protect the stunning High Sierra landscape of 11,000 foot snow-capped peaks and valleys, lush meadows and deep forests that people around the world associate with the Eastern Sierra.

These areas are also home to an abundance of wildlife, including black bear, mountain lion, mule deer, waterfowl, and bald eagles.

This land provides more than just visual beauty, however—it is also a recreational paradise. Year after year, hikers enjoy the approximately nine miles of the Pacific Crest National Scenic Trail that runs through this wilderness, and anglers enjoy the clear lakes and streams that support a number of species of wild trout. The bill will also protect areas adjacent to the Emigrant Wilderness area, including another two miles of the Pacific Crest Trail.

My legislation will also designate about 24 miles of the Amargosa River as a Wild and Scenic River. As the only river flowing into Death Valley, the Amargosa is an ecologically-important river in a dry desert area. Birds—and birdwatchers—abound in this area, both coming from far and wide to enjoy the river area.

In short, these areas are not just California's natural treasures—they are America's natural treasures. And that is why they deserve the highest level of protection possible. That is what this bill does.

I was proud to include most of these lands in my California Wild Heritage Act that I reintroduced last month. And I look forward to working with Senator FEINSTEIN and Representative MCKEON, and all my colleagues, to protect these special places forever.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ALLEN, Ms. MIKULSKI, Mr. BIDEN, and Mr. CARPER):

S. 2568. A bill to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail; to the Committee on Energy and Natural Resources.

Mr. SARBANES. Mr. President, today I am introducing legislation, together with Senators WARNER, ALLEN, MIKULSKI, BIDEN and CARPER to designate the route of Captain John Smith's exploration of the Chesapeake Bay and its tributaries as a National Historic Trail. The proposed Trail is of great historical importance to all Americans in that it represents the beginning of our Nation's story.

Next year our Nation will commemorate the 400th anniversary of the founding of Jamestown and the beginning of John Smith's momentous explorations of the Chesapeake Bay. In April 1607, three ships, the *Susan Constant*, the *Godspeed*, and the *Discovery*, arrived at the mouth of the Chesapeake Bay after a four-month voyage from England carrying the colonists who would establish the first permanent English settlement in North America and plant the seeds of our nation and our democracy. Under the leadership of Captain John Smith, the fledgling colony not only survived, but helped ignite a new era of discovery in the New World sparked by reports of Smith's voyages around the Chesapeake Bay.

John Smith's explorations in the small, 30 foot shallop totaled some three thousand miles, reaching from present-day Jamestown, Virginia, to Smiths Falls on the Pennsylvania border with Maryland and from Broad Creek, in Delaware to the Potomac River and Washington, DC. His journeys brought the English into contact with many Native American tribes for the first time, and his observations of the region's people and its natural wonders are still relied upon by anthropologists, historians, and ecologists to this day.

Chief Justice John Marshall wrote of the significance of Smith's explorations. ''When we contemplate the dangers, and the hardships he encountered, and the fortitude, courage and patience with which he met them; when we reflect on the useful and important additions which he made to the stock of knowledge respecting America, then possessed by his countrymen; we shall not hesitate to say that few voyages of discovery, undertaken at any time, reflect more honour on those engaged in them, than this does on Captain Smith.''

What better way to commemorate this important part of our Nation's history and honor John Smith's courageous voyages than by designating the Captain John Smith Chesapeake National Historic Trail? The Congress established the National Trails System ''to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation.'' National Historic Trails such as the Lewis and Clark Trail, the Pony Express Trail, the Trail of Tears, and the Selma to Montgomery Trail were authorized as part of this System to identify and protect historic routes for public use and enjoyment and to commemorate major events which shaped American history. In my judgment, the proposed Captain John Smith Chesapeake National Historic Trail is a fitting addition to the 13 National Historic Trails administered by the National Park Service.

Pursuant to legislation we enacted as part of the Fiscal 2006 Interior Appropriations Act authorizing the National Park Service to study the feasibility of so designating this trail, on March 21, 2006 the National Park System Advisory Board concluded that the proposed trail is ''nationally significant'' as a milestone for the English exploration of North America, contact between the English and the Native American tribes of the region, and in commerce and trade in North America. This finding is one of the principal criteria for qualifying as a National Historic Trail. Well documented by the remarkably accurate maps and charts that Smith made of his voyages, the trail also offers tremendous opportunities for public recreation and historic interpretation and appreciation. Similar in historic importance to the Lewis and Clark National Trail, this new historic water trail will inspire generations of Americans and visitors to follow Smith's journeys, to learn about the roots of our Nation and to better understand the contributions of the Native Americans who lived within the Bay region. It would also help highlight the Chesapeake Bay's remarkable maritime history, the diversity of its peoples, its historical settlements and our current efforts to restore and sustain the world's most productive estuary.

As Jamestown's 400th anniversary quickly approaches, designating the Captain John Smith Chesapeake National Historic Trail will bring history to life. It would serve to educate visitors about the new colony at Jamestown, John Smith's journeys, the history of 17th century Chesapeake region, and the vital importance of the Native Americans that inhabited the Bay area. It would provide new opportunities for recreation and heritage tourism not only for more than 16 millions Americans living in the Chesapeake Bay's watershed, but for visitors to this area throughout the country and abroad.

This legislation enjoys strong bipartisan support in the Congress and in the States through which the trail passes. The trail proposal has been endorsed by the Governors of Virginia, Pennsylvania, Delaware and Maryland and numerous local governments throughout the Chesapeake Bay region. The measure is also strongly supported by the National Geographic Society, The Conservation Fund, The Garden Club of America, the Izaak Walton League of America, the Chesapeake Bay Foundation and the Chesapeake Bay Commission as well as scores of businesses, tourism leaders, private groups, and intergovernmental bodies.

The Captain John Smith Chesapeake National Historic Trail Act comes at a very timely juncture to educate Americans about historical events that occurred 400 years ago right here in Chesapeake Bay, which were so crucial to the formation of this great country and our democracy. I urge my colleagues to support this measure.

By Mr. HATCH:

S. 2569. A bill to authorize Western States to make selections of public land within their borders in lieu of receiving five per centum of the proceeds of the sale of public land lying within

said States as provided by their respective Enabling Acts; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise today to introduce a bill that would restore balance to a system that disadvantages education funding in the West. The Action Plan for Public Land and Education Act of 2006 would authorize the Secretary of the Interior and the Secretary of Agriculture to grant Federal land to western States where large proportions of public land hamper the States ability to raise funding for public education. This is a product of the hard work and creativity of Representative ROB BISHOP, and I am working with him on this important effort.

Many of my colleagues may not know this, but 10 of the top 12 States with the largest student-teacher ratios are in the West. These States also have the lowest growth in per-pupil expenditures, and their enrollment growth is projected to increase dramatically.

The West's education funding deficit is not due to lack of commitment or effort by the States. The fact is that Western States allocate as great a percentage of their budgets to public education as the rest of the Nation. Moreover, Western States pay on average 11.1 percent of their personal incomes to State and local taxes, whereas citizens of the remaining States pay 10.9 percent of their incomes to these same State and local taxes.

The funding discrepancy for education in the West is due in large part to the lack of a sales tax base, which can only be generated on private land. On average, the Federal Government owns 52 percent of the land located in the 13 Western States, while the remaining States average just 4 percent Federal land. Sales tax is not collected on Federal land, and as we know, public education is funded largely through sales taxes.

We all know, the school trust lands that are available to these States are not sufficient to make up the education shortfall in the West. This legislation would remedy that by granting public land States 5 percent of federally-owned land within the State boundaries. The land would be held in trust to be sold or leased, and the proceeds used strictly for the support of public education.

Again, I thank Representative BISHOP for his excellent work on this bill. My colleagues and I know of the need to address the West's education funding problem. The Action Plan for Public Land and Education Act of 2006 is a solution to this problem, and I urge my colleagues to lend their support for this important proposal.

By Mr. DEWINE (for himself, Mr. DOMENICI, Mr. KYL, and Mr. MCCAIN):

S. 2570. A bill to authorize funds for the United States Marshals Service's Fugitive Safe Surrender Program; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, today I join Senators DOMENICI, KYL, and MCCAIN to introduce a bill to support the Fugitive Safe Surrender Program, which encourages those with outstanding arrest warrants to turn themselves in peacefully. This program—conducted under the auspices of the U.S. Marshal Service, with the cooperation of public, private, nonprofit and faith-based partners—involves using a local church or community center as a temporary courthouse, where fugitives can turn themselves in and have their cases adjudicated.

This is not an amnesty program. Those who surrender are still held accountable for the original charges. However, by moving the prosecutors, public defenders, and judges to the new location, non-violent cases can be resolved promptly on-site, in a setting where fugitives feel they can safely turn themselves in.

In a pilot program implemented last August in Cleveland, over 800 people turned themselves in during a four day period, including 324 who had outstanding felony warrants. Almost all the cases were adjudicated on the day of the surrender. As means of comparison, the Fugitive Task Force conducted a more traditional sweep for three days following the implementation of the Fugitive Safe Surrender program, resulting in the capture of 65 people with outstanding warrants. Clearly, the Fugitive Safe Surrender program was a tremendous success, and I'd like to offer my personal congratulations to Pete Elliott, the U.S. Marshal for the Northern District of Ohio, and Dr. C. Jay Matthews, the Senior Pastor of the Mt. Sinai Baptist Church in Cleveland, for their efforts in heading up this successful endeavor. This type of innovation and creative thinking is exactly what we need in the law enforcement community, and it has obviously paid off in Cleveland.

The Fugitive Safe Surrender program has exceeded expectations and demonstrated its value to the community. The logical next step is for the U.S. Marshals to expand their initiative nationwide. They already have been working with law enforcement, community, and church groups in eight cities that have volunteered to be sites for Fugitive Safe Surrender in 2006: Albuquerque, NM; Phoenix, AZ; Washington, DC; Louisville, KY; Camden, NJ; Indianapolis, IN; Richmond, VA; and Akron, OH. They are hoping to expand to even more cities in 2007 and 2008. This expansion is worthy of federal support, and that is why I have joined Senators DOMENICI, KYL, and MCCAIN in sponsoring the Fugitive Safe Surrender Act of 2006, which authorizes $3 million for fiscal year 07, $5 million for fiscal year 08, and $8 million for fiscal year 09. These funds will allow the U.S. Marshals Service to coordinate with the Fugitive Safe Surrender sites around the country, also providing for the cost of establishing secure courtrooms inside of a local church or community center.

This is a good bill, and I encourage my colleagues to support it.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2570

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) Fugitive Safe Surrender is a program of the United States Marshals Service, in partnership with public, private, and faith-based organizations, which temporarily transforms a church into a courthouse, so fugitives can turn themselves in, in an atmosphere where they feel more comfortable to do so, and have nonviolent cases adjudicated immediately.

(2) In the 4-day pilot program in Cleveland, Ohio, over 800 fugitives turned themselves in. By contrast, a successful Fugitive Task Force sweep, conducted for 3 days after Fugitive Safe Surrender, resulted in the arrest of 65 individuals.

(3) Fugitive Safe Surrender is safer for defendants, law enforcement, and innocent bystanders than needing to conduct a sweep.

(4) Based upon the success of the pilot program, Fugitive Safe Surrender should be expanded to other cities throughout the United States.

SEC. 2. AUTHORIZATION.

(a) IN GENERAL.—The United States Marshals Service shall establish, direct, and coordinate a program (to be known as the ''Fugitive Safe Surrender Program''), under which the United States Marshals Service shall apprehend Federal, State, and local fugitives in a safe, secure, and peaceful manner to be coordinated with law enforcement and community leaders in designated cities throughout the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Marshals Service to carry out this section—

(1) $3,000,000 for fiscal year 2007;

(2) $5,000,000 for fiscal year 2008; and

(3) $8,000,000 for fiscal year 2009.

(c) OTHER EXISTING APPLICABLE LAW.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

By Mr. CONRAD:

S. 2571. A bill to promote energy production and conservation, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, I rise today to introduce a comprehensive energy bill, one that I call Breaking Our Long-Term Dependency, or the BOLD Energy Act.

As President Bush has stated, our Nation is addicted to oil. Our economy requires over 20 million barrels of oil a day to fuel our cars, our trucks, heat our homes, and bring goods to market all across the country. Sixty percent of our consumption—60 percent—is from imports. Many of these imports are coming from the most volatile parts of the world, the most unstable parts of the world, and we have to take serious steps now to reduce our growing dependency. That is what this bill is all about.

This legislation, which is comprehensive in nature and which we have worked on for over 6 months, I believe is a serious contribution to the discussion. Let me make clear: These are not tepid steps. This legislation is bold because that is what the situation requires if we are to seriously reduce our dependence.

This legislation invests approximately $40 billion over the next 5 years to meaningfully reduce our dependence on foreign energy. Much of our imported oil comes from unstable parts of the world. Forty-five percent of our oil comes from Saudi Arabia, Venezuela, Nigeria, and Iraq. A major disruption to oil supplies in any of those areas could send oil over $100 a barrel. Threats to oil supplies and surging demand have contributed to a 95-percent increase in oil prices over the past 2 years.

Imported oil now accounts for $266 billion of our trade deficit. That is more than a third of our total trade imbalance.

Our Nation faces other challenges on the energy front as well. Fluctuating natural gas prices threaten the livelihood of our Nation's farmers and manufacturers. Electricity sales are projected to increase by 50 percent over the next 25 years. Transmission capacity constraints prevent development of power production in many parts of the country, including North Dakota.

Fortunately, the United States has the domestic resources and the ingenuity to reduce our dependence on foreign oil and meet our energy challenges. It is time, I believe, to look to the Midwest rather than turning to the Middle East for our energy resources. We can turn to our farm fields to produce more ethanol and biodiesel.

Brazil shows what can be done. Thirty years ago Brazil was 80 percent dependent on foreign energy. They have reduced that dependence to less than 10 percent. At the same time, our country has gone from 35-percent dependence to now 60-percent dependence. We have been going the wrong way. Brazil has demonstrated what can be done to dramatically reduce one's energy dependence. How did they do it? They did it by aggressive promotion of biodiesel, by aggressive promotion of ethanol, and by creating a fleet of flexible fuel vehicles.

We could do that here. Brazilian officials are now predicting they will be completely energy independent this year—this year. We can use our abundant domestic reserve of coal to produce clean, clear fuel as part of a plan to reduce our dependence, in addition to the use of those renewables.

Coal-to-liquid fuel technology has tremendous potential. Converting America's 273 billion tons of coal into transportation fuel would result in the equivalent of over 500 billion barrels of oil. That compares to Saudi Arabia's reserves of 262 billion barrels.

Why are we continuing to be dependent and vulnerable to foreign sources of energy? It makes no sense. It is time to do more than talk about the threat; it is time to act. That is why I am introducing the BOLD Energy Act today.

My legislation would accomplish the following: It would increase production of renewable energy and alternative fuels. It would reward conservation and energy efficiency. It would provide more research and development funding for new energy technologies. It would promote responsible development of domestic fossil fuel resources, and it would facilitate upgrades to our Nation's electricity grid.

First, the BOLD Act takes aggressive steps to increase alternative fuel production and use. It extends the biodiesel and ethanol tax credit. It requires ethanol use in the United States to increase from 4.7 billion gallons in 2007 to 30 billion gallons in 2025. It creates a new biodiesel standard. It promotes alternative fueling stations, and it establishes a $500 million grant program for the expensive front-end engineering and design of coal-to-liquid fuel plants. These steps will allow us to substitute home-grown fuels for foreign oil, dramatically reducing our dependence on imported oil.

Second, the experts tell us the single most important thing we can do to reduce our reliance on foreign oil is to improve the efficiency of our cars and trucks. My legislation provides a new rebate program for cars and trucks that achieve above-average fuel economy. The most fuel-efficient vehicles would qualify for rebates of up to $2,500. This will encourage consumers to buy, and manufacturers to produce, more fuel-efficient cars. We don't do this with the command-and-control structure of CAFE standards; we do it with incentives for the marketplace.

My bill also requires that all vehicles sold in the United States by 2017 must include alternative fuel technologies, such as hybrid electric or flex-fuel systems. Auto makers will be eligible for a 35-percent tax credit or retiree health care cost relief to make this transition. We have had extensive discussions with the automobile industry on how to design these incentives so they would be effective.

North Dakota E85 fueling systems will allow drivers to dramatically reduce gasoline usage. And in urban areas such as Washington, D.C. where most drivers commute fewer than 20 miles a day, new plug-in hybrids will allow most trips to be fueled by electricity rather than gasoline.

Third, the BOLD Energy Act promotes environmentally responsible energy development here at home. It increases the existing enhanced oil recovery tax credit to 20 percent for any new or expanded domestic drilling project that uses carbon dioxide to recover oil from aging wells. Again, we have consulted broadly with industry on what would be the most effective incentives to seriously increase domestic energy production.

It also includes language authorizing energy development in the Lease Sale 181 area in the Gulf of Mexico that prohibits this development from occurring within 100 miles of the Florida coast or interfering with military activities in the gulf.

These steps will allow us to substitute American oil and natural gas for imports, creating jobs here at home and improving our energy security.

Fourth, my BOLD Energy Act promotes new technologies to improve energy efficiency and develop renewable energy, such as wind and solar. It extends the renewable energy tax credit for 5 years and establishes a national 10-percent renewable electricity standard.

My energy bill also creates a clean coal energy bonds program to allow electric cooperatives, tribal governments, and other public power systems to finance new, advanced clean coal powerplants.

Finally, my legislation will improve the electricity grid in the United States by making it easier for State governments to finance the construction of transmission lines through the issuance of tax exempt bonds. Again, we have consulted broadly with industry over an extended period to find the things that would make the greatest difference to dramatically reducing our energy dependence. That is what this legislation is about. That is why I call it the BOLD Energy Act. It is seriously designed to break our long-term dependency. That is why we called it the BOLD Energy Act.

A few weeks ago I met with the President and a bipartisan group of Senators at the White House to talk about energy policy. I told the President he was right to identify our addiction to oil as one of our challenges. I also told him it is time to be bold. No more tepid plans, no more plans that fundamentally do not make a difference. It is time for the United States to stand up to this challenge of seriously reducing our dependence on foreign energy.

Make no mistake, this is a bold plan. This plan calls for the investment of approximately $40 billion over the next 5 years. That is what it is going to take. If we are going to be serious about reducing our dependence, it is going to take more than half steps. It is time to put politics aside and assemble our best collective ideas into a new, comprehensive energy policy. I ask my colleagues and I urge them to look at this bill, to examine it. I urge them and hope that they could cosponsor it. If not, I welcome their constructive criticism about what could be done to make it better.

I don't think we have any time to waste. There is no time to lose. We need bold action. We need this BOLD Energy Act.

I send the bill to the desk for its assignment to the appropriate committee.

The PRESIDING OFFICER. The bill will be received and assigned to the appropriate committee.

Mr. CONRAD. Mr. President, I thank very much the dozens of organizations that have contributed to writing this legislation. As I have indicated, we have spent 6 months in preparing this legislation. We have consulted with literally dozens and dozens of organizations across this country. We have consulted with Members in both the House and the Senate. We have consulted with Governors. We have consulted with every relevant energy group in the State of North Dakota and in the Midwest. I am delighted that so many of them have already endorsed this legislation.

It is time for us to get serious about reducing our dependence on foreign oil. I am delighted today to be presenting this BOLD Energy Act. I believe it is the direction we should take. I again ask my colleagues to give it their close consideration.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I compliment the Senator from North Dakota for thinking boldly and focusing on an urgent need for our country. I look forward to studying his proposal and working with him, especially in the areas of conservation and efficiency. There is a consensus within the Energy and Natural Resources Committee that we can do more in conservation and efficiency. There is a consensus in the Senate, I believe, that we could do more in research and development. There is a consensus that we could do more in renewable fuels. So I look forward to looking at what he has to say.

I think our goal should be within a generation to end our dependence on foreign oil. That wouldn't mean we wouldn't buy oil from Mexico or from Canada or from anyone, really, but it would mean that no other country could hold the United States of America hostage to the oil supply.

That is a very constructive suggestion. There is one yellow flag I would wave a little bit, and we can talk about it as it makes its way through the process. The Senator mentioned wind power. In terms of the transportation sector, unless we begin to put these large, giant wind machines on the cars—which I fully expect someone to propose before very long, with a large subsidy—I think we ought to examine carefully just how much money we are already spending on giant windmills because it is a massive tax ripoff to the taxpayers of the United States.

The last figures I saw showed that we were now, over the next 5 years, about to spend $3 billion supporting these giant wind machines, which are twice as tall as the football stadium at the University of Tennessee and extend from 10-yard line to 10-yard line and only work when the wind is blowing. They deface the landscape of America.

The Senator has suggested a comprehensive policy that sounds very attractive to me, but I would like us to examine carefully, as we go through this, whether it is wise, for example, to extend the renewable tax credit another 2 years because that is just code words for more billions of dollars to the wind industry. They have a very good lobby. They are very effective. But there are other forms of alternative energy, especially regarding fuels, which is what we are talking about when we are trying to reduce our dependence on foreign oil. That is where we use most of our oil, in the transportation sector. I hope we will spend our available money on research and development, as the Senator has suggested, on conservation and efficiency, as the Senator suggested, and on other kinds of fuels—biodiesel, as the Senator suggested—and be very cautious about adding to the wind subsidy before we clearly understand what we are doing.

Perhaps the figures aren't right, but the last figures I saw from the Department of Treasury is that the Congress has now authorized $3 billion for giant wind machines. We don't need a national windmill policy; we need a national energy policy.

Mr. CONRAD. Mr. President, might I get the attention of the Senator for just a moment? I say to him, first of all, I appreciate very much his thoughtful remarks, as always. When you have a chance to look at this, this is a comprehensive bill. We have spent months talking to everyone we thought had a good idea. We have talked to people who sponsored legislation in the House and the Senate, trying to cull those legislative offerings for the best ideas. We have talked to the people who were sponsored by Hewlett-Packard to do a review of national energy policy in America.

As you know, they spent several years in a serious effort to come to grips with what we could do that would dramatically reduce our energy dependence. The Senator is quite right. That is why so much of this legislation is focused on fuels; that is where a significant part of our imported energy is going—to fuel the fleets of our country.

Let me say with respect to wind energy, I truly believe that is a component of a comprehensive bill. Let me put it in perspective. In terms of our legislation, it is a very small part because I think that is the appropriate level of commitment to make in terms of comprehensive energy policy. There are many other things that have much more prominence in terms of where the investment is being made. I would say to my colleague, in North Dakota we have extraordinary wind energy capacity. We have the ability to relieve our dependence on coal-fired plants and our dependence on plants that are fueled by natural gas, and we have extreme problems, long term, with natural gas in this country. That is why natural gas prices have had such a runup.

Wind energy is a great part of an overall plan to reduce peaking load. Obviously, you cannot count on the wind blowing—although in North Dakota you almost always can. So you have to marry it with other energy-generating sources. That is what we have done with this legislation. I very much welcome my colleague's kind comments, and I look forward to his consideration of what we have tried to do.

Let me just say, I gave my staff an assignment 6 months ago. I told them I wanted an energy bill that anybody could look at and objectively say: If this were enacted, it would make a serious contribution to reducing our energy dependence. I have supported the past energy bills that have come through here. I was pleased to do so. But I think we all know none of them make a dramatic change in our long-term dependence. That is what this bill is designed to do, I say to my colleague: make a dramatic reduction in our dependence.

Mr. ALEXANDER. Mr. President, I appreciate the spirit of the Senator's remarks. He has presented this the same way he dealt with the budget issues. He and Senator GREGG did a very good job with that and helped the Senate through a difficult area. The last energy bill, the one in July, was a very good bill because it began to shift our policy toward producing large amounts of low-carbon and no-carbon energy. It takes a while to do that. It is like turning a big ship around. But we are already beginning to see the results.

There was more conservation and efficiency in that than we had before, which avoids building new natural gas plants, for example. But we could do much more.

There was significant support for nuclear power, which we should do more of. All those who want to solve global warming in a generation should be helping to support nuclear power because 70 percent of our carbon-free energy in the United States today comes from nuclear power. Seventy percent of the carbon-free electricity that we produce comes from nuclear power. There is a growing consensus that we should begin to proceed with that in the United States, and even help India and China avoid dirty coal plants that pollute the area. If we want clean air and low-cost power that is reliable, the approach toward nuclear power is important. That was in the bill.

I encourage steps towards clean coal, which would be coal gasification, which would limit the amount of nitrogen and sulphur and mercury that would come from the use of coal—we have a lot of coal in the United States—and research for carbon sequestration. If we could recapture the carbon, we could then use coal for large amounts of clean power.

Then we had significant support for renewable energy, for ethanol. The President has now suggested that we extend that to different kinds of ethanol. I am sure there are appropriate places for wind power, but it doesn't

amount to much. It is not very reliable. And there is no excuse for spending $3 billion over the next 5 years on gigantic windmills that give big subsidies to investors and scar the landscape when we could be spending it on conservation and efficiency. Of course, what I hope, finally, and in pursuit of Senator CONRAD's goal, is that we redouble our interest in the hydrogen fuel cell economy. Major manufacturers are telling me they are investing hundreds of millions of dollars each year in hydrogen fuel cells which will have no emissions except water, and one major manufacturer said to me that his company, one of the largest in the world, would have a commercially available car on the market within 10 years, and that was last year. That seems soon to me. But the sooner that happens—the sooner that happens, the better.

To reduce our dependence on foreign oil so that we are not held hostage, and to make sure that we have clean air and to make sure that we do our part not to add to global warming, we should do all these things. We do not need a national windmill policy. We need a comprehensive energy policy.

I see the Senator from Massachusetts.

We would have to put enough giant windmills to cover 70 percent of Massachusetts to equal the amount of energy in the oil we would get from ANWR.

My main purpose is to say to Senator CONRAD that I welcome his proposal. It is a serious, thoughtful effort, as is characteristic of his efforts.

I wish to ask that we carefully consider where the tax subsidies go before we spend more billions of dollars on a source that is already oversubsidized, that scars the landscape, that only works when the wind blows, that requires large new power lines to be built and that can fend for its own in marketplaces where it is appropriate to be.

I thank the Chair. I yield the floor.

By Mr. BURNS (for himself and Mr. ROCKEFELLER):

S. 2572. A bill to amend the Aviation and Transportation Security Act to extend the suspended service ticket honor requirement; to the Committee on Commerce, Science, and Transportation.

Mr. BURNS. Mr. President, I come to the floor today to introduce the Aviation Consumer Protection Extension Act. The bill is a 1-year extension of section 145 of the Aviation and Transportation Security Act, which passed in 2001. The current extension expires in November of this year.

Currently, the aviation industry is going through a difficult time with numerous airline bankruptcies and overall uncertainty. In this environment, airline consumers deserve protection in the circumstance that their air service provider suspends service because of a bankruptcy.

This extension provides that airline passengers holding tickets from a bankrupt carrier are entitled to a seat on a standby basis on any airline serving that route if arrangements are made within 60 days after the bankrupt airline suspends operations.

Under the provision, the maximum fee that an airline can charge for providing standby transportation would not exceed $50 each way. The extension does not apply to charter flights but does cover frequent flyer tickets.

Like all Members of this body, my State of Montana has a number of traveling families. In the unfortunate circumstance that an air carrier discontinues service, those families should not have to foot an outrageous bill to get back home.

In these times of unease and uncertainty in the airline industry, we need to make sure hard-earned family vacations don't turn into unnecessarily costly expenditures. I look forward to working with my colleagues on a timely passage of this important extension.

By Mr. DURBIN:

S. 2573. A bill to amend the Higher Education Act of 1965 to provide interest rate reductions, to authorize and appropriate amounts for the Federal Pell Grant program, to allow for in-school consolidation, to provide the administrative account for the Federal Direct Loan Program as a mandatory program, to strike the single holder rule, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2573

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 ''Reverse the Raid on Student Aid Act of 2006''.

SEC. 2. INTEREST RATE REDUCTIONS.

(a) FFEL INTEREST RATES.—Section 427A(*l*) (20 U.S.C. 1077a(*l*)) is amended—

(1) in paragraph (1)—

(A) by striking ''6.8 percent'' and inserting ''3.4 percent''; and

(B) by inserting before the period at the end the following: '', except that for any loan made pursuant to section 428H for which the first disbursement is made on or after July 1, 2006, the applicable rate of interest shall be 6.8 percent on the unpaid principal balance of the loan''; and

(2) in paragraph (2), by striking ''8.5 percent'' and inserting ''4.25 percent''.

(b) DIRECT LOANS.—Section 455(b)(7) (20 U.S.C. 1087e(b)(7)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and Federal Direct Unsubsidized Stafford Loans'';

(B) by striking ''6.8 percent'' and inserting ''3.4 percent''; and

(C) by inserting before the period at the end the following: '', and for any Federal Direct Unsubsidized Stafford Loan made for which the first disbursement is made on or after July 1, 2006, the applicable rate of interest shall be 6.8 percent on the unpaid principal balance of the loan''; and

(2) in subparagraph (B), by striking ''7.9 percent'' and inserting ''4.25 percent''.

SEC. 3. FEDERAL PELL GRANT AWARDS.

Section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A), by striking clauses (i) through (v) and inserting the following:

''(i) $4,500 for academic year 2007–2008;

''(ii) $4,800 for academic year 2008–2009;

''(iii) $5,200 for academic year 2009–2010;

''(iv) $5,600 for academic year 2010–2011; and

''(v) $6,000 for academic year 2011–2012,'';

(B) in paragraph (3)(A), by striking ''an appropriation Act'' and inserting ''this section''; and

(C) in paragraph (7), by striking ''the appropriate Appropriation Act for this subpart'' and inserting ''this section'';

(2) by striking subsection (g);

(3) by redesignating subsections (h), (i), and (j), as subsections (g), (h), and (i), respectively; and

(4) by adding at the end the following:

''(j) AUTHORIZATION AND APPROPRIATION OF FUNDS.—There are authorized to be appropriated, and there are appropriated, to carry out this section—

''(1) for academic year 2007–2008, such sums as may be necessary to award each student eligible for a Federal Pell Grant for such academic year not more than $4,500;

''(2) for academic year 2008–2009, such sums as may be necessary to award each student eligible for a Federal Pell Grant for such academic year not more than $4,800;

''(3) for academic year 2009–2010, such sums as may be necessary to award each student eligible for a Federal Pell Grant for such academic year not more than $5,200;

''(4) for academic year 2010–2011, such sums as may be necessary to award each student eligible for a Federal Pell Grant for such academic year not more than $5,600;

''(5) for academic year 2011–2012, such sums as may be necessary to award each student eligible for a Federal Pell Grant for such academic year not more than $6,000; and

''(6) for each subsequent academic year, such sums as may be necessary to award each student eligible for a Federal Pell Grant for such subsequent academic year not more than the amount that is equal to the maximum award amount for the previous academic year increased by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between such previous academic year and such subsequent academic year.''.

SEC. 4. IN-SCHOOL CONSOLIDATION.

Section 428(b)(7)(A) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(7)(A)) is amended by striking ''shall begin'' and all that follows through the period and inserting ''shall begin—

''(i) the day after 6 months after the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution); or

''(ii) on an earlier date if the borrower requests and is granted a repayment schedule that provides for repayment to commence at an earlier date.''.

SEC. 5. ADMINISTRATIVE ACCOUNT FOR DIRECT LOAN PROGRAM.

Section 458 of the Higher Education Act of 1965 (20 U.S.C. 1087h) is amended to read as follows:

''SEC. 458. FUNDS FOR ADMINISTRATIVE EXPENSES.

''(a) ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—Each fiscal year there shall be available to the Secretary, from funds not otherwise appropriated, funds to be obligated for—

''(A) administrative costs under this part and part B, including the costs of the direct student loan programs under this part; and

''(B) account maintenance fees payable to guaranty agencies under part B and calculated in accordance with subsection (b),

not to exceed (from such funds not otherwise appropriated) $904,000,000 in fiscal year 2007, $943,000,000 in fiscal year 2008, $983,000,000 in fiscal year 2009, $1,023,000,000 in fiscal year 2010, $1,064,000,000 in fiscal year 2011, and $1,106,000,000 in fiscal year 2012.

''(2) ACCOUNT MAINTENANCE FEES.—Account maintenance fees under paragraph (1)(B) shall be paid quarterly and deposited in the Agency Operating Fund established under section 422B.

''(3) CARRYOVER.—The Secretary may carry over funds made available under this section to a subsequent fiscal year.

''(b) CALCULATION BASIS.—Account maintenance fees payable to guaranty agencies under subsection (a)(1)(B) shall not exceed the basis of 0.10 percent of the original principal amount of outstanding loans on which insurance was issued under part B.

''(c) BUDGET JUSTIFICATION.—No funds may be expended under this section unless the Secretary includes in the Department of Education's annual budget justification to Congress a detailed description of the specific activities for which the funds made available by this section have been used in the prior and current years (if applicable), the activities and costs planned for the budget year, and the projection of activities and costs for each remaining year for which administrative expenses under this section are made available.''.

SEC. 6. SINGLE HOLDER RULE.

Subparagraph (A) of section 428C(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078–3(b)(1)) is amended by striking ''and (i)'' and all that follows through ''so selected for consolidation)''.

By Mr. SALAZAR:

S. 2584. A bill to amend the Healthy Forests Restoration Act of 2003 to help reduce the increased risk of severe wildfires to communities in forested areas affected by infestations of bark beetles and other insects, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, I rise today to speak about S. 2584, ''The Rocky Mountain Forest Insects Response Enhancement and Support Act,'' or ''Rocky Mountain FIRES Act,'' which I introduced earlier today.

I am introducing this bill because we are facing an extremely dangerous wildfire situation in the West, including my home State of Colorado, maybe worse than we have ever faced.

Below-average snowfalls, protracted drought, and a massive bark beetle infestation have created fuel loads that threaten forest health, property, and human life. I fear that we are facing a perfect storm of conditions for devastating fires this summer in Colorado.

The southern half of Colorado, and much of the Southwest, has been hit by yet another year of below-average precipitation. With the exception of a few areas in Colorado's northern mountains, precipitation levels this winter were 25–50 percent of average. Colorado is now in its 7th consecutive year of drought.

This drought has been so severe and so long that even the healthiest trees have become fuel for disease, fire, and insect infestations.

Mr. President, the bark beetle, a pest that normally kills only a few weak trees in a stand, has fed off entire forests of drought-weakened trees. It is a plague that is sweeping through the Rockies.

The bark beetle problem in Colorado is of unprecedented magnitude. The infestation is killing trees over hundreds of thousands of acres, leaving huge, dry fuel loads in its wake.

Across the State, but particularly in the Arapaho National Forest in northern Colorado, bark beetles are turning entire forests into brown, dead stands. In 2004, bark beetles killed an estimated 7 million trees over 1.5 million acres in Colorado.

When you see pictures that show the stands that have been hit by the bark beetle, you can see why people who live nearby are so concerned. You can imagine what a fire would look like if it got into a stand of beetle-infested timber—it would jump from crown to crown, racing up ridges and through the forest faster than we could respond.

Beetle-kill stands are everywhere in Grand County and Larimer County, Summit and Eagle, Saguache and San Miguel. They are increasingly visible in pockets along the Front Range, among houses and communities in the wildland-urban interface.

The areas with smaller outbreaks, like those in the Pike National Forest and the Gunnison National Forest, are just as worrisome as the massive outbreaks in northern Colorado. When we see even a handful of beetle-kill trees, it usually means that the insects are already attacking the surrounding trees.

Private land owners and local governments are doing all they can to combat this problem—they are using their chainsaws to protect their homes, they are spraying trees, and they are devising protection plans. They wonder, though, if they aren't alone in this fight. They wonder if the Federal Government is asleep at the wheel in the face of potential disaster.

The people who see the browned-out, dead forests from their kitchen windows wonder why Washington isn't moving faster to curb this onslaught on our public lands—why is the government not clearing out the dead trees, creating buffers to prevent the beetle from spreading, or providing more resources and expertise to help local communities protect themselves?

I have pressed Secretary Johanns to find funds to deal with this emergency in Colorado and across the West. At the current budget levels, we are simply not able to curb the bark beetle problem and prepare for the upcoming fire season. We could be treating 2 or 3 times as many acres this year if we only had adequate funds.

We must also give local communities and land managers the tools they need to combat the bark beetle infestation. That is what S2584, the ''Rocky Mountain Fires Act,'' will do.

My bill will facilitate a swifter response by the Forest Service and BLM to widespread insect infestations in our forests; provide additional money to communities that are preparing or revising their wildfire protection plans; make grant funding available for enterprises that use woody biomass for energy production and other commercial purposes, so that we can put beetle-kill trees and wood from hazard fuels-reduction projects to good use; and allow the Forest Service and the BLM to award stewardship contracts to nearby landowners, so that residents can do hazard fuels reduction on federal lands to protect their homes.

Coloradans are anxious for Congress to take action on the bark beetle issue because they know the dangers they face. They remember the fire storms of 2002, when the Hayman Fire burned 138,000 acres on the Front Range, the Missonary Ridge Fire burned 70,000 acres near Durango, and scores of other fires across the State chewed up resources and claimed property and lives.

This year could be as bad, or worse, if we don't take action right now.

We must find funds or provide emergency funding so that we can gear up for the fire season. We must also pass bark beetle legislation that gives communities and land managers the tools they need to protect property and lives.

We must take action right now. As I am reminded by the reports of fires in Colorado just this past week: this summer's fire season is already upon us.

By Mr. SMITH (for himself and Mr. KERRY):

S. 2585. A bill to amend the Internal Revenue Code of 1986 to permit military death gratuities to be contributed to certain tax-favored accounts; to the Committee on Finance.

Mr. SMITH. America's service men and women continue to make the ultimate sacrifices for our Nation. In the tragic cases where brave soldiers, marines, airmen, and sailors lose their lives in support of Operation Enduring Freedom or Operation Iraqi Freedom, we must honor their service by ensuring that their families are not forced to shoulder undue financial strain. Therefore, I am honored to introduce the Fallen Heroes Family Savings Act.

This legislation will increase the flexibility given to families while managing the death gratuity payment to the survivors of fallen service men and women. This bill will provide these families expanded financial options to invest the $100,000 death gratuity payment in health, education, and retirement savings accounts. Allowing families to transfer these funds will help them save money for a college education, medical expenses, or to finance a future retirement.

Allowing military families increased financial flexibility is the least we can do to honor the legacy our troops have worked so hard to create. It is my hope that this legislation will assist the

families of fallen service men and women in their time of grief and allow them to plan for their future.

I ask for unanimous consent to have printed in the RECORD the following letter from the Military Officers Association of America in support of this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILITARY OFFICERS ASSOCIATION OF AMERICA,
Alexandria, VA, April 6, 2006.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: I am writing on behalf of the 360,000 members of the Military Officers Association of America (MOAA) in support of your planned legislation, the Fallen Heroes Family Savings Act. This important bill would help military survivors manage the increased death gratuity amounts permanently authorized in the FY2006 National Defense Authorization Act.

The new $100,000 death gratuity provides greatly improved compensation for military survivors and their families but also presents a challenge as to where to safely invest such sizeable sums to provide for future financial security. Your bill would allow survivors to invest death gratuity lump sums in Roth IRA's and other savings accounts, above the contribution limits now allowed. This makes perfect sense and is a logical extension of efforts to increase benefits to widows.

MOAA is grateful for your leadership on this and other issues important to our servicemembers. We pledge our support in seeking enactment of this important legislation.

Sincerely,

NORB RYAN, Jr.,
President.

Mr. KERRY. Mr. President, today Senator SMITH and I are introducing ''The Fallen Heroes Family Savings Act'' that will help military families that have suffered a tragic loss. In recent years, the Congress has generously raised the amount of the military death gratuity to $100,000 and expanded eligibility to all in uniform.

Our current tax laws do not allow the recipients of this payment to use it to make contributions to tax-preferred accounts that help with saving for retirement, health care, or the cost of education. Our legislation would allow families who already have given so much to contribute the death gratuity to certain tax-preferred accounts. These contributions would be treated as qualified rollovers. The contribution limits of these accounts will not be applied to these contributions.

This legislation will not ease the pain of military families that suffer the loss of a loved one, but it can help families put their lives back together. It will enable military families to save more for retirement, education, and health care by being able to put the death gratuity payment in an account in which the earnings will accumulate tax-free.

These changes to our tax laws will help military families with some of their financial burdens. It can not repay the sacrifices that they have made for us, but it hopefully demonstrates the gratitude of a Nation that will not forget the families of the fallen.

By Mr. KERRY:

S. 2586. A bill to establish a 2-year pilot program to develop a curriculum at historically Black colleges and universities, Tribal Colleges, and Hispanic serving institutions to foster entrepreneurship and business development in underserved minority communities; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, I rise today to introduce the Minority Entrepreneurship and Innovation Pilot Program, legislation aimed at addressing this Nation's growing economic disparities through entrepreneurship and business development. It is the spirit of entrepreneurship that has made America's economy the best in the world. And it is through the energy and vitality of the small business sector that we will help all sectors of American society benefit from our robust economy.

Exactly one year ago, the National Urban League released a report on the State of Black America, which discussed the growing economic gap between African Americans and their white counterparts. The report states that the median net worth of an African American family is $6,100 compared with $67,000 for a white family. The report makes clear that closing the racial wealth gap needs to be at the forefront of the civil rights agenda moving into the twenty-first century.

Disproportionate unemployment figures for minorities versus their white counterparts have also been a persistent problem. Even as the administration has been touting the current low nationwide unemployment rate, the African American unemployment rate was 9.5 percent, the Hispanic unemployment rate was 6 percent, while the unemployment rate for whites averaged 4.1 percent.

As the Ranking Member on the Senate Committee on Small Business and Entrepreneurship, I have received firsthand testimony and countless reports documenting the positive economic impact that occurs when we foster entrepreneurship in underserved communities. There are signs of significant economic returns when minority businesses are created and are able to grow in size and capacity. Between 1987 and 1997, revenue from minority owned firms rose by 22.5 percent, an increase equivalent to an annual growth rate of 10 percent and employment opportunities within minority owned firms increased by 23 percent during that same period. There is a clear correlation between the growth of minority owned firms and the economic viability of the minority community.

We have come a long way, but we still have a long way to go if this country is going to keep the promise made to all its citizens of the American dream. In 2005, African Americans accounted for 12.3 percent of the population and only 4 percent of all U.S. businesses. Hispanics Americans represent 12.5 percent of the U.S. population and approximately 6 percent of all U.S. businesses. Native Americans account for approximately 1 percent of the population and .9 percent of all U.S. businesses. We can, and should do something to address what is essentially an inequality of opportunity.

I have long argued that there is a compelling interest for the Federal Government to create opportunities for business and economic development in all communities—throughout this Nation. It is appropriate for the Federal Government to lead the efforts and find innovative solutions to the racial disparities that exist in this country, whether they are in healthcare, education, or economics.

Economic disparities in this country are a very complex issue, particularly when racial demographics are involved. I am well aware that there is no one-size-fits-all solution and there is no single piece of legislation that will level the playing field. However, I strongly believe that education and entrepreneurship can help to close the gap in business ownership and the wealth gap that exists in this country. Many minorities are already turning to entrepreneurship as a means of realizing the American dream. According to U.S. Census data, Hispanics are opening businesses 3 times faster than the national average. Business development and entrepreneurship have played a significant role in the expansion of the black middle class in this country for over a century.

The Minority Entrepreneurship and Innovation Pilot Program offers a competitive grant to Historically Black Colleges and Universities, Tribal Colleges, and HispanicServing Institutions to create an entrepreneurship curriculum at these institutions and to open Small Business Development Centers on campus to serve local businesses. The colleges and universities that participate in this program will foster entrepreneurship among their students, the best and brightest of the minority community, and develop a pool of talented entrepreneurs that are essential to innovation, job creation, and closing the wealth gap. The bill would make 24 grants, for $1 million each, available to institutions that include entrepreneurship and innovation as a part of their organizational mission and open a business-counseling center for those graduates that start their own businesses as well as the surrounding community of existing business owners.

The goal of this program is to target students who have skills in highly skilled fields such as engineering, manufacturing, science and technology, and guide them towards entrepreneurship as a career option. Minority-owned businesses already participate in a wide variety of industries, but are

disproportionately represented in traditionally lowgrowth and low-opportunity service sectors. Promoting entrepreneurial education to undergraduate students at colleges and universities expands the pool of potential business owners to technology, financial services, legal services, and other non-traditional areas in which the overall development of minority firms has been slow. Growing the size and capacity of existing minority firms and promoting entrepreneurship among minority students already committed to higher education will have a direct relationship on the employment rate, income levels and wealth creation of minorities throughout the nation.

The funds are also to be used to open a Small Business Development Center (SBDC) on the campus of the institution to assist in capacity building, innovation and market niche development, and to offer traditional business counseling, similar to other SBDCs. The one-to-one counseling offered by the business specialists at these centers has proven to be the most effective model available for making entrepreneurs run more effective, more efficient, and more successful businesses. By placing the centers on campus, the institutions will be able to leverage the $1 million grant for greater returns and coordinate efforts with the school's academic departments to maximize the efficacy of the program.

While the funding in this bill is modest relative to the multi-billion dollar budgets we discuss on a daily basis, these funds can go a long way and be leveraged to create economic growth in the most needed areas of this country. With this legislation, we will help foster long-term innovation and competitiveness in the small business sector. Mr. President, this bill is a small investment in the future of this country that I am sure will do much to foster economic growth in our minority communities and beyond. I urge my colleagues to join me as cosponsors of this important piece of legislation.

By Mr. DOMENICI (for himself and Mr. INHOFE) (by request):

S. 2589. A bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to ensure protection of public health and safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I am pleased to rise today, on behalf of myself and Senator INHOFE, to introduce, at the request of the administration, legislation to further the development at Yucca Mountain of the national repository for nuclear spent fuel and defense nuclear waste. This bill is a good start on the road to enactment of legislation that will resolve issues critical to the construction, licensing and operation of the facility.

I hope to begin hearings on this issue in the Energy and Natural Resources Committee shortly after the conclusion of the upcoming recess. I look forward to working with the administration, Senator INHOFE, and other interested Senators to facilitate the construction and operation of the repository, a project so important to the continued development of safe, clean, and efficient nuclear power in this country.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2589

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 ''Nuclear Fuel Management and Disposal Act''.

SEC. 2. DEFINITIONS.

(a) DEFINITIONS FROM NUCLEAR WASTE POLICY ACT OF 1982 .—In this Act, the terms ''Commission'', ''disposal'', ''Federal agency'', ''high-level radioactive waste'', ''repository'', ''Secretary'', ''State'', ''spent nuclear fuel'', and ''Yucca Mountain site'' have the meaning given those terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(b) OTHER DEFINITIONS.—In this Act:

(1) PROJECT.—The term ''Project'' means the Yucca Mountain Project.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means the Secretary of the Air Force or the Secretary of the Interior, or both, as appropriate.

(3) WITHDRAWAL.—The term ''Withdrawal'' means the withdrawal under section 3(a)(1) of the geographic area consisting of the land described in section 3(c).

SEC. 3. LAND WITHDRAWAL AND RESERVATION.

(a) LAND WITHDRAWAL, JURISDICTION, AND RESERVATION.—

(1) LAND WITHDRAWAL.—Subject to valid existing rights and except as provided otherwise in this Act, the land described in subsection (c) is withdrawn permanently from all forms of entry, appropriation, and disposal under the public land laws, including, without limitation, the mineral leasing laws, geothermal leasing laws, and mining laws.

(2) JURISDICTION.—

(A) IN GENERAL.—Except as otherwise provided in this Act, the Secretary shall have jurisdiction over the Withdrawal.

(B) TRANSFER.—There is transferred to the Secretary the land covered by the Withdrawal that is under the jurisdiction of the Secretary concerned on the date of enactment of this Act.

(3) RESERVATION.—The land covered by the Withdrawal is reserved for use by the Secretary for the development, preconstruction testing and performance confirmation, licensing, construction, management and operation, monitoring, closure, post-closure, and other activities associated with the disposal of high-level radioactive waste and spent nuclear fuel under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.).

(b) REVOCATION AND MODIFICATION OF PUBLIC LAND ORDERS AND RIGHTS-OF-WAY.—

(1) PUBLIC LAND ORDER REVOCATION.—Public Land Order 6802 of September 25, 1990, as extended by Public Land Order 7534, and any conditions or memoranda of understanding accompanying those land orders, are revoked.

(2) RIGHT OF WAY RESERVATIONS.—Project right-of-way reservations N–48602 and N–47748 of January 5, 2001, are revoked.

(c) LAND DESCRIPTION.—

(1) BOUNDARIES.—The land and interests in land covered by the Withdrawal and reserved by this Act comprise the approximately 147,000 acres of land in Nye County, Nevada, as generally depicted on the Yucca Mountain Project Map, YMP–03–024.2, entitled ''Proposed Land Withdrawal'' and dated July 21, 2005.

(2) LEGAL DESCRIPTION AND MAP.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall—

(A) publish in the Federal Register a notice containing a legal description of the land covered by the Withdrawal; and

(B) file copies of the maps described in paragraph (1) and the legal description of the land covered by the Withdrawal with Congress, the Governor of the State of Nevada, and the Archivist of the United States.

(3) TECHNICAL CORRECTIONS.—The maps and legal description referred to in this subsection have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors in the maps and legal description.

(d) RELATIONSHIP TO OTHER RESERVATIONS.—

(1) IN GENERAL.—Subtitle A of title XXX of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 885) and Public Land Order 2568 do not apply to the land covered by the Withdrawal and reserved by subsection (a).

(2) OTHER WITHDRAWN LAND.—This Act does not apply to any other land withdrawn for use by the Department of Defense under subtitle A of title XXX of the Military Lands Withdrawal Act of 1999.

(e) MANAGEMENT RESPONSIBILITIES.—

(1) GENERAL AUTHORITY.—The Secretary, in consultation with the Secretary concerned, as applicable, shall manage the land covered by the Withdrawal in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), this Act, and other applicable law.

(2) MANAGEMENT PLAN.—

(A) DEVELOPMENT.—Not later than 3 years after the date of enactment of this Act, the Secretary, after consultation with the Secretary concerned, shall develop and submit to Congress and the State of Nevada a management plan for the use of the land covered by the Withdrawal.

(B) PRIORITY OF YUCCA MOUNTAIN PROJECT–RELATED ISSUES.—Subject to subparagraphs (C), (D), and (E), any use of the land covered by the Withdrawal for activities not associated with the Project is subject to such conditions and restrictions as the Secretary considers to be necessary or desirable to permit the conduct of Project-related activities.

(C) DEPARTMENT OF THE AIR FORCE USES.—The management plan may provide for the continued use by the Department of the Air Force of the portion of the land covered by the Withdrawal within the Nellis Air Force Base Test and Training Range under terms and conditions on which the Secretary and the Secretary of the Air Force agree with respect to Air Force activities.

(D) NEVADA TEST SITE USES.—The Secretary may—

(i) permit the National Nuclear Security Administration to continue to use the portion of the land covered by the Withdrawal on the Nevada Test Site; and

(ii) impose any conditions on that use that the Secretary considers to be necessary to minimize any effect on Project or Administration activities.

(E) OTHER NON–YUCCA MOUNTAIN PROJECT USES.—

(i) IN GENERAL.—The management plan shall provide for the maintenance of wildlife habitat and the permitting by the Secretary

of non-Project-related uses that the Secretary considers to be appropriate, including domestic livestock grazing and hunting and trapping in accordance with clauses (ii) and (iii).

(ii) GRAZING.—Subject to regulations, policies, and practices that the Secretary, after consultation with the Secretary of the Interior, determines to be necessary or appropriate, the Secretary may permit grazing on land covered by the Withdrawal to continue on areas on which grazing was established before the date of enactment of this Act, in accordance with applicable grazing laws and policies, including—

(I) the Act of June 28, 1934 (commonly known as the ''Taylor Grazing Act'') (43 U.S.C. 315 et seq.);

(II) title IV of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1751 et seq.); and

(III) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.).

(iii) HUNTING AND TRAPPING.—The Secretary may permit hunting and trapping on land covered by the Withdrawal on areas in which hunting and trapping were permitted on the day before the date of enactment of this Act, except that the Secretary, after consultation with the Secretary of the Interior and the State of Nevada, may designate zones in which, and establish periods during which, no hunting or trapping is permitted for reasons of public safety, national security, administration, or public use and enjoyment.

(F) MINING.—

(i) IN GENERAL.—Except as provided in subparagraph (B), surface or subsurface mining or oil or gas production, including slant drilling from outside the boundaries of the land covered by the Withdrawal, is not permitted at any time on or under the land covered by the Withdrawal.

(ii) VALIDITY OF CLAIMS.—The Secretary of the Interior shall evaluate and adjudicate the validity of all mining claims on the portion of land covered by the Withdrawal that, on the date of enactment of this Act, was under the control of the Bureau of Land Management.

(iii) COMPENSATION.—The Secretary shall provide just compensation for the acquisition of any valid property right.

(iv) CIND-R-LITE MINE.—

(I) IN GENERAL.—Patented Mining Claim No. 27–83–0002, covering the Cind-R-Lite mine, shall not be affected by establishment of the Withdrawal, unless the Secretary, after consultation with the Secretary of the Interior, determines that the acquisition of the mine is required in furtherance of the reserved use of the land covered by the Withdrawal described in subsection (a)(3).

(II) COMPENSATION.—If the Secretary determines that the acquisition of the mine described in subclause (I) is required, the Secretary shall provide just compensation for acquisition of the mine.

(G) LIMITED PUBLIC ACCESS.—The management plan may provide for limited public access to and use of the portion of the land covered by the Withdrawal that is under the jurisdiction of the Bureau of Land Management on the date of enactment of this Act, including for—

(i) continuation of the Nye County Early Warning Drilling Program;

(ii) utility corridors; and

(iii) such other uses as the Secretary, after consultation with the Secretary of the Interior, considers to be consistent with the purposes of the Withdrawal.

(H) CLOSURE.—If the Secretary, after consultation with the Secretary concerned, determines that the health or safety of the public or the common defense or security requires the closure of a road, trail, or other portion of land covered by the Withdrawal, or the airspace above land covered by the Withdrawal, the Secretary—

(i) may close the portion of land or the airspace; and

(ii) shall provide public notice of the closure.

(3) IMPLEMENTATION.—The Secretary and the Secretary concerned shall implement the management plan developed under paragraph (2) in accordance with terms and conditions on which the Secretary and the Secretary concerned jointly agree.

(f) IMMUNITY.—The United States (including each department and agency of the Federal Government) shall be held harmless, and shall not be liable, for damages to a person or property suffered in the course of any mining, mineral leasing, or geothermal leasing activity conducted on the land covered by the Withdrawal.

(g) LAND ACQUISITION.—

(1) IN GENERAL.—The Secretary may acquire land, and interests in land within the land, covered by the Withdrawal.

(2) METHOD OF ACQUISITION.—Land and interests in land described in paragraph (1) may be acquired by donation, purchase, lease, exchange, easement, right-of-way, or other appropriate methods using donated or appropriated funds.

(3) EXCHANGE OF LAND.—The Secretary of the Interior shall conduct any exchange of land covered by the Withdrawal for Federal land not covered by the Withdrawal.

SEC. 4. APPLICATION PROCEDURES AND INFRASTRUCTURE ACTIVITIES.

(a) APPLICATION.—Section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)) is amended—

(1) by striking ''If the President'' and inserting the following:

''(1) IN GENERAL.—If the President''; and

(2) by adding at the end the following

''(2) REQUIRED INFORMATION.—An application for construction authorization shall not be required to contain information any surface facility other than surface facilities necessary for initial operation of the repository.''.

(b) APPLICATION PROCEDURES AND INFRASTRUCTURE ACTIVITIES.—Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended—

(1) in the first sentence, by striking ''The Commission shall consider'' and inserting the following:

''(1) IN GENERAL.—The Commission shall consider'';

(2) by striking the last 2 sentences; and

(3) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

''(2) AMENDMENTS TO APPLICATION FOR CONSTRUCTION AUTHORIZATION.—

''(A) IN GENERAL.—If the Commission approves an application for construction authorization and the Secretary submits an application to amend the authorization to obtain permission to receive and possess spent nuclear fuel and high-level radioactive waste, or to undertake any other action concerning the repository, the Commission shall consider the application using expedited, informal procedures, including discovery procedures that minimize the burden on the parties to produce documents that the Commission does not need to render a decision on an action under this section.

''(B) FINAL DECISION.—The Commission shall issue a final decision on whether to grant permission to receive and possess spent nuclear fuel and high-level radioactive waste, or on any other application, by the date that is 1 year after the date of submission of the application, except that the Commission may extend that deadline by not more than 180 days if, not less than 30 days before the deadline, the Commission complies with the reporting requirements under subsection (e)(2).

''(3) INFRASTRUCTURE ACTIVITIES.—

''(A) IN GENERAL.—At any time before or after the Commission issues a final decision on an application from the Secretary for construction authorization under this subsection, the Secretary may undertake infrastructure activities that the Secretary determines to be necessary or appropriate to support construction or operation of a repository at the Yucca Mountain site or transportation to the Yucca Mountain site of spent nuclear fuel and high level radioactive waste, including infrastructure activities such as—

''(i) safety upgrades;

''(ii) site preparation;

''(iii) the construction of a rail line to connect the Yucca Mountain site with the national rail network, including any facilities to facilitate rail operations; and

''(iv) construction, upgrade, acquisition, or operation of electrical grids or facilities, other utilities, communication facilities, access roads, rail lines, and non-nuclear support facilities.

''(B) COMPLIANCE.—

''(i) IN GENERAL.—The Secretary shall comply with all applicable requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an infrastructure activity undertaken under this paragraph.

''(ii) EIS.—If the Secretary determines that an environmental impact statement or similar analysis under the National Environmental Policy Act of 1969 is required in connection with an infrastructure activity undertaken under this paragraph, the Secretary shall not be required to consider the need for the action, alternative actions, or a no-action alternative.

''(iii) OTHER AGENCIES.—

''(I) IN GENERAL.—To the extent that a Federal agency is required to consider the potential environmental impact of an infrastructure activity undertaken under this paragraph, the Federal agency shall adopt, to the maximum extent practicable, an environmental impact statement or similar analysis prepared under this paragraph without further action.

''(II) EFFECT OF ADOPTION OF STATEMENT.—Adoption of an environmental impact statement or similar analysis described in subclause (I) shall be considered to satisfy the responsibilities of the adopting agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and no further action for the activity covered by the statement or analysis shall be required by the agency.

''(C) DENIALS OF AUTHORIZATION.—The Commission may not deny construction authorization, permission to receive and possess spent nuclear fuel or high-level radioactive waste, or any other action concerning the repository on the ground that the Secretary undertook an infrastructure activity under this paragraph.''.

(c) CONNECTED ACTIONS.—Section 114(f)(6) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(f)(6)) is amended—

(1) by striking ''or''; and

(2) by inserting before the period at the end the following: '', or an action connected or otherwise relating to the repository, to the extent the action is undertaken outside the geologic repository operations area and does not require a license from the Commission''.

(d) EXPEDITED AUTHORIZATIONS.—Section 120 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10140) is amended—

(1) in subsection (a)(1)—

(A) in the first sentence, by inserting '', or the conduct of an infrastructure activity,'' after ''repository'';

(B) by inserting '', State, local, or tribal'' after ''Federal'' each place it appears; and

(C) in the second sentence, by striking ''repositories'' and inserting ''a repository or infrastructure activity'';

(2) in subsection (b), by striking '', and may include terms and conditions permitted by law''; and

(3) by adding at the end the following:

''(c) FAILURE TO GRANT AUTHORIZATION.—An agency or officer that fails to grant authorization by the date that is 1 year after the date of receipt of an application or request from the Secretary subject to subsection (a) shall submit to Congress a written report that explains the reason for not meeting that deadline or rejecting the application or request.

''(d) TREATMENT OF ACTIONS.—For the purpose of applying any Federal, State, local, or tribal law or requirement, the taking of an action relating to a repository or an infrastructure activity shall be considered to be—

''(1) beneficial, and not detrimental, to the public interest and interstate commerce; and

''(2) consistent with the public convenience and necessity.''.

SEC. 5. NUCLEAR WASTE FUND.

(a) CREDITING FEES.—Beginning on October 1, 2007, and continuing through the end of the fiscal year during which construction is completed for the Nevada rail line and surface facilities for the fully operational repository described in the license application, fees collected by the Secretary and deposited in the Nuclear Waste Fund established by section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) shall be credited to the Nuclear Waste Fund as discretionary offsetting collections each year in amounts not to exceed the amounts appropriated from the Nuclear Waste Fund for that year.

(b) FUND USES.—Section 302(d)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)(4)) is amended by inserting after ''with'' the following: ''infrastructure activities that the Secretary determines to be necessary or appropriate to support construction or operation of a repository at the Yucca Mountain site or transportation to the Yucca Mountain site of spent nuclear fuel and high-level radioactive waste, and''.

SEC. 6. REGULATORY REQUIREMENTS.

(a) MATERIAL REQUIREMENTS.—Notwithstanding any other provision of law, no Federal, State, interstate, or local requirement, either substantive or procedural, that is referred to in section 6001(a) of the Solid Waste Disposal Act (42 U.S.C. 6961(a)), applies to—

(1) any material owned by the Secretary, if the material is transported or stored in a package, cask, or other container that the Commission has certified for transportation or storage of that type of material; or

(2) any material located at the Yucca Mountain site for disposal, if the management and disposal of the material is subject to a license issued by the Commission.

(b) PERMITS.—

(1) IN GENERAL.—The Environmental Protection Agency shall be the permitting agency for purposes of issuing, administering, or enforcing any new or existing air quality permit or requirement applicable to a Federal facility or activity relating to the Withdrawal that is subject to the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.).

(2) STATE AND LOCAL ACTIVITY.—A State or unit of local government shall not issue, administer, or enforce a new or existing air quality permit or requirement affecting a Federal facility or activity that is—

(A) located on the land covered by the Withdrawal; and

(B) subject to the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.).

SEC. 7. TRANSPORTATION.

The Nuclear Waste Policy Act of 1982 is amended by inserting after section 180 (42 U.S.C. 10175) the following:

''SEC. 181. TRANSPORTATION.

''(a) IN GENERAL.—The Secretary may determine the extent to which any transportation required to carry out the duties of the Secretary under this Act that is regulated under the Hazardous Materials Transportation Authorization Act of 1994 (title I of Public Law 103–311; 108 Stat. 1673) and amendments made by that Act shall instead be regulated exclusively under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

''(b) DETERMINATION OF PREEMPTION.—On request by the Secretary, the Secretary of Transportation may determine, pursuant to section 5125 of title 49, United States Code, that any requirement of a State, political subdivision of a State, or Indian tribe regarding transportation carried out by or on behalf of the Secretary in carrying out this Act is preempted, regardless of whether the transportation otherwise is or would be subject to regulation under the Hazardous Materials Transportation Authorization Act of 1994 (title I of Public Law 103–311; 108 Stat. 1673).''.

SEC. 8. CONSIDERATION OF EFFECT OF ACQUISITION OF WATER RIGHTS.

Section 124 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10144) is amended—

(1) by striking the section heading and all that follows through ''The Secretary'' and inserting the following:

''SEC. 124. CONSIDERATION OF EFFECT OF ACQUISITION OF WATER RIGHTS.

''(a) WATER RIGHTS ACQUISITION EFFECT.—The Secretary''; and

(2) by adding at the end the following:

''(b) BENEFICIAL USE OF WATER.—

''(1) IN GENERAL.—Notwithstanding any other Federal, State, or local law, the use of water from any source in quantities sufficient to accomplish the purposes of this Act and to carry out functions of the Department under this Act shall be considered to be a use that—

''(A) is beneficial to interstate commerce; and

''(B) does not threaten to prove detrimental to the public interest.

''(2) CONFLICTING STATE LAWS.—A State shall not enact or apply a law that discriminates against a use described in paragraph (1).

''(3) ACQUISITION OF WATER RIGHTS.—The Secretary, through purchase or other means, may obtain water rights necessary to carry out functions of the Department under this Act.''.

SEC. 9. CONFIDENCE IN AVAILABILITY OF WASTE DISPOSAL.

Notwithstanding any other provision of law, in deciding whether to permit the construction or operation of a nuclear reactor or any related facilities, the Commission shall deem, without further consideration, that sufficient capacity will be available in a timely manner to dispose of the spent nuclear fuel and high-level radioactive waste resulting from the operation of the reactor and related facilities.

By Mr. COBURN (for himself, Mr. OBAMA, Mr. CARPER, and Mr. MCCAIN):

S. 2590. A bill to require full disclosure of all entities and organizations receiving Federal funds; to the Committee on Homeland Security and Governmental Affairs.

Mr. COBURN. Mr. President, today, along with Senators BARACK OBAMA, THOMAS CARPER, and JOHN MCCAIN, I introduced legislation to create an online public database that itemizes Federal funding.

The bill ensures that the taxpayers will now know how their money is being spent. Every citizen in this country, after all, should have the right to know what organizations and activities are being funded with their hard-earned tax dollars.

The Federal Government awards roughly $300 billion in grants annually to 30,000 different organizations across the United States, according to the General Services Administration.

This bill would require the Office of Management and Budget, OMB, to establish and maintain a single public Web site that lists all entities receiving Federal funds, including the name of each entity, the amount of Federal funds the entity has received annually by program, and the location of the entity. All Federal assistance must be posted within 30 days of such funding being awarded to an organization.

This would be an important tool to make Federal funding more accountable and transparent. It would also help to reduce fraud, abuse, and misallocation of Federal funds by requiring greater accounting of Federal expenditures. According to OMB, Federal agencies reported $37.3 billion in improper payments for fiscal year 2005 alone. Better tracking of Federal funds would ensure that agencies and taxpayers know where resources are being spent and likely reduce the number of improper payments by Federal agencies.

Over the past year, the Senate Federal Financial Management Subcommittee, which I chair along with ranking member CARPER, has uncovered tens of billions of dollars in fraud, abuse and wasteful spending, ranging from expensive leasing schemes to corporate welfare to bloated bureaucracy. This database would ensure that such spending is better tracked and the public can hold policymakers and Government agencies accountable for questionable spending decisions.

The Web site required by this bill would not be difficult to develop. In fact, one such site already exists for some Federal funds provided by agencies within the Department of Health and Human Services, HHS. The CRISP, Computer Retrieval of Information on Scientific Projects, is a searchable database of federally funded biomedical research projects conducted at universities, hospitals, and other research institutions. The database, maintained by the Office of Extramural Research at the National Institutes of Health, includes projects funded by the National Institutes of Health, Substance Abuse and Mental Health Services, Health Resources and Services Administration, Food and Drug Administration, Centers for Disease Control and Prevention, CDC, Agency for Health Care Research and Quality, and Office of Assistant Secretary of Health. The CRISP database contains current and

historical awards dating from 1972 to the present.

This type of information should be available for all Federal contracts, grants, loans, and assistance provided by all Federal agencies and departments.

It often takes agencies months to verify or to determine an organization's funding when requested by Congress. There are numerous examples of Federal agencies or entities receiving Federal funds actually trying to camouflage how Federal dollars are being spent or distributing public funds in violation of Federal laws.

In October 2005, the House Government Reform Committee's Subcommittee on Criminal Justice, Drug Policy and Human Resources questioned the U.S. Agency for International Development, USAID, assistant administrator to determine if the agency was funding a proprostitution nongovernmental organization called Sampada Grameen Mahila Sanstha, SANGRAM, in apparent violation of Public Law 108–25. This law prohibits funds from being used ''to promote or advocate the legalization or practice of prostitution or sex trafficking,'' and organizations seeking Federal funding for HIV/AIDS work must have a policy ''explicitly opposing prostitution and sex trafficking.''

According to an unclassified State Department memorandum, Restore International, an antitrafficking organization working in India, was ''confronted by a USAID-funded NGO, SANGRAM while the former attempted to rescue and provide long-term care for child victims of sex trafficking. The confrontation led to the release of 17 minor girls—victims of trafficking—into the hands of traffickers and trafficking accomplices.'' According to this memorandum, SANGRAM ''allowed a brothel keeper into a shelter to pressure the girls not to cooperate with counselors. The girls are now back in the brothels, being subjected to rape for profit.''

On November 16, 2005, a USAID briefer asserted to subcommittee staff that USAID had ''nothing to do with'' the grant to the proprostitution SANGRAM and that the subcommittee's inquiries were ''destructive.'' Nonetheless, congressional investigators continued to pursue this matter and eventually proved that USAID money financed the proprostitution SANGRAM through a second organization named Avert, which was established with the assistance of four USAID employees as a passthrough entity. USAID has held the ex-officio vice chairmanship of Avert since inception. According to documents obtained by the subcommittee, the USAID board member of Avert voted twice to award funding to SANGRAM—July 27, 2002 and again on December 3, 2004—the last time being some 18 months after the provisions of Public Law 108–25 prohibited taxpayer funding of proprostitution groups like SANGRAM.

Last August, HHS sponsored a conference in Utah entitled the ''First National Conference on Methamphetamine, HIV and Hepatitis'' that promoted illegal drug abuse and dangerous sexual behavior. Conference sessions included: ''We Don't Need a 'War' on Methamphetamine''; ''You Don't Have to Be Clean & Sober. Or Even Want to Be!''; ''Tweaking Tips for Party Boys''; ''Barebacking: A Harm Reduction Approach''; and ''Without condoms: Harm Reduction, Unprotected Sex, Gay Men and Barebacking.'' ''Tweaking'' is a street term for the most dangerous stage of meth abuse. A ''tweaker'' is a term for a meth addict who probably has not slept in days, or weeks, and is irritable and paranoid. Likewise, ''party boy'' is slang for an individual who abuses drugs, or ''parties.'' ''Barebacking'' is a slang term for sexual intercourse without the use of a condom.

While HHS initially denied sponsoring the conference, it was later learned that thousands of dollars of a CDC grant were used to, in fact, sponsor this conference and CDC sent six employees to participate. In a letter dated October 28, 2005, CDC Director Dr. Julie Gerberding admitted that ''Although CDC was not listed as a sponsor, a portion of CDC's cooperative agreement with Utah, $13,500, was used to support the conference. While Utah informed a CDC project officer that Utah and the Harm Reduction Coalition were sponsoring the conference and shared a draft agenda with the project officer, Utah did not inform the project officer about the particular source of the funding for the conference.''

Previously, the CDC was questioned about its financial support for a number of dubious HIV prevention workshops, including ''flirting classes'' and ''Booty Call,'' orchestrated by the Stop AIDS Foundation of San Francisco. While CDC repeatedly denied to both Congress and the public that taxpayer funds were used to finance these programs, a Stop AIDS Project official eventually admitted in August 2001 to using Federal funds for the programs. An HHS Office of Inspector General, OIG, investigation also concluded in November 2001 that Federal funds were used to finance the programs and that the programs themselves contained content that may violate Federal laws and Federal guidelines were not followed. The OIG found that the activity under review ''did not fully comply with the cooperative agreement and other CDC guidance,'' that the CDC requirement for review of materials by a local review panel was not followed, and characterized some of the project activities as ''inappropriate.'' Finally, the OIG concluded that ''CDC funding was used to support all [Stop AIDS] Project activities.'' The Stop AIDS Project received approximately $700,000 a year from the CDC but no longer receives Federal funding.

These are just a few recent examples from only a couple agencies uncovered due to aggressive congressional oversight. While the public, whose taxes finance these groups and programs, watchdog organizations, and the media can file Freedom of Information Act, FOIA, requests for this same information, such requests can take months to receive answers and often go completely ignored.

If enacted, this legislation will finally ensure true accountability and transparency in how the Government spends our money, which will hopefully lead to more fiscal responsibility by the Federal Government.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. DURBIN, Mr. CHAFEE, and Mrs. CLINTON):

S. 2592. A bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, our Nation faces a public health crisis of the first order. Poor diet and physical inactivity are contributing to growing rates of chronic disease in the U.S. These problems do not just affect adults, but increasingly affect the health of our children as well. Research suggests that one-third of American children born today will develop type II diabetes at some point. For some minority children, the numbers are even more shocking, as high as 50 percent. At the same time, rates of overweight among children are skyrocketing: tripling among children ages 6–11, and doubling among children ages 2 to 5 and ages 12–19 over the past three decades. Indeed, just this week the Journal of the American Medical Association released a new study that found that, in just the past 5 years, rates of childhood overweight and obesity rose very significantly.

There are many reasons for this public health crisis, and accordingly, addressing the crisis will require multiple solutions as well. One place where we can start is with our schools, which have been inundated with foods and drinks having little or no positive nutritional value. A recent study from the Government Accountability office found that 99 percent of high schools, 97 percent of middle schools, and 83 percent of elementary schools sell foods from vending machines, school stores, or a-la-carte lines in the cafeteria. And it is not fresh fruits and vegetables and other healthy foods that are being sold. No, the vast majority of the foods being sold in our schools outside of Federal meal programs are foods that contribute nothing to the health and development of our children and are actually detrimental to them.

Not only does the over consumption of these foods take a toll on the health

of our children, but they also have a negative impact of the investment of taxpayer dollars in the health of our kids. Every year the Federal Government spends nearly $10 billion to reimburse schools for the provision of meals through the National School Lunch Program and School Breakfast Program. In order to receive reimbursement, these meals must meet nutrition standards based upon the Dietary Guidelines for All Americans, the official dietary advice of the U.S. government. However, sales of food elsewhere in our schools do not fall under these guidelines. Therefore, as children consume more and more of the foods typically sold through school vending machines and snack bars, it undermines the nearly $10 billion in Federal reimbursements that we spend on nutritionally balanced school meals.

Finally, the heavy selling of candy, soft drinks and other junk food in our schools undermines the guidance, and even the instruction and authority of parents who want to help their children consume sound and balanced diets. The American public agrees. A Robert Wood Johnson Foundation poll from several years ago found that 90 percent of parents would like to see schools remove the typical junk food from vending machines and replace it with healthier alternatives. My bill seeks to restore the role and authority of parents by ensuring that schools provide the healthy, balanced nutrition that contributes to health and development.

What really hurts children and undermines parents is the junk food free-for-all that currently exists in so many of our schools. How does it help kids if the school sells them a 20-ounce soda and a candy bar for lunch when their parents have sent them to school with the expectation that they will have balanced meals from the school lunch program?

Today, for the first time ever, bipartisan legislation is being introduced in both Chambers of Congress to address this problem—and to do what is right for the health of our kids. This bill is supported by key health and education groups, and I would like to thank the National PTA, the American Medical Association, the Center for Science in the Public Interest, the American Heart Association, the American Dietetic Association, the American Diabetes Association, and others for their strong support.

The Child Nutrition Promotion and School Lunch Protection Act of 2006 does two very simple but important things:

First, it requires the Secretary of Agriculture to initiate a rulemaking process to update nutritional standards for foods sold in schools. Currently, USDA relies upon a very narrow nutritional standard that is nearly 30 years old. Since that definition was formulated, children's diets and dietary risk have changed dramatically. In that time, we have also learned a great deal about the relationship between poor diet and chronic disease. It is time for public policy to catch up with the science.

Second, the bill requires the Secretary of Agriculture to apply the updated definition everywhere on school grounds and throughout the school day. Currently, the Secretary can only issue rules limiting a very narrow class of foods, and then only stop their sales in the actual school cafeteria during the meal period. As a result, a child only needs to walk into the hall outside the cafeteria to buy a ''lunch'' consisting of soda, a bag of chips and a candy bar. This is a loophole that is big enough to drive a soft drink delivery truck through—literally. It is time to close it.

The bill is supported in the Senate by a bipartisan group of Senators. Joining me in introducing the bill are Senator SPECTER of Pennsylvania, Senator BINGAMAN of New Mexico, Senator MURKOWSKI of Alaska, Senator DURBIN of Illinois, and Senator CHAFEE of Rhode Island. The diverse group of supporters of this bill cuts all lines and shows that when the health of our children is at stake, we can put aside our differences in the interest of our children.

This bill, by itself, will not solve the problem of poor diet and rising rates of chronic disease among our children and adults. But it is a start. Scientists predict that—because of obesity and preventable chronic diseases—the current generation of children could very well be the first in American history to live shorter lives than their parents. If this isn't a wakeup call, I don't know what is.

Our children are at risk. The time to act is now. And that's why I am pleased to introduce the Child Nutrition Promotion and School Lunch Protection Act of 2006.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2592

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 ''Child Nutrition Promotion and School Lunch Protection Act of 2006''.

SEC. 2. FINDINGS.

Congress finds that—

(1) for a school food service program to receive Federal reimbursements under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) or the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), school meals served by that program must meet science-based nutritional standards established by Congress and the Secretary of Agriculture;

(2) foods sold individually outside the school meal programs (including foods sold in vending machines, a la carte or snack lines, school stores, and snack bars) are not required to meet comparable nutritional standards;

(3) in order to promote child nutrition and health, Congress—

(A) has authorized the Secretary to establish nutritional standards in the school lunchroom during meal time; and

(B) since 1979, has prohibited the sale of food of minimal nutritional value, as defined by the Secretary, in areas where school meals are sold or eaten;

(4) Federally-reimbursed school meals and child nutrition and health are undermined by the uneven authority of the Secretary to set nutritional standards throughout the school campus and over the course of the school day;

(5) since 1979, when the Secretary defined the term ''food of minimal nutritional value'' and promulgated regulations for the sale of those foods during meal times, nutrition science has evolved and expanded;

(6) the current definition of ''food of minimal nutritional value'' is inconsistent with current knowledge about nutrition and health;

(7) because some children purchase foods other than balanced meals provided through the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), the efforts of parents to ensure that their children consume healthful diets are undermined;

(8) experts in nutrition science have found that—

(A) since 1980, rates of obesity have doubled in children and tripled in adolescents;

(B) only 2 percent of children eat a healthy diet that is consistent with Federal nutrition recommendations;

(C) 3 out of 4 high school students do not eat the minimum recommended number of servings of fruits and vegetables each day; and

(D) type 2 diabetes, which is primarily due to poor diet and physical inactivity, is rising rapidly in children;

(9) in 1996, children aged 2 to 18 years consumed an average of 118 more calories per day than similar children did in 1978, which is the equivalent of 12 pounds of weight gain annually, if not compensated for through increased physical activity; and

(10) according to the Surgeon General, the direct and indirect costs of obesity in the United States are $117,000,000,000 per year.

SEC. 3. FOOD OF MINIMAL NUTRITIONAL VALUE.

Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(1) by striking the section heading and all that follows through ''(a) The Secretary'' and inserting the following:

''SEC. 10. REGULATIONS.

''(a) IN GENERAL.—The Secretary''; and

(2) by striking subsections (b) and (c) and inserting the following:

''(b) FOOD OF MINIMAL NUTRITIONAL VALUE.—

''(1) PROPOSED REGULATIONS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall promulgate proposed regulations to revise the definition of 'food of minimal nutritional value' that is used to carry out this Act and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(B) APPLICATION.—The revised definition of 'food of minimal nutritional value' shall apply to all foods sold—

''(i) outside the school meal programs;

''(ii) on the school campus; and

''(iii) at any time during the school day.

''(C) REQUIREMENTS.—In revising the definition, the Secretary shall consider—

''(i) both the positive and negative contributions of nutrients, ingredients, and

foods (including calories, portion size, saturated fat, trans fat, sodium, and added sugars) to the diets of children;

''(ii) evidence concerning the relationship between consumption of certain nutrients, ingredients, and foods to both preventing and promoting the development of overweight, obesity, and other chronic illnesses;

''(iii) recommendations made by authoritative scientific organizations concerning appropriate nutritional standards for foods sold outside of the reimbursable meal programs in schools; and

''(iv) special exemptions for school-sponsored fundraisers (other than fundraising through vending machines, school stores, snack bars, a la carte sales, and any other exclusions determined by the Secretary), if the fundraisers are approved by the school and are infrequent within the school.

''(2) IMPLEMENTATION.—

''(A) EFFECTIVE DATE.—

''(i) IN GENERAL.—Except as provided in clause (ii), the proposed regulations shall take effect at the beginning of the school year following the date on which the regulations are finalized.

''(ii) EXCEPTION.—If the regulations are finalized on a date that is not more than 60 days before the beginning of the school year, the proposed regulations shall take effect at the beginning of the following school year.

''(B) FAILURE TO PROMULGATE.—If, on the date that is 1 year after the date of enactment of this paragraph, the Secretary has not promulgated final regulations, the proposed regulations shall be considered to be final regulations.''.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. MIKULSKI, Mr. LAUTENBERG, Ms. STABENOW, and Ms. CANTWELL):

S. 2593. A bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President, today I am introducing the Freedom of Choice Act. When the Supreme Court issued its landmark Roe v. Wade decision in 1973, it made clear that our Constitutional right to privacy grants women the freedom to choose whether to begin, prevent, or continue a pregnancy.

The purpose of this bill is very simple: It ensures that the guarantees of Roe v. Wade will be there for every generation of women.

We know what Roe has meant for women these past 33 years. It has allowed them to make their most personal and difficult reproductive decisions in consultation with loved ones and health care providers. It has given them the dignity to plan their own families and the ability to participate fully in the economic and social life of our country. And, most important, it has preserved health and saved lives.

Many of us are old enough to remember what it was like in the days before Roe. More than a million women a year were forced to seek illegal abortions, pushed into the back alleys where they risked infection, hemorrhage, disfiguration, and death. Some estimate that thousands of women died every year because of illegal abortions before Roe.

When the Senate debated the Supreme Court nomination of Judge Alito, women wrote to me with their own heart-breaking stories. For one woman, the year was 1956. She was only four when her mother died of an illegal abortion performed with a coat hanger. Too scared to ask for help, her mother bled to death at work.

Another woman wrote to me about how hard her mother and father struggled during the depression, how they worked day and night to make ends meet and support their two children. When her mother found out she was pregnant again, she had health problems, and she knew she couldn't take care of another child. She made the very difficult decision to get an illegal abortion. The procedure left her bleeding for weeks, and she almost died.

Mr. President, the American people do not want us to go back to those dark days. In a recent CNN poll, 66 percent said they do not want Roe overturned. Yet there is a dangerous movement afoot to overrule Roe and, in the meantime, to severely undermine its promises.

Make no mistake: The threat to Roe is real and immediate. President Bush has already put two anti-choice justices on the Supreme Court, where reproductive freedom now hangs by a thread. More than 450 anti-choice measures have been enacted by the states since 1995.

Recently, South Dakota enacted a ban on abortion in nearly all circumstances, even when a woman's health is at stake, even when she is the victim of rape and incest. And South Dakota is not alone. Several other states are considering similar bans.

The extremists behind these abortion bans make no secret about their goal. They want to use these laws to overturn Roe, and they think that the changes on the Supreme Court give them a chance to do just that.

We must act now. That is why I am introducing legislation today to protect the reproductive freedom of women across America.

The Freedom of Choice Act writes Roe v. Wade into federal law. It says that every woman has the fundamental right to choose to bear a child; to terminate a pregnancy before fetal viability; or, if necessary to protect the health or life of the mother, after viability. It says that we will not turn back the clock on the health and rights of women. And it says that we will take steps—as a Congress and as a country—to safeguard the dignity, privacy, and health of women now and for generations to come.

I thank the cosponsors of this legislation, and I ask all my colleagues who support Roe v. Wade to join us in making sure that it is the law of the land, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2593

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 ''Freedom of Choice Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States was founded on core principles, such as liberty, personal privacy, and equality, which ensure that individuals are free to make their most intimate decisions without governmental interference and discrimination.

(2) One of the most private and difficult decisions an individual makes is whether to begin, prevent, continue, or terminate a pregnancy. Those reproductive health decisions are best made by women, in consultation with their loved ones and health care providers.

(3) In 1965, in Griswold v. Connecticut (381 U.S. 479), and in 1973, in Roe v. Wade (410 U.S. 113) and Doe v. Bolton (410 U.S. 179), the Supreme Court recognized that the right to privacy protected by the Constitution encompasses the right of every woman to weigh the personal, moral, and religious considerations involved in deciding whether to begin, prevent, continue, or terminate a pregnancy.

(4) The Roe v. Wade decision carefully balances the rights of women to make important reproductive decisions with the State's interest in potential life. Under Roe v. Wade and Doe v. Bolton, the right to privacy protects a woman's decision to choose to terminate her pregnancy prior to fetal viability, with the State permitted to ban abortion after fetal viability except when necessary to protect a woman's life or health.

(5) These decisions have protected the health and lives of women in the United States. Prior to the *Roe v. Wade* decision in 1973, an estimated 1,200,000 women each year were forced to resort to illegal abortions, despite the risk of unsanitary conditions, incompetent treatment, infection, hemorrhage, disfiguration, and death. Before Roe, it is estimated that thousands of women died annually in the United States as a result of illegal abortions.

(6) In countries in which abortion remains illegal, the risk of maternal mortality is high. According to the World Health Organization, of the approximately 600,000 pregnancy-related deaths occurring annually around the world, 80,000 are associated with unsafe abortions.

(7) The Roe v. Wade decision also expanded the opportunities for women to participate equally in society. In 1992, in Planned Parenthood v. Casey (505 U.S. 833), the Supreme Court observed that, ''[t]he ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.''.

(8) Even though the *Roe v. Wade* decision has stood for more than 30 years, there are increasing threats to reproductive health and freedom emerging from all branches and levels of government. In 2006, South Dakota became the first State in more than 15 years to enact a ban on abortion in nearly all circumstances. Supporters of this ban have admitted it is an attempt to directly challenge Roe in the courts. Other States are considering similar bans.

(9) Legal and practical barriers to the full range of reproductive services endanger women's health and lives. Incremental restrictions on the right to choose imposed by Congress and State legislatures have made access to abortion care extremely difficult, if not impossible, for many women across the

country. Currently, 87 percent of the counties in the United States have no abortion provider.

(10) While abortion should remain safe and legal, women should also have more meaningful access to family planning services that prevent unintended pregnancies, thereby reducing the need for abortion.

(11) To guarantee the protections of Roe v. Wade, Federal legislation is necessary.

(12) Although Congress may not create constitutional rights without amending the Constitution, Congress may, where authorized by its enumerated powers and not prohibited by the Constitution, enact legislation to create and secure statutory rights in areas of legitimate national concern.

(13) Congress has the affirmative power under section 8 of article I of the Constitution and section 5 of the 14th amendment to the Constitution to enact legislation to facilitate interstate commerce and to prevent State interference with interstate commerce, liberty, or equal protection of the laws.

(14) Federal protection of a woman's right to choose to prevent or terminate a pregnancy falls within this affirmative power of Congress, in part, because—

(A) many women cross State lines to obtain abortions and many more would be forced to do so absent a constitutional right or Federal protection;

(B) reproductive health clinics are commercial actors that regularly purchase medicine, medical equipment, and other necessary supplies from out-of-State suppliers; and

(C) reproductive health clinics employ doctors, nurses, and other personnel who travel across State lines in order to provide reproductive health services to patients.

SEC. 3. DEFINITIONS.

In this Act:

(1) GOVERNMENT.—The term ''government'' includes a branch, department, agency, instrumentality, or official (or other individual acting under color of law) of the United States, a State, or a subdivision of a State.

(2) STATE.—The term ''State'' means each of the States, the District of Columbia, the Commonwealth of Puerto Rico, and each territory or possession of the United States.

(3) VIABILITY.—The term ''viability'' means that stage of pregnancy when, in the best medical judgment of the attending physician based on the particular medical facts of the case before the physician, there is a reasonable likelihood of the sustained survival of the fetus outside of the woman.

SEC. 4. INTERFERENCE WITH REPRODUCTIVE HEALTH PROHIBITED.

(a) STATEMENT OF POLICY.—It is the policy of the United States that every woman has the fundamental right to choose to bear a child, to terminate a pregnancy prior to fetal viability, or to terminate a pregnancy after fetal viability when necessary to protect the life or health of the woman.

(b) PROHIBITION OF INTERFERENCE.—A government may not—

(1) deny or interfere with a woman's right to choose—

(A) to bear a child;

(B) to terminate a pregnancy prior to viability; or

(C) to terminate a pregnancy after viability where termination is necessary to protect the life or health of the woman; or

(2) discriminate against the exercise of the rights set forth in paragraph (1) in the regulation or provision of benefits, facilities, services, or information.

(c) CIVIL ACTION.—An individual aggrieved by a violation of this section may obtain appropriate relief (including relief against a government) in a civil action.

SEC. 5. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which the provision is held to be unconstitutional, shall not be affected thereby.

SEC. 6. RETROACTIVE EFFECT.

This Act applies to every Federal, State, and local statute, ordinance, regulation, administrative order, decision, policy, practice, or other action enacted, adopted, or implemented before, on, or after the date of enactment of this Act.

By Mr. KERRY (for himself, Mr. PRYOR, and Ms. LANDRIEU):

S. 2594. A bill to amend the Small Business Act to reauthorize the loan guarantee program under section 7(a) of that Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, every three years, our Committee reviews the majority of the Small Business Administration's (SBA) programs to see what's working, what's broken, and what can be improved. As ranking member of the Small Business and Entrepreneurship Committee currently, and a member for more than 20 years, I have worked on many reauthorizations. I can tell you that the SBA reauthorization process is a great opportunity to examine programs, to work with the small business groups and SBA's partners—those who use these programs on a day-to-day basis—and the SBA, to ensure that they serve their intended purpose and make the dream of a small business a reality to those who might not be eligible for business loans through conventional lending, don't have an MBA but need some management counseling, or need help cutting through red tape to get government contracts.

Today I am focusing on the SBA's largest small business programs. Specifically, I am introducing legislation to reauthorize the 7(a) Loan Guaranty Program for three years. This bill, the ''7(a) Loan Program Reauthorization Act of 2006,'' authorizes the SBA to back more than a combined $58 billion in 7(a) loans to small businesses, gives borrowers more options when choosing SBA financing, reduces program fees on borrowers and lenders if the government charges excess fees or has excess funding, creates an Office of Minority Small Business Development within SBA to increase the availability of capital to minorities, and creates a National Preferred Lenders program to streamline the application process for exemplary lenders to operate on a national basis and reach more borrowers.

7(a) loans are the most basic and widely used loan of the SBA business loan programs. These loans help qualified, small businesses obtain financing which is guaranteed for working capital, machinery and equipment, furniture and fixtures, land and building (including purchase, renovation and new construction), leasehold improvements, and debt refinancing, under special conditions. The loan maturity is up to 10 years for working capital and generally up to 25 years for fixed assets. A key concept of the 7(a) guaranty loan program is that the loan actually comes from a commercial lender, not the government.

This excellent private/public partnership has made this program one of the agency's most popular, with over 400,000 approved loans in the past six years. Last year alone, almost 96,000 small businesses received $15 billion in 7(a) loans, creating or retaining an estimated 460,000 jobs. To ensure that we continue to have enough authorization levels to manage the increasing demand, my bill reauthorizes the 7(a) Loan Program for three additional years at $18,500,000,000 fiscal year 07, $19,500,000,000 fiscal year 08 and $20,500,000,000 fiscal year 09. These authorization levels ensure that program levels are sufficiently high to enable the SBA to back the maximum amount of loans as possible and avoid credit rationing or shutdowns.

Providing appropriate authorization levels to adequately address the capital needs of small businesses is as important as ensuring that eligible borrowers have access to both fixed asset financing and working capital to address all of their small business needs. Currently, borrowers who need working capital under the 7(a) program and fixed asset financing through the 504 loan program are not able to utilize both SBA loan guaranty programs to their maximum amount and are therefore forced to choose between the two programs. To prevent a situation where a borrower is forced to choose between getting a much-needed facility or getting working capital, my bill specifies that the borrower can have financing under both loan programs at the maximum level, given they qualify for both programs. In previous years, both 7(a) and 504 loans were subsidized by appropriated funds to pay losses. It was therefore appropriate to restrict small businesses to choose between the two programs. However, both of these programs are now self-supporting, and it makes no sense to continue this restriction on borrowers.

One of our jobs on the Committee is to make sure that SBA-backed financing remains affordable to the small business community. As I just referenced, the 7(a) program is now self-funding. The Administration insisted on eliminating all funding for the loans, shifting the cost to borrowers and lenders, by imposing higher fees on them. The administration spins this as a ''savings'' of $100 million to taxpayers while the small business community considers this a ''tax.'' In addition to this ''tax,'' the President's budget shows that borrowers and lenders already pay too much in fees, generating more than $800 million in overpayments since 1992 because the government routinely over-estimates the amount of fees needed to cover the cost

of the program. This is part of the reason that many of us in Congress, on both sides of the aisle, opposed eliminating funding for the program. This legislation seeks to address overpayments by requiring the SBA to lower fees if borrowers and lenders pay more than is necessary to cover the program costs or if the Congress happens to appropriate money for the program and combined with fees there is excess funding to cover the cost of the program. The Senate adopted this provision, offered by me and Senator LANDRIEU last year, to the fiscal year 2006 Commerce Justice State Appropriations bill.

In this reauthorization process, as I mentioned previously, I think it is important to look at specific programs and examine whether or not they are meeting their goals and intended mission. Part of the agency's mission is to fill the financing gap left by the private sector. According to a recent study by the U.S. Chamber of Commerce and Business Loan Express, availability of capital remains a priority for all small businesses, but for Hispanics and African Americans, it is one of their top three concerns. They are still more likely to use credit cards to finance their businesses, and they fear denial from lenders. Knowing of this need, I was deeply disappointed to see that although SBA's loan programs have increased lending overall, the figures surrounding the percentage of small business loans going to African-Americans, Hispanics, Asian Americans and women have not changed much since 2001. The administration will tell you that SBA has been ''highly successful'' in making business loans to minority groups facing competitive opportunity challenges. They claim that in fiscal year 2005, almost 30 percent of 7(a) loans and about 25 percent of 504 loans were made to minority groups. However, according to the SBA's own data, since 2001, while numbers of 7(a) loans have gone up for African Americans, the dollars have remained at 3 percent of all money loaned. In the 504 program, loans to women have decreased from 19 percent in number to 15 percent, and dropped from 16 percent to 14 percent in dollars. In the Microloan program, African Americans received 28 percent of the total number of microloans made in 2001 as compared to only 21 percent of the total number of loans made in 2005. Their microloan dollars have also decreased from $7.1 million to $5.7 million in 2005. Native Americans went from 2 percent of the total number of microloans made in 2001 to less than one percent—a mere .93 percent—in 2005.

These statistics are of great concern and demonstrate that the SBA has not been highly successful in playing an active role in fostering and encouraging robust entrepreneurial activity and small business ownership amongst these minority groups. The stagnant percentage of small business loans in these communities represents a failure of this Administration to provide an alternative means of obtaining capital to our underserved communities where funding has not been available throughout conventional lending methods.

To break this trend and increase the proportion of small business loans to minorities, and the percentage of loans to African Americans, Hispanics, and Asians relative to their share of the population, my bill creates an Office of Minority Small Business Development at the SBA, similar to offices devoted to business development of veterans and women and rural areas. In charge of the office will be the Associate Administrator for Minority Small Business and Capital Ownership Development with expanded authority and an annual budget to carry out its mission.

Currently this position is limited to carrying out the policies and programs of SBA's contracting programs required under sections 7(j) and 8(a) of the Small Business Act. To make sure that minorities are getting a great share of loan dollars, venture capital investments, counseling, and contracting, this bill expands its authority and duties to work with and monitor the outcomes for programs under Capital Access, Entrepreneurial Development, and Government Contracting. It also requires the head of the Office to work with SBA's partners, trade associations, and business groups to identify more effective ways to market to minority business owners, and to work with the head of Field Operations to ensure that district offices have staff and resources to market to minorities. The latter is important because when SBA implemented its extensive workforce transformation plans several years ago, it eliminated lending-related jobs with a partial justification that remaining staff would be trained to do outreach and marketing to the community. However, district offices are not provided with sufficient funds or resources to do the job.

In addition to setting sufficient program levels, giving our borrowers maximum loan options, reaching the underrepresented, and lowering fees to our borrowers, my bill makes great improvements in our lender operations. Lenders are key to providing these loans to small business borrowers throughout our nation. An exceptional lender in the 7(a) program will often become a ''preferred lender,'' with the authority to approve, close, service and liquidate loans without the lender obtaining the prior specific approval of the agency. SBA requires that lenders request preferred lender status in each of the 70 districts it desires to operate. There are many problems with this system, and this bill streamlines and makes uniform the process, an advantage to borrowers, lenders and the SBA.

This preferred lender problem is not a new issue. During our last reauthorization in 2003, lenders complained that applying for lending autonomy in each of the 70 district office and branches is administratively burdensome, both for them and for the Agency staff, and that some district offices have taken advantage of the power to approve or disapprove lenders when they apply for this special lending status. I was very disappointed that this issue was not resolved in our last reauthorization. My bill attempts to alleviate this administrative burden on lenders and SBA staff who must process the application. My bill creates a National Preferred Lenders Program to allow lenders that have already demonstrated proficiency as a preferred lender the authority to operate in any state where it desires to make loans. To ensure that national preferred lenders are proficient and experienced, this bill requires the Administrator, no later than 60 days after enactment, to establish eligibility criteria for national preferred lenders but suggests that the criteria established include several things—consideration of whether the lender has experience as a preferred lender in not fewer than 5 district offices of the Administration for a minimum of 3 years in each territory, uniform written policies on the 7(a) loan program, including centralized loan approval, servicing, and liquidation functions and processes that are satisfactory to the administration.

If a national preferred lender fails to meet the eligibility requirements established by the Administrator, the lender shall be notified of this deficiency and allowed a reasonable time for correction. Failure to correct the deficiency may result in suspension or revocation as a national preferred lender.

Last, my legislation directs the SBA to establish a simple and straightforward alternative size standard for business loan applicants under section 7(a), similar to what is already available for borrowers in the 504 loan program, which utilizes maximum tangible net worth and average net income as an alternative to the use of industry standards. Currently, in order to be eligible for an SBA business loan, the borrower must meet the definition of small businesses. Pursuant to the Small Business Act, SBA has promulgated size standards by industry utilizing the North American Industry Classification System. The SBA table based on this system is over 20 pages, single-spaced, which has made this size standard very complicated for lenders to utilize.

In closing, I want to commend the community of 7(a) lenders for the tens of thousands of borrowers they reach every year, and for working with us to understand how to improve the program to attract more lenders and reach more borrowers. I hope that the Committee will act on this bill and other similar reauthorization bills before the current laws governing the 7(a) loan program expire on September 30, 2006. I ask unanimous consent that my remarks be printed in the RECORD.

By Mr. KERRY (for himself and Mr. PRYOR):

S. 2595. A bill to amend the Small Business Investment Act of 1958 to modernize the treatment of development companies; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, today, as Ranking Democrat on the Committee on Small Business and Entrepreneurship, I am introducing a reauthorization bill for the Small Business Administration's (SBA) 504 Loan Guaranty Program. This legislation goes beyond simply reauthorizing the 504 loan program. Not only does this bill provide adequate authorization levels in the 504 loan program, but it also takes on important oversight and accountability issues pertaining to the operation of Certified Development Companies (CDC). The issues that I will present in detail below are well overdue and failure on Congress's behalf to deal with them before the end of the fiscal year when the program expires will shortchange our borrowers, and ultimately our communities who reap the benefits of the local economic development that the 504 loan program is intended to provide.

For more than 20 years, the 504 loan program has provided long-term financing for growing businesses with long-term (up to 20 years), fixed-rate financing for major fixed assets, such as purchasing land and making improvements, including existing buildings, grading, street improvements, utilities, parking lots and landscaping; construction of new facilities, or modernizing, renovating or converting existing facilities; or purchasing long-term machinery and equipment. The 504 loan is made through a collaboration between the Certified Development Company (which provides 40 percent of the financing), a private sector lender (covering up to 50 percent of the financing) and a contribution of at least 10 percent from the small business being helped. This program is a national leader in federal economic development finance programs and demonstrates it through, creating or retaining over 1.4 million jobs, backing more than $25 billion in loans, and leveraging over $30 billion in private investment.

These incredible returns to our community could not be possible without the solid mission of the program that drives the types of projects and borrowers it serves. This program was not established to simply make loans—it was established to promote local economic development and to create jobs. I cannot think of another federal economic development program that has created over 605,000 jobs, as the 504 program has done. Last year alone, the 504 program created over 145,000 jobs. As the demand for 504 loans continues to grow, it is more important than ever to reaffirm the mission of the 504 program and to ensure that the 504 program is reauthorized at adequate levels to meet this growth.

To address this issue, my bill reauthorizes the 504 Loan Program for three additional years at $8,500,000,000, fiscal year 07, $9,500,000,000 fiscal year 08, and $10,500,000,000, fiscal year 09. These levels are based on the current pace of program growth to ensure that there is more than adequate authorization. The fiscal year 06 504 demand is projected to exceed $7 billion, and the last 3 years have shown growth rates of 28 percent, 26 percent, and 26 percent. A low authorization level would either force the SBA to shut down the program or to ration credit throughout the year to avoid a shut-down.

As I mentioned previously, this bill goes beyond simply reauthorizing the 504 loan program for an additional three years. It makes some much-needed changes to the structure of our CDCs, which are responsible for the delivery of this program and which are essential to the success of the 504 loan program.

Year after year, I have heard about the dangers that structural changes pose to the CDC industry and the 504 loan program in maintaining the mission of economic development. One of the major changes experienced by CDCs includes the centralization of all 504 loan processing, loan servicing and liquidation functions from 70 SBA district offices to one or two centers in the country. This has resulted in a huge backlog, estimated at 900 loans waiting to be liquidated. This backlog results in a loss of revenue through delaying or completely writing off defaulted loans. This has the potential to drive up subsidy costs of the program and therefore fees on borrowers, CDCs and lenders. This bill puts forward a solution to this issue by decentralizing liquidation functions and allowing CDCs, if they choose, to foreclose and liquidate defaulted loans or to contract with a qualified third-party to perform foreclosure and liquidation of defaulted loans in its portfolio. However, CDCs are not required to liquidate until SBA has come up with a program to compensate and reimburse them for all expenses pertaining to foreclosure and liquidation. The expenses would be approved in advance by the Administrator or on an emergency basis.

The biggest structural change that has had a tremendous impact on our not-for-profit CDCs is the ability to expand operations into multiple states. This structural change, in conjunction with the growing demand for 504 loans and CDC operations in providing these loans to small businesses, requires Congress to set a statutory course that preserves the local economic development intent and mission of the program through accountability measures. The 504 program was not created for CDCs to expand operations and simply create revenue from one state to another. CDCs are more than lenders and should not act like for-profit banks. My bill ensures that local communities continue to be the main focus of CDCs by requiring that the 25 members of their board and board of directors be residents of the area of operations. In addition, CDCs will be required to annually submit to the SBA a report on the use of all excess funds and local economic development activities in each state of operation. This ensures that the members engage, invest, and are held accountable to the communities they serve.

In addition to preserving and growing the 504 loan program, I think it is very important to ensure that low-income communities have access to 504 loans. As you may know, in 2000 Congress enacted the New Markets Tax Credit program to facilitate private sector investment in low-income communities.

Theoretically, the program was designed to encourage private investors who may never have considered investing in low-income communities to do so, thereby attracting new sources of private capital for a variety of projects, including retail, childcare and primary healthcare centers, which in turn attracts jobs, services and additional opportunities to areas that have historically had a difficult time sustaining economic development. My bill creates a new public policy goal for the ''expansion of businesses in low-income communities'' and defines low-income areas as those areas which would be eligible for new market tax credits. Under public policy goals, a borrower can get a higher loan than the standard limit of $1.5 million. For example, a borrower could receive a 504 loan of up to $2 million if the proceeds will be directed toward this new public policy goal, or any of the currently established eight public policy goals. It is my hope that this incentive will increase the number of 504 loans in low-income communities and therefore build wealth, economic security, and employment opportunities which benefit the entire surrounding community.

I want to thank Senator PRYOR for his sponsorship of this legislation, and thank the many members of the 504 community for working with us to identify ways to make this program better than ever. I look forward to working with them to enact this legislation before the fiscal year expires on September 30, 2006, and ask unanimous consent that my statement be included in the RECORD.

By Mr. KERRY:

S.J. Res. 33. A joint resolution to provide for a strategy for successfully empowering a new unity government in Iraq; to the Committee on Foreign Relations.

Mr. KERRY. Mr. President, 39 years ago this week Dr. Martin Luther King gave a speech at the Riverside Church in New York about the war in Vietnam. He began with these words:

> I come to this magnificent house of worship tonight because my conscience leaves me no other choice.

His message was clear. Despite the difficulty of opposing the government's policy during time of war, he said, ''We must speak with all the humility that is appropriate to our limited vision, but we must speak.''

I am here today to speak about Iraq. There should be humility enough to go around for a Congress that shares responsibility for this war. I believe the time has come again when, as Dr. King said, we must move past indecision to action.

I have many times visited the Vietnam Memorial Wall, as many Vietnam veterans have. When you walk down the path of either side of that wall, east and west of the panels, you walk down to the center of the wall where it comes together in a V. That V represents both the beginning of the war and the end of the war because the names start at that V and go all the way up one end, east, and then they come back from the west.

I remember standing there once after reading ''A Bright Shining Lie,'' by Neil Sheehan, Robert McNamara's memoirs, and many other histories of that war. One cannot help but feel the enormity of the loss, of the immorality that our leaders knew that the strategy was wrong and that almost half the names were added to that wall after the time that people knew our strategy would not work. It was immoral then and it would be immoral now to engage in the same delusion with respect to our policy in Iraq.

Obviously, every single one of us would prefer to see democracy in Iraq. We want democracy in the whole Middle East. The simple reality is, Iraqis must want it as much as we do, and Iraqis must embrace it. If the Iraqi leadership is not ready to make the changes and the compromises that democracy requires, our soldiers, no matter how valiant—and they have been valiant—can't get from a humvee or a helicopter.

The fact is, our soldiers have done a stunning job. I was recently in Iraq with Senator WARNER and Senator STEVENS. I have been there previously. No one can travel there and talk to our soldiers and not be impressed by their commitment to the mission, by their sacrifice, by their desire to have something good come out of this, and by the remarkable contribution they have made to give Iraqis the opportunity to create a democratic future for their country. Our soldiers have done their job. It is time for the newly elected Iraqi leadership to do theirs. It is time for America's political leaders to do theirs.

President Bush says we can't lose our nerve in Iraq. It takes more nerve to respond to mistakes and to adjust a policy that is going wrong than it does to stubbornly continue down the wrong path.

Last week, Secretary Rice acknowledged ''thousands'' of mistakes in Iraq. Amazingly, nobody has been held accountable for those mistakes. But our troops have paid the price, and our troops pay the price every single day. Yet the President continues to insist on a vague and counterproductive strategy that will keep U.S. forces in Iraq indefinitely.

I accept my share of responsibility for the war in Iraq. As I said in 2004, knowing what we know now, I would not have gone to war, and I certainly wouldn't have done it the way the President did. My frustration is that many of us all along the way have offered alternatives to the President. Countless numbers of Senators, Republican and Democrat alike, have publicly offered alternative ways of trying to achieve our goals in Iraq.

I have listened to my colleagues, Senator FEINGOLD, Senator BIDEN, Senator HAGEL, the Presiding Officer, and others all talk about ways in which we could do better. But all of these, almost all of them without exception, have been left by the wayside without any real discussion, without any real dialog, without any real effort to see if we could find a common ground. My frustration is that we keep offering alternatives.

In 2003, in 2004, 2005, 2006, year after year, we put them on the table, but they get ignored and then we get further in the hole, the situation gets worse, and we are left responding, trying to come back to a worse situation than the one we were responding to in the first place. And we keep putting out possibilities, and the possibilities keep being left on the sidelines.

Time after time, this administration has ignored the best advice of the best experts of the country, whether they be our military experts or former civilian leaders of other administrations or our most experienced voices on the Committee on Armed Services and Foreign Relations Committee of the U.S. House and Senate.

The administration is fond of saying that we shouldn't look back, that recrimination only helps our enemies, that we have to deal with the situation on the ground now. Well, we do have to deal with the situation on the ground now, but we have to deal with it in a way that honors the suggestions and ideas of a lot of other people who have concerns about our forces on the ground and our families at home and our budget and our reputation in the world and our need to respond to Afghanistan, North Korea, and Iran.

Frankly, accountability and learning from past mistakes is the only way to improve both policies and institutions. Let me, for the moment, go along with this idea, the administration's idea. Let me focus on the here and now and let's face that reality honestly and let's act accordingly.

You have to live in a fantasy world to believe we are on the brink of domestic peace and a pluralistic democracy in Iraq. One has to be blind to the facts to argue that the prospects for success are so great they outweigh the terrible costs of the President's approach. And you have to be incapable of admitting failure not to be able to face up to the need to change course now. Yes, change course now.

Our soldiers on the ground have learned a lot of terrible lessons in Iraq. All you have to do is talk to some of the soldiers who have returned, as many of us have. It is time those of us responsible for the policies of our country learn those lessons. It is clear the administration's litany of mistakes has reduced what we can reasonably hope to accomplish. Any reasonable, honest observer—and there are many in the Senate who have gone over to Iraq and have come back with these views—knows that the entire definition of this mission has changed and the expectations of what we can get out of this mission have changed.

I, for one, will not sit idly by and watch while American soldiers give their lives for a policy that is not working. Let me say it plainly. Withdrawing U.S. troops from Iraq over the course of the year in a timely schedule is actually necessary to give democracy the best chance to succeed, and it is vital to America's national security interests.

Five months ago, I went to Georgetown University. I gave a speech where I said that we were then entering the make-or-break period, a make-or-break 5-month, 6-month period in Iraq. I said the President must change course and hold Iraqis accountable or Congress should insist on a change in policy. And I set a goal then, back in November, that we should try to reduce American combat forces and withdraw them by the end of this year.

The situation on the ground has now changed for the worse since then. In fact, we are now in the third war in Iraq in as many years. The first war was against Saddam Hussein and his alleged weapons of mass destruction. The second war was against Jihadist terrorists whom the administration said it was better to fight over there than over here. And now we find our troops in the middle of a low-grade civil war that could explode into a full civil war at any time.

While the events in Iraq have changed for the worse, the President has not changed course for the better. It is time for those of us in Congress who share responsibilities constitutionally for our policy to stand up and change that course. We have a constitutional responsibility, and we have a moral responsibility not to sit on the sidelines while young Americans are in harm's way.

That is why today I am introducing legislation that will hold the Iraqis accountable and make the goal of withdrawing the most American forces a reality. I personally believe that most of those forces could be and should be out of Iraq by the end of the year. This war, in the words of our own generals, cannot be won militarily. It can only be won politically.

General Casey said, of our large military presence, it ''feeds the notion of occupation'' and it ''extends the amount of time that it will take for Iraqi security forces to become self-reliant.''

That is General Casey saying that the large force of American presence in

Iraq contributes to the occupation and extends the amount of time. Zbigniew Brzezinski put it:

> The U.S. umbrella, which is in effect designed to stifle these wars but it is so poor that it perpetuates them, in a sense keeps these wars alive . . . and [is] probably unintentionally actually intensifying them.

Richard Nixon's Secretary of Defense, Melvin Laird, breaking a 30-year silence, summed it up simply:

> Our presence is what feeds the insurgency.

The bottom line is that as long as American forces remain in large numbers, enforcing the status quo, Americans will be killed and maimed in a crossfire of vicious conflict that they are powerless to end. We pay for the President's reluctance to face reality in both American dollars and in too many lives. American families pay in the loss of limb and the loss of loved ones.

I don't think we should tolerate what is happening in Iraq today. We can no longer tolerate the political games currently being played by Iraqi politicians in a war-torn Baghdad. No American soldier, not one American soldier, should be sacrificed for the unwillingness of Iraqi politicians to compromise and form a unity government.

We are now almost 5 months since the election. What is happening is the daily game being played by Iraqis who listen to the President say we will be here to the end. There is no sense of urgency, there is no sense of impending need to make a decision. The result is they just go on bickering and they go on playing for advantage while our troops drive by the next IED and the next soldier returns to Walter Reed or to Bethesda without arms and limbs.

Given the recent increase in deadly sectarian strife, Iraq urgently needs a strong unity government to prevent a full-fledged civil war from breaking out and becoming the failed state that all of us have wanted to avoid. I believe the current situation is actually allowing them to go down the road toward that sectarian strife rather than stopping them.

Thus far, step by step, Iraqis have only responded to deadlines. It took a deadline to transfer authority to the provisional government. It took a deadline for the first election to take place. It took a deadline for the referendum on the Constitution. It took a deadline for the most recent election. It is time for another deadline, and that deadline is to say to them that they have to come together and pull together and put together a government or our troops are going to withdraw. And under circumstances over a period of time, we will withdraw in order to put Iraq up on its own two feet.

Iraqi politicians should be told in unmistakable language: You have until May 15 to put together an effective unity government or we will immediately withdraw our military.

I know some colleagues and other people listening will say: Wait a minute. You mean we are going to automatically withdraw our military if they don't pull it together?

The answer is: You bet we ought to do that. Because there isn't one American soldier who ought to be giving up life or limb for the procrastination and unwillingness of Iraqis who have been given an extraordinary opportunity by those soldiers to take hold of democracy and who are ignoring it and playing for advantage. We all know that after the last elections, the momentum was lost by squabbling interim leaders. Everybody sat around and said, coming up to this election, the one thing we can't do is allow the momentum to be lost. Guess what. It has been lost. It has been squandered, again. We are sitting there with occasional visits, occasional speeches but without the kind of sustained diplomacy necessary to provide a resolution. It has gone on for too long, again.

If Iraqis aren't willing to build a unity government in 5 months, then how long does it take and what does it take? If they are not willing to do it, they are not willing to do it. It is that simple. The civil war will only get worse. And if they are not willing to do it, it is because there is such a fundamental intransigence that we haven't broken, that civil war, in fact, becomes inevitable, and our troops will be forced to leave anyway.

The fact is, we have no choice but to get tough and to ratchet up the pressure. We should immediately accelerate the redeployment of American forces to rear guard, garrisoned status for security backup, training, and emergency response. Special operations against al-Qaida in Iraq should be initiated on hard intelligence leads only.

If the Iraqi leaders finally do their job, which I believe you have a better chance of getting them to do if you give them a timetable, then we have to agree on a schedule for leaving, withdrawing American combat forces by the end of the year. The only troops that remain should be those critical to finishing the job of standing up Iraqi security forces.

Such an agreement will have positive benefits in Iraq. It will empower and legitimize the new leadership and the Iraqi people. It will expedite the process of getting the Iraqis to assume a larger role of running their own country. And it will undermine support for the insurgency among the now 80 percent of Iraqis who want U.S. troops to leave. In short, it will give the new Iraqi Government the best chance to succeed in holding the country together while democratic institutions can evolve.

This deadline makes sense when you look at the responsibilities that Iraqis should have assumed by then. Formation of a unity government would constitute a major milestone in the transfer of political responsibility to the Iraqis. Even the President has said that responsibility for security in the majority of the country should be able to be transferred to the Iraqis by this time. If the President believes that it should be able to be transferred to the Iraqis by this time, why not push that eventuality and make it a reality? By the end of the year, our troops will have done as much as they possibly can to give Iraqis the chance to build a democracy. I again remind my colleagues, we are still going to have the ability to have over-the-horizon response for emergency, as well as over-the-horizon response to al-Qaida. And we will have the ability to continue to train those last forces to make sure they are in a position to stand up for Iraq.

The key to this transition is a long overdue engagement in serious and sustained diplomacy. I want to say a word about this. I am not offering this plan in a vacuum. Critical to the achievement of all of our goals in Iraq is real diplomacy. Starting with the leadup to the war, our diplomatic efforts in Iraq have ranged from the indifferent to the indefensible. History shows that effective diplomacy requires persistent hands-on engagement from the highest levels of America's leadership. Top officials in the first Bush administration worked directly and tirelessly to put together a real coalition before the first Gulf War, and President Clinton himself took personal responsibility at Camp David for bringing the Israelis and Palestinians together and leading the comprehensive effort to resolve the conflict in the Middle East. This type of major diplomatic initiative has proven successful in many places in American history.

Most recently, in 1995, there was a brutal civil war in Bosnia involving Serbs, Croats, and Muslims. Faced with a seemingly intractable stalemate in the midst of horrific ethnic cleansing, the Clinton administration took action—direct, personal, engaged action. Led by Richard Holbrooke, they brought leaders of the Bosnian parties together in Dayton, OH, with representatives from the European Union, Russia, and Britain to hammer out a peace agreement. NATO and the United Nations were given a prominent role in implementing what became known as the Dayton Accords.

In contrast, this President Bush has done little more than deliver political speeches, while his cronies in the White House and outside blame the news media for the mess the administration has created in Iraq. We keep hearing: They are not telling the full story. They are not telling the story.

Secretary of State Rice's brief surprise visit to Iraq a few days ago pales in comparison to the real shuttle diplomacy that was practiced by predecessors such as James Baker and Henry Kissinger. Given what is at stake, it is long since time to engage in that. I can remember Henry Kissinger going from one capital to the next capital, back and forth, engaged, pulling people together. Jim Baker did the same thing.

There was a genuine and real effort to leverage the full prestige and full power of the United States behind a goal. That is absent here.

Ambassador Khalilzad is a good man, and he has done a terrific job, almost by himself, left almost to his own devices. That is not the way to succeed. Given what is at stake, it is past time to engage in diplomacy that matches the effort of our soldiers on the ground. We should immediately bring the leaders of the Iraqi factions together at a Dayton-like summit that includes our allies, Iraq's neighbors, members of the Arab League, and the United Nations. The fact is, a true national compact is needed to bring about a political solution to the insurgency. That is how you end the sectarian violence. Our soldiers going on patrol in a striker or a humvee, walking through communities will not end this violence. Our generals have told us, it can only be ended politically. Yet where is the kind of political effort that our Nation has seen in history now, trying to effect what our soldiers have created an opportunity to effect through their sacrifice?

Iraqis have to reach a comprehensive agreement that includes security guarantees, disbanding the militias, and ultimately, though not necessarily at this conference, confronting some of the questions of the Constitution. All of the parties must reach agreement on a process for reviving reconstruction efforts and securing Iraq's borders. Our troops cannot be left hanging out there without that kind of effort to protect them.

At this summit, Shiite religious leaders must agree to rein in their militias and to commit to disbanding them. They also have to work with Iraqi political leaders to ensure that the leadership of the Interior Ministry and the police force under its control is nonsectarian. Shiite and Kurdish leaders must make concessions necessary to address Sunni concerns about federalism and equitable distribution of oil revenues. There is no way the Sunnis are going to suddenly disband or stop the insurgency without some kind of adequate guarantee of their security and their participation in the process. That was obvious months ago. It is even more obvious today. It still remains an open question.

The Sunnis have to accept the reality that they will no longer dominate Iraq. Until a sufficient compromise is hammered out, a Sunni base cannot be created that isolates the hard-core Baathists and jihadists and defuses the insurgency itself. We must work with Iraqis at the summit to convince Iraq's neighbors that they can no longer stand on the sidelines while Iraq teeters on the edge of a civil war that could bring chaos to the entire region. Where they can help the process of forming a government, they need to step up. And for my colleagues who suggest that somehow withdrawing American forces will put that region at greater risk, I say ''no.'' I say that an over-the-horizon deployment, a deployment in Kuwait and elsewhere, diffusing the insurgency, and an adequate effort to diplomatically pull together this kind of summit is the only way to diffuse the insurgency and ultimately strengthen the region.

The administration must also work with Iraqi leaders in seeking a multinational force to help protect Iraq's borders until finally a national army of Iraq has developed the capacity to do that itself. Frankly, such a force, if sanctioned by the United Nations Security Council, could attract participation by Iraq's neighbors, countries such as India and others, that would be a critical step in stemming the tide of insurgents and of encouraging capital to flow into Iraq.

To be credible with the Iraqi people, the new government must deliver goods and services at all levels. It is absolutely stunning—I don't know how many Americans are even aware of the fact—that today, several years later, electricity production is below where it was before the war. It is at 4,000 megawatts compared to the 4,500 before the war. Crude oil production has declined from a prewar level of 2.5 million barrels per day to 1.9 million barrels per day. We were told that oil was going to pay for this war. That has to change. Countries that have promised money for reconstruction, particularly of Sunni areas, haven't paid up yet. The money is not on the table.

We can also do our part on the ground. Our own early reconstruction efforts were—now known to everybody—poorly planned and grossly mismanaged. But as I saw on a recent trip to Iraq, the efforts of our civilian military provisional reconstruction teams, which have the skills and capacity to strengthen governance and institution building around the country, are beginning to take hold. We need to stand up more of those teams as fast as possible. If we do that in the same context as we find the political resolution, then you have a chance.

We must also continue to turn the job of policing the streets and providing security over to Iraqi forces. That means giving our generals the tools they need to finish training an Iraqi police force that is trusted and respected on the street by the end of the year. It also means finishing the training of Iraqi security forces with U.S. troops acting only on the basis of hard intelligence to combat terrorist threats.

The withdrawal of American forces from Iraq is necessary not only to give democracy in Iraq the best chance to succeed, it is also vital to our own national security interests.

We need to pay more attention to our own vital national security interests. We will never be as safe as we ought to be if Iraq continues to distract us from the most important war we need to win—the war on Osama bin Laden, al-Qaida, and the terrorists who are resurfacing even in Afghanistan.

To make it clear, despite everything this administration has said, today, al-Qaida, and the Taliban, even, are more dangerous in northwest Pakistan and northeast Afghanistan than Iraq is to us at this moment in time. There is a greater threat from al-Qaida, which has dispersed cells and through its training and abilities to organize, in Afghanistan than in the place that is consuming most of America's forces and money.

The way to defeat al-Qaida is not by serving as their best recruitment tool. Even Brent Scowcroft, George H. W. Bush's National Security Adviser, has joined the many experts who agree that the war in Iraq actually feeds terrorism and increases the potential for terrorist attacks against the United States. The results speak for themselves: The number of significant terrorist attacks around the world increased from 175 in 2003 to 651 in 2004, and it has continued to increase in 2005.

The President keeps talking about al-Qaida's intent to take over Iraq. I have not met anybody in Iraq—none of the leaders on either side, not Kurds, the Shia, or Sunni—who believes a few thousand, at most—and by many estimates, less than a thousand—foreign jihadists are a genuine threat to forcibly take over a country of 25 million people. And while mistake after mistake by this administration has actually turned Iraq into the breeding ground for al-Qaida that it was not before the war, large numbers of United States troops are not the key to crushing these terrorists.

In fact, Iraqis have begun to make clear their own unwillingness to tolerate foreign jihadists. Every Iraqi I talked to said to me: When we get control and start moving forward, we will deal with the jihadists. They don't want them on Iraqi soil, and they have increasingly turned on these brutal foreign killers who are trying to foment a civil war among Iraqis. This process will only be complete when Iraqis have taken full responsibility for their own future, and resistance to a perceived occupation no longer provides them any common cause with jihadists.

As General Anthony Zinni said on Sunday, building up intelligence-gathering capability from Iraqis is essential to defeating the insurgency. He said:

> We're not fighting the Waffen S.S. here. They can be policed up if the people turn against them. We haven't won the hearts and minds yet.

Once again, I remind my colleagues, the hearts and minds of the Iraqis will be more susceptible to being won when American forces are not there in the way they are now, in a way that can be used as the recruitment tool that it has been, when 80 percent of the Iraqi people suggest that American forces ought to leave.

After the bulk of U.S. forces have been withdrawn, I believe it is essential to keep a rapid reaction force over the horizon. That force can be over the horizon within the desert itself, or it can

be in Kuwait, and that can be used to act against terrorist enclaves. Our air power—the air power we used to police two-thirds of the no-fly zone in Iraq before the war—will always ensure our ability to bring overwhelming force to bear to protect the U.S. interests in the region. The bottom line is that working together with Iraqis from inside and outside Iraq, we can prosecute the war against al-Qaida in Iraq more effectively than we are today.

Withdrawing U.S. troops will also enable us to more effectively combat threats around the world. But winning the war on terror requires more than the killing we have seen from 3 years of combat. The fact is that just taking out terrorists, as our troops have been doing, is not going to end the flow of terrorists who are recruited, for all of the reasons that we understand. The cooperation critical to lasting victory in the region is going to be enhanced when Abu Ghraib, Guantanamo, civil chaos, and mistake after mistake in Iraq no longer deplete America's moral authority within the region.

This is also key to allowing us to repair the damage that flag officers fear has been done to our Armed Forces. I know my colleagues on the other side of the aisle—members of the Armed Services Committee and Intelligence Committee—have heard from flag officers in private about what is happening to the Armed Forces of our country. We know it will take billions of dollars to reset the equipment that has been lost, damaged, or worn out from 3 years of combat. In the National Guard alone, units across the country have only 34 percent of their authorized equipment, including just 14 percent of the chemical decontamination equipment they need. That is a chilling prospect if they are ever asked to respond to a terrorist incident involving weapons of mass destruction.

The fact is the Army is stretched too thin. Soldiers and brigades are being deployed more frequently and longer than the Army believes is best in order to continue to attract the best recruits. Recruiting standards have been changed and recruitment is suffering. The Army fell 6,700 recruits short of their needs in 2005—the largest shortfall since 1979. Recruitment is suffering today. Not only are American troops not getting leadership equal to their sacrifice on the civilian side, but our generals are not getting enough troops to accomplish their mission of keeping the country safe.

The fact is that in the specialties—special forces, translators, intelligence officers, for the Marines, for the Army, for the National Guard—our recruitments are below the levels they ought to be.

Withdrawing from Iraq will also enable us to strengthen our efforts to prevent the proliferation of weapons of mass destruction. Iran, the world's leading state sponsor of terrorism, is absolutely delighted with our presence in Iraq. Why? Because it advances their goals, keeping us otherwise occupied, and it allows them to make mischief in Iraq itself at their choice. Their President is so emboldened that he has openly called for the destruction of Israel, while defying the international community's demands to stop developing its nuclear weapons capability. Could that have happened prior to our being bogged down the way we are?

North Korea has felt at liberty to ignore the six-party talks, while it continues to stockpile more nuclear weapons material.

Any effort to be stronger in dealing with the nuclear threat from Iran and North Korea is incomplete without an exit from Iraq. It will also enable us to more effectively promote democracy in places such as Russia, which is more than content to see us bogged down while President Putin steadily rolls back democratic reforms.

China benefits from us throwing hundreds of billions of dollars into Iraq instead of into economic competition and job creation here at home. Our long-term security requires putting the necessary resources into building our economy and a workforce that can compete and win in the age of globalization. We cannot do as much as we need to—not nearly as much as we need to—while the war in Iraq is draining our treasury.

Finally, we have not provided anywhere near the resources necessary to keep our homeland safe. Katrina showed us in the most graphic way possible that 5 years after 9/11, we are woefully unprepared to handle a natural disaster that we know is coming a week in advance, let alone a catastrophic terrorist attack we have no notice of. Removing the financial strain of Iraq will free up funds for America's homeland defense.

The time has come for the administration to acknowledge the realities that the American people are increasingly coming to understand—the realities in Iraq and the requirements of America's national security. Stop telling us that terrible things will happen if we get tough with the Iraqis, when terrible things happen every single day because we are not tough enough. If we don't change course and hold the Iraqis accountable now, I guarantee you it will get worse.

Ignoring all of the warnings, and ignoring history itself, in a flourish of ideological excess, this administration has managed to make the ancient cradle of civilization look a lot like Vietnam. But there is a path forward if we start making the right decisions.

As Dr. King said so many years ago:

> The choice is ours, and though we might prefer it otherwise, we must choose in this crucial moment of human history.

Now is the moment of choice for Iraq, for America, and for this Congress.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 434—DESIGNATING THE WEEK OF MAY 22, 2006, AS ''NATIONAL CORPORATE COMPLIANCE AND ETHICS WEEK.''

Mr. SANTORUM submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 434

Whereas the United States has experienced corporate scandals in recent years, resulting in serious legislation and regulation dealing with professional responsibility, ethics, and compliance programs;

Whereas the Sarbanes-Oxley Act of 2002 is a compelling example of legislative guidance that recognizes the important role of compliance programs for organizations that desire to maintain ethical and law-abiding workplaces, services, and products;

Whereas the Federal Sentencing Guidelines, including recent amendments to the Federal Sentencing Guidelines, emphasize and reinforce that there are specific consequences for noncompliance;

Whereas many companies in the United States have responded by developing and implementing corporate ethics and compliance programs intended to detect and prevent violations of law, such as establishing a high level official to oversee compliance and integrity in the organization, auditing and monitoring mechanisms to test compliance, reporting mechanisms such as hotlines to ensure open communication, and training programs designed to educate employees on the laws, regulations, and policies that affect their business operation;

Whereas the private sector has organized to provide the necessary resources for ethics and compliance professionals and others who wish to promote quality compliance through organizations such as the Health Care Compliance Association and the Society for Corporate Compliance and Ethics; and

Whereas the establishment of a National Corporate Compliance and Ethics Week would celebrate the creation and maintenance of these ethics and compliance programs, and their resulting impact on the integrity, ethics, and compliance of the organizations that have created them: Now, therefore, be it

Resolved, That the Senate designates the week of May 22, 2006, as ''National Corporate Compliance and Ethics Week''.

SENATE RESOLUTION 435—HONORING THE ENTREPRENEURIAL SPIRIT OF AMERICA'S SMALL BUSINESSES DURING NATIONAL SMALL BUSINESS WEEK, BEGINNING APRIL 9, 2006

Ms. SNOWE (for herself, Mr. KERRY, Mr. ALLEN, Mr. THUNE, Mr. BURNS, Mr. ISAKSON, Mr. BAYH, Mr. FRIST, Mr. COLEMAN, and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 435

Whereas America's 25,000,000 small businesses have been the driving force behind the Nation's economy, creating more than 75 percent of all new jobs and generating more than 50 percent of the Nation's gross domestic product;

Whereas small businesses are the Nation's innovators, advancing technology and productivity;

Whereas the Small Business Administration has been a critical partner in the success of the Nation's small businesses and in the growth of the Nation's economy;

Whereas the programs and services of the Small Business Administration have time and again proven their value, having helped to create or retain over 5,300,000 jobs in the United States since 1999;

Whereas the mission of the Small Business Administration is to maintain and strengthen the Nation's economy by aiding, counseling, assisting, and protecting the interests of small businesses and by helping families and businesses recover from natural disasters;

Whereas the Small Business Administration has helped small businesses access critical lending opportunities, protected small businesses from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for Government contracts, and improved the economic environment in which small businesses compete;

Whereas, for more than 50 years, the Small Business Administration has helped more than 23,000,000 Americans start, grow, and expand their businesses and has placed almost $280,000,000,000 in loans and venture capital financing in the hands of entrepreneurs;

Whereas the Small Business Administration, established in 1953, has provided valuable service to small businesses through financial assistance, procurement assistance, business development, small business advocacy, and disaster recovery assistance;

Whereas the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business, and has played a key role in fostering economic growth in underserved communities; and

Whereas the Small Business Administration will mark National Small Business Week, beginning April 9, 2006: Now, therefore, be it

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of America's small businesses during the Small Business Administration's National Small Business Week, beginning April 9, 2006;

(2) supports the purpose and goals of National Small Business Week, and the ceremonies and events to be featured during the week;

(3) commends the Small Business Administration and the resource partners of the Small Business Administration for their work, which has been critical in helping the Nation's small businesses grow and develop; and

(4) applauds the achievements of small business owners and their employees, whose entrepreneurial spirit and commitment to excellence has been a key player in the Nation's economic vitality.

SENATE RESOLUTION 436—URGING THE FEDERATION INTERNATIONALE DE FOOTBALL ASSOCIATION TO PREVENT PERSONS OR GROUPS REPRESENTING THE ISLAMIC REPUBLIC OF IRAN FROM PARTICIPATING IN SANCTIONED SOCCER MATCHES

Mr. MCCAIN (for himself, Mr. LUGAR, Ms. COLLINS, Mr. LIEBERMAN, Mr. ENSIGN, Mr. MENENDEZ, and Mr. MARTINEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 436

Whereas, since 1984, the Islamic Republic of Iran has been identified by the Department of State as an active sponsor of terrorism;

Whereas an Iran capable of deploying nuclear weapons constitutes a threat to international peace and security;

Whereas, in July 2003, the Iranian Ministry of Defense confirmed the results of a successful test of an intermediate range ballistic missile that is capable of striking Israel;

Whereas, since February 2003, Iran has—

(1) consistently misled the United Nations, the International Atomic Energy Agency, the European Union, and the United States about the scope of its nuclear activities; and

(2) taken steps to produce weapons-grade uranium;

Whereas top officials of Iran have repeatedly threatened the United States, including—

(1) Ayatollah Ali Khamenei, who stated in June 2004 that ''[t]he world of Islam has been mobilized against America for the past 25 years. The peoples call, 'death to America'. Who used to say death to America? Who, besides the Islamic Republic and the Iranian people, used to say this? Today, everyone says this.'';

(2) members of the parliament of Iran who, on October 2004, shouted ''Death to America'' as that body unanimously approved legislation requiring the Government to resume uranium enrichment; and

(3) President Ahmadinejad, who stated on October 2005 that ''God willing, with the force of God behind it, we shall soon experience a world without the United States and Zionism'', and referred to a world without the United States as ''a possible goal and slogan'';

Whereas the Iranian President, Mahmoud Ahmadinejad, in an October 26, 2005, address at the World Without Zionism conference in Tehran, declared that—

(1) Israel is ''a disgraceful blot [on] the face of the Islamic world'';

(2) Israel ''must be wiped off the map''; and

(3) ''anybody who recognizes Israel will burn in the fire of the Islamic nation's fury'';

Whereas President Ahmadinejad also stated on December 8, 2006, that ''If the Europeans are honest they should give some of their provinces in Europe . . . to the Zionists, and the Zionists can establish their state in Europe'';

Whereas Iran supports and provides funds to terrorist groups that are determined to destroy the State of Israel;

Whereas an estimated 6,000,000 Jews were killed in the Nazi Holocaust;

Whereas President Ahmadinejad has denied the existence of the Holocaust on numerous occasions, including—

(1) on December 8, 2005, when at an Islamic conference in Mecca, Saudi Arabia, he declared that ''Some European countries insist on saying that Hitler killed millions of innocent Jews in furnaces . . . although we don't accept this claim''; and

(2) on December 14, 2005, when on Iranian television, he remarked that ''They have invented a myth that Jews were massacred and place this above God, religions and the prophets'';

Whereas it is a crime in the Federal Republic of Germany to deny the existence of the Holocaust;

Whereas on June 9, 2006, the Federation Internationale de Football Association (referred to in this preamble as ''FIFA'') World Cup soccer tournament is scheduled to begin in the Federal Republic of Germany;

Whereas the Islamic Republic of Iran is a member of FIFA, and the Iranian national team is scheduled to play its opening match on June 11, 2006, in Nuremberg, Germany, which was the site of war crimes tribunals that tried Nazi leaders for atrocities and genocide against Jews during the Holocaust;

Whereas the International Olympic Committee barred the Republic of South Africa from the Olympics until 1992, when the country repealed all of its apartheid laws during the previous year;

Whereas, in October 1964, FIFA suspended the national soccer team of South Africa from international competition until the Government of South Africa ended its policy of apartheid in 1991;

Whereas, on May 30, 1992, in a resolution imposing diplomatic and economic sanctions on Yugoslavia, the United Nations Security Council called on member states of the United Nations to ''take the necessary steps to prevent the participation in sporting events on their territory of persons or groups representing Yugoslavia.'';

Whereas, in 1992, the Union of European Football Associations banned Yugoslavia from participating in the European soccer championships and prevented it from participating in the 1994 World Cup qualifying matches; and

Whereas Article 3 of the ''Regulations Governing the Application of the FIFA Statutes'' states that ''Discrimination of any kind against a country, private person or groups of people on account of ethnic origin, gender, language, religion, politics or any other reason is strictly prohibited and punishable by suspension or expulsion.'': Now, therefore, be it

Resolved, That the Senate—

(1) condemns the terrible statements issued by the Iranian president and demands that he repudiate them;

(2) calls on the United Nations Security Council and all countries to prevent Iran from acquiring nuclear weapons;

(3) strongly urges the Federation Internationale de Football Association (referred to in this resolution as ''FIFA'') to ban persons or groups representing the Islamic Republic of Iran from sanctioned international sporting competition, including the 2006 FIFA World Cup, until such time that Iran—

(A) rescinds its position disavowing the Holocaust;

(B) repudiates its calls for the eradication of the State of Israel;

(C) ends its support for terrorism; and

(D) ceases its pursuit of nuclear weapons; and

(4) calls on all FIFA members to support such actions within the appropriate FIFA governing bodies.

SENATE RESOLUTION 437—SUPPORTING THE GOALS AND IDEALS OF THE YEAR OF THE MUSEUM

Mr. ENZI (for himself, Mr. KENNEDY, Mr. COCHRAN, Mr. JEFFORDS, Mr. COLEMAN, Mrs. BOXER, Mr. STEVENS, Mr. LAUTENBERG, Ms. MURKOWSKI, Mr. AKAKA, Mr. ISAKSON, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 437

Whereas museums are institutions of public service and education that foster exploration, study, observation, critical thinking, contemplation, and dialogue to advance a greater public knowledge, understanding, and appreciation of history, science, the arts, and the natural world;

Whereas, according to survey data, the people of the United States view museums as one of the most important resources for educating children;

Whereas museums have a long-standing tradition of inspiring curiosity in schoolchildren that is a result of investments of

more than $1,000,000,000 and more than 18,000,000 instructional hours annually for elementary and secondary education programs in communities across the United States, creative partnerships with schools, professional development for teachers, traveling exhibits to local schools, digitization of materials for access nationwide, creation of electronic and printed educational materials that use local and State curriculum standards, and the hosting of interactive school field trips;

Whereas museums serve as community landmarks that contribute to the livability and economic vitality of communities through expanding tourism;

Whereas museums rank in the top 3 family vacation destinations, revitalize downtowns (often with signature buildings), attract relocating businesses by enhancing quality of life, provide shared community experiences and meeting places, and serve as a repository and resource for each community's unique history, culture, achievements, and values;

Whereas there are more than 16,000 museums in the United States and admission is free at more than half of these museums;

Whereas approximately 865,000,000 people visit museums annually and these people come from all ages, groups, and backgrounds;

Whereas research indicates Americans view museums as one of the most trustworthy sources of objective information and believe that authentic artifacts in history museums and historic sites are second only to their families in significance in creating a strong connection with the past;

Whereas museums enhance the public's ability to engage as citizens, through developing a deeper sense of identity and a broader judgment about the world, and by holding more than 750,000,000 objects and living specimens in the public trust to preserve and protect the cultural and natural heritage of the United States for current and future generations;

Whereas museums are increasingly entering into new partnerships with community educational institutions that include schools, universities, libraries, public broadcasting, and 21st Century Community Learning Centers, and these partnerships reach across community boundaries to provide broader impact and synergy for their community educational programs;

Whereas supporting the goals and ideals of the Year of the Museum would give Americans the opportunity to celebrate the contributions museums have made to American culture and life over the past 100 years; and

Whereas in 2006, museums of the United States are celebrating 100 years of collective contribution to our communities: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of the Year of the Museum.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3427. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table.

SA 3428. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3429. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3430. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3431. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3432. Mr. REED submitted an amendment intended to be proposed to amendment SA 3366 submitted by Mr. REED and intended to be proposed to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3433. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 3382 submitted by Mr. STEVENS (for himself, Mr. SHELBY, Mr. INOUYE, and Mrs. HUTCHISON) and intended to be proposed to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3434. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S . 2454, supra; which was ordered to lie on the table.

SA 3435. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S . 2454, supra; which was ordered to lie on the table.

SA 3436. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S . 2454, supra; which was ordered to lie on the table.

SA 3437. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3438. Mr. GREGG (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3439. Mr. GREGG (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3440. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3441. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3442. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3443. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3444. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3445. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3446. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3447. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3448. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3449. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3450. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3451. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3452. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3453. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3454. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3455. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3456. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3457. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3458. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3459. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3460. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3461. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3462. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3463. Mr. INHOFE (for himself, Mr. ENZI, Mr. BYRD, Mr. COBURN, Mr. BUNNING, Mr. CHAMBLISS, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3464. Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3465. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3466. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3467. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3468. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3469. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3470. Mr. INHOFE (for himself, Mr. ENZI, Mr. BYRD, Mr. COBURN, Mr. BUNNING, Mr. CHAMBLISS, and Mr. ROBERTS) submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3471. Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3472. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3473. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3474. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3475. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3476. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3477. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3478. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3479. Mr. DOMENICI (for himself, Mr. DORGAN, Mr. BURNS, Mr. BINGAMAN, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3480. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3481. Mr. DOMENICI (for himself, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3482. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 3361 submitted by Mr. GRASSLEY (for himself and Mr. KYL) and intended to be proposed to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3483. Mr. BOND (for himself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3484. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3485. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3486. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3487. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3488. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3489. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3490. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3491. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3492. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3493. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3494. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3495. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3496. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3497. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3498. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3499. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3500. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3501. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3502. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3503. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3504. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3505. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3506. Mr. REID (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3507. Mr. REID (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3508. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3509. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3510. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3511. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3512. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3513. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3514. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3515. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3516. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3517. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3518. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3519. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3520. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3521. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3522. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3523. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3524. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3525. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3526. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3527. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3528. Mr. THOMAS (for himself and Mr. KYL) submitted an amendment intended to

be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3529. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3530. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3531. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3532. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3533. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3534. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3535. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3536. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3537. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3538. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3539. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3540. Mr. KENNEDY (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3541. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3542. Mr. THOMAS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3543. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3544. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3545. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3546. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3547. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3548. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3549. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3550. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3551. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3552. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3553. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3554. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3555. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3556. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3557. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3558. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3559. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3560. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3561. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3562. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3563. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3564. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3565. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3566. Mr. LEVIN (for himself, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3567. Mr. LEVIN (for himself, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3568. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3569. Mr. LEVIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3570. Mr. LEVIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3571. Mr. KYL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3572. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3311 submitted by Mr. KYL (for himself and Mr. CORNYN) and intended to be proposed to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3573. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3574. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3575. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3576. Mr. LAUTENBERG (for himself, Mr. REID, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3577. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3578. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3579. Ms. MIKULSKI (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3580. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3581. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3582. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3583. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3584. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3585. Mr. ENSIGN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3586. Mr. ENSIGN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3427. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

In title I, at the end of subtitle B, add the following:

SEC. ___. SOUTHWEST BORDER SECURITY TASK FORCE.

(a) SHORT TITLE.—This section may be cited as the ''Southwest Border Security Task Force Act of 2006''.

(b) SOUTHWEST BORDER SECURITY TASK FORCE PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a Southwest Border Security Task Force Program to—

(A) facilitate local participation in providing recommendations regarding steps to enhance border security; and

(B) provide financial and other assistance in implementing such recommendations.

(2) NUMBER.—In carrying out the program established under paragraph (1), the Secretary shall establish at least 1 Border Security Task Force (referred to in this section as a ''Task Force'') in each State that is adjacent to the international border between the United States and Mexico.

(3) MEMBERSHIP.—Each Task Force shall be composed of representatives from—

(A) relevant Federal agencies;

(B) State and local law enforcement agencies;

(C) State and local government;

(D) community organizations;

(E) Indian tribes; and

(F) other interested parties.

(4) CHAIRMAN.—Each Task Force shall select a Chairman from among its members.

(5) RECOMMENDATIONS.—Not later than 9 months after the date of enactment of this Act, and annually thereafter, each Task Force shall submit a report to the Secretary containing—

(A) specific recommendations to enhance border security along the international border between the State in which such Task Force is located and Mexico; and

(B) a request for financial and other resources necessary to implement the recommendations during the subsequent fiscal year.

(c) BORDER SECURITY GRANTS.—

(1) GRANTS AUTHORIZED.—The Secretary shall award a grant to each Task Force submitting a request under subsection (b)(5)(B) to the extent that—

(A) sufficient funds are available; and

(B) the request is consistent with the Nation's comprehensive border security strategy.

(2) MINIMUM AMOUNT.—Not less than 1 Task Force in each of the States bordering Mexico shall be eligible to receive a grant under this subsection in an amount not less than $500,000.

(3) REPORT.—Not later than 90 days after the end of each fiscal year for which Federal financial assistance or other resources were received by a Task Force, the Task Force shall submit a report to the Secretary describing how such financial assistance or other resources were used by the Task Force and by the organizations that its members represent.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2010 to carry out this section.

SA 3428. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TEMPORARY ADMITTANCE OF MEXICAN NATIONALS WITH BORDER CROSSING CARDS.

The Secretary shall permit a national of Mexico, who enters the United States with a valid Border Crossing Card (as described in section 212.1(c)(1)(i) of title 8, Code of Federal Regulations, as in effect on the date of the enactment of this Act), and who is admitted to the United States at the Columbus, Santa Teresa, or Antelope Wells port of entry in New Mexico, to remain in New Mexico (within 75 miles of the international border between the United States and Mexico) for a period not to exceed 30 days.

SA 3429. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ANNUAL REPORT ON THE NORTH AMERICAN DEVELOPMENT BANK.

Section 2 of Public Law 108–215 (22 U.S.C. 290m–6) is amended—

(1) in paragraph (1), by inserting after ''The number'' the following: ''of applications received by, pending with, and awaiting final approval from the Board of the North American Development Bank and the number''; and

(2) by adding at the end the following:

''(8) Recommendations on how to improve the operations of the North American Development Bank.

''(9) An update on the implementation of this Act, including the business process review undertaken by the North American Development Bank.

''(10) A description of the activities and accomplishments of the North American Development Bank during the previous year, including a brief summary of meetings and actions taken by the Board of the North American Development Bank.''.

SA 3430. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—BORDER HEALTH SECURITY

SEC. ___01. SHORT TITLE.

This Act may be cited as the ''Border Health Security Act of 2006''.

SEC. ___02. DEFINITIONS.

In this title:

(1) BORDER AREA.—The term ''border area'' has the meaning given the term ''United States-Mexico Border Area'' in section 8 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n–6).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. ___03. BORDER BIOTERRORISM PREPAREDNESS GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, local government, tribal government, or public health entity.

(b) AUTHORIZATION.—From funds appropriated under subsection (e), the Secretary shall award grants to eligible entities for bioterrorism preparedness in the border area.

(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USES OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds to—

(1) develop and implement bioterror preparedness plans and readiness assessments and purchase items necessary for such plans;

(2) coordinate bioterrorism and emergency preparedness planning in the region;

(3) improve infrastructure, including syndrome surveillance and laboratory capacity;

(4) create a health alert network, including risk communication and information dissemination;

(5) educate and train clinicians, epidemiologists, laboratories, and emergency personnel; and

(6) carry out such other activities identified by the Secretary, the United States-Mexico Border Health Commission, State and local public health offices, and border health offices.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year.

SEC. ___04. BORDER HEALTH DEMONSTRATION PROJECTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, public institution of higher education, local government, tribal government, nonprofit health organization, or community health center receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

(b) AUTHORIZATION.—From funds appropriated under subsection (f), the Secretary, acting through the United States members of the United States-Mexico Border Health Commission, shall award grants to eligible entities to fund demonstration projects to address priorities and recommendations to improve the health of border area residents that are established by—

(1) the United States members of the United States-Mexico Border Health Commission;

(2) the State border health offices; and

(3) the Secretary.

(c) APPLICATION.—An eligible entity that desires a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds for—

(1) demonstration programs relating to—

(A) maternal and child health;

(B) primary care and preventative health;

(C) public health and public health infrastructure;

(D) health promotion;

(E) oral health;

(F) behavioral and mental health;

(G) substance abuse;

(H) health conditions that have a high prevalence in the border area;

(I) medical and health services research;

(J) workforce training and development;

(K) community health workers or promotoras;

(L) health care infrastructure problems in the border area (including planning and construction grants);

(M) health disparities in the border area;

(N) environmental health;

(O) health education; and

(P) outreach and enrollment services with respect to Federal programs (including programs authorized under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa)); and

(2) other demonstration programs determined appropriate by the Secretary.

(e) SUPPLEMENT, NOT SUPPLANT.—Amounts provided to an eligible entity awarded a grant under subsection (b) shall be used to supplement and not supplant other funds available to the eligible entity to carry out the activities described in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each fiscal year.

SEC. ____05. PROVISION OF RECOMMEDATIONS AND ADVICE TO CONGRESS.

Section 5 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n-3) is amended by adding at the end the following:

''(d) PROVIDING ADVICE AND RECOMMENDATIONS TO CONGRESS.—A member of the Commission, or an individual who is on the staff of the Commission, may at any time provide advice or recommendations to Congress concering issues that are considered by the Commission. Such advice or recommendations may be provided whether or not a request for such is made by a member of Congress and regardless of whether the member or individual is authorized to provide such advice or recommendations by the Commission or any other Federal official.''.

SEC. ____06. BINATIONAL PUBLIC HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning binational public health infrastructure and health insurance efforts. In conducting such study, the Institute shall solicit input from border health experts and health insurance issuers.

(b) REPORT.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit to the Secretary and the appropriate committees of Congress a report concerning the study conducted under such contract. Such report shall include the recommendations of the Institute on ways to expand or improve binational public health infrastructure and health insurance efforts.

SA 3431. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. BORDER SECURITY CERTIFICATION.

Notwithstanding any other provision of law, beginning on the date of the enactment of this Act, the Secretary may not implement a new conditional nonimmigrant work authorization program that grants legal status to any individual who enters or entered the United States illegally, or any similar or subsequent employment program that grants legal status to any individual who illegally enters or entered the United States until the Secretary provides written certification to the President and the Congress that the borders of the United States are reasonably sealed and secured.

SA 3432. Mr. REED submitted an amendment intended to be proposed to amendment SA 3366 submitted by Mr. REED and intended to be proposed to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. __. CONDITIONAL NONIMMIGRANT WORK AUTHORIZATION AND STATUS.

Section 218D(c) of the Immigration and Nationality Act, as added by section 601, is amended to read as follows:

''(c) SPOUSES AND CHILDREN AND CERTAIN OTHER INDIVIDUALS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall—

''(1) adjust the status to that of a conditional nonimmigrant under this section for, or provide a nonimmigrant visa to, the spouse or child of an alien who is provided nonimmigrant status under this section;

''(2) adjust the status to that of a conditional nonimmigrant under this section for an alien who, before January 7, 2004, was the spouse or child of an alien who is provided conditional nonimmigrant status under this section, or is eligible for such status, if—

''(A) the termination of the qualifying relationship was connected to domestic violence; and

''(B) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent alien who is provided conditional nonimmigrant status under this section; or

''(3) adjust the status to that of a conditional immigrant under this section for an individual who was present in the United States on January 7, 2004, and is the national of a country designated at that time for protective status pursuant to section 244.''.

SA 3433. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 3382 submitted by Mr. STEVENS (for himself, Mr. SHELBY, Mr. INOUYE, and Mrs. HUTCHISON) and intended to be proposed to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike the title relating to improved maritime security and insert the following:

TITLE —IMPROVED MARITIME SECURITY

SEC. 500. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Maritime and Transportation Security Act of 2006.''

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE V—IMPROVED MARITIME SECURITY

Sec. 501. Establishment of additional interagency operational centers for port security.
Sec. 502. Area maritime transportation security plan to include salvage response plan.
Sec. 503. Assistance for foreign ports.
Sec. 504. Specific port security initiatives.
Sec. 505. Technical requirements for non-intrusive inspection equipment.
Sec. 506. Random inspection of containers.
Sec. 507. Port security user fee study.
Sec. 508. Port security grants.
Sec. 509. Work stoppages and employee-employer disputes.
Sec. 510. Inspection of car ferries entering from Canada.

TITLE V—IMPROVED MARITIME SECURITY

SEC. 501. ESTABLISHMENT OF ADDITIONAL INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—In order to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall establish interagency operational centers for port security at all high priority ports.

(b) CHARACTERISTICS.—The interagency operational centers shall—

(1) be based on the most appropriate compositional and operational characteristics of the pilot project interagency operational centers for port security in Miami, Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San Diego, California, and the virtual operation center at the port of New York/New Jersey;

(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating;

(3) provide for participation by—

(A) representatives of the United States Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, the Department of Defense, and other Federal agencies, as determined to be appropriate by the Secretary of Homeland Security;

(B) representatives of State and local law enforcement or port security agencies and personnel; and

(C) members of the area maritime security committee, as deemed appropriate by the captain of the port;

(4) be incorporated in the implementation of—

(A) maritime transportation security plans developed under section 70103 of title 46, United States Code;

(B) maritime intelligence activities under section 70113 of that title;

(C) short and long range vessel tracking under sections 70114 and 70115 of that title;

(D) secure transportation systems under section 70119 of that title;

(E) the United States Customs and Border Protection's screening and high-risk cargo inspection programs; and

(F) the transportation security incident response plans required by section 70104 of that title.

(c) 2005 ACT REPORT REQUIREMENT.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(d) BUDGET AND COST-SHARING ANALYSIS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a proposed budget analysis for implementing subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers.

(e) SECURITY CLEARANCE ASSISTANCE.—The Secretary of the department in which the Coast Guard is operating may assist non-Federal personnel described in subsection (b)(3)(B) or (C) in obtaining expedited appropriate security clearances and in and maintaining their security clearances.

(f) SECURITY INCIDENTS.—During a transportation security incident (as defined in

section 70101(6) of title 46, United States Code) involving a port, the Coast Guard Captain of the Port designated by the Commandant of the Coast Guard in each joint operations center for maritime security shall act as the incident commander, unless otherwise directed under the National Maritime Transportation Security Plan established under section 70103 of title 46, United States Code.

SEC. 502. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following:

''(E) include a salvage response plan—

''(i) to identify salvage equipment capable of restoring operational trade capacity; and

''(ii) to ensure that the flow of cargo through United States ports is re-established as efficiently and quickly as possible after a transportation security incident.''.

SEC. 503. ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 70109. International cooperation and coordination''; and

(2) by adding at the end the following:

''(c) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, shall enter into negotiations with foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Standards Organization, as appropriate—

''(1) to promote standards for the security of containers and other cargo moving within the international supply chain;

''(2) to encourage compliance with minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, established under section ——— of the Maritime and Transportation Security Act of 2006 Act;

''(3) to implement the requirements of the container security initiative under section 70117; and

''(4) to implement standards and procedures established under section 70119.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70901 and inserting the following:

''70901. International cooperation and coordination''.

SEC. 504. SPECIFIC PORT SECURITY INITIATIVES.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating the second section 70118 (relating to withholding of clearance), as added by section 802(a)(2) of the Coast Guard and Maritime Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (relating to enforcement by State and local officers), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70120;

(3) by redesignating the second section 70119 (relating to civil penalty), as redesignated by section 802(a)(1) of the Coast Guard and Maritime Transportation Act of 2004, as section 70122;

(4) by striking section 70116;

(5) by redesignating sections 70117 through 70122 (as redesignated) as sections 70120 through 70126; and

(6) by inserting after section 70115 the following:

''§ 70116. Automated targeting system

''(a) IN GENERAL.—The Secretary shall develop and maintain an antiterrorism cargo identification and screening system for containerized cargo shipped to the United States either directly or via a foreign port to assess imports and target those imports which pose a high risk of containing contraband.

''(b) 24-HOUR ADVANCE NOTIFICATION.—In order to provide the best possible data for the automated targeting system, the Secretary shall require importers shipping goods to the United States via cargo container to supply advanced trade data not later than 24 hours before loading a container under the advance notification requirements under section 484(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)). The requirement shall apply to goods entered after July 1, 2007.

''(c) SECURE TRANSMISSION; CONFIDENTIALITY.—All information required by the Secretary from supply chain partners under this section shall—

''(1) be transmitted in a secure fashion, as determined by the Secretary, so as to protect the information from unauthorized access; and

''(2) shall not be subject to public disclosure under section 552 of title 5.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) There are authorized to be appropriated to the Secretary of Homeland Security to carry out the automated targeting system program to identify high-risk oceanborne container cargo for inspection—

''(A) $30,700,000 for fiscal year 2007;

''(B) $33,200,000 for fiscal year 2008; and

''(C) $35,700,000 for fiscal year 2009.

''(2) The amounts authorized by this subsection shall be in addition to any other amounts authorized to be appropriated to carry out that program.

''§ 70117. Container security initiative

''(a) IN GENERAL.—The Secretary shall issue regulations to—

''(1) evaluate and screen cargo documents prior to loading in a foreign port for shipment to the United States, either directly or via a foreign port; and

''(2) inspect high-risk cargo in a foreign port intended for shipment to the United States by physical examination or nonintrusive examination by technological means.

''(b) IMPLEMENTATION.—The Commissioner of Customs and Border Protection shall execute inspection and screening protocols with authorities in foreign ports to ensure that the standards and procedures promulgated under subsection (a) are implemented in an effective manner.

''(c) APPLICATION OF CONTAINER SECURITY INITIATIVE TO OTHER PORTS.—

''(1) IN GENERAL.—The Secretary, through the Commissioner of Customs and Border Protection, may designate foreign seaports under this section if, with respect to any such seaport, the Secretary determines that—

''(A) the seaport—

''(i) presents a significant level of risk;

''(ii) is a significant port or origin or transshipment, in terms of volume or value, for cargo being imported to the United States; and

''(iii) is potentially capable of validating a secure system of transportation pursuant to section 70119; and

''(B) the Department of State and representatives of the country with jurisdiction over the port have completed negotiations to ensure compliance with the requirements of the container security initiative.

''(2) COORDINATION WITH INTERNATIONAL CARGO SECURITY STANDARDS.—In carrying out paragraph (a), the Secretary shall—

''(A) consult with the Secretary of State concerning progress under section 70109(d); and

''(B) coordinate activities under paragraph (1) with activities conducted under that section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

''(1) $142,000,000 for fiscal year 2007;

''(2) $144,000,000 for fiscal year 2008; and

''(3) $146,000,000 for fiscal year 2009.

''§ 70118. Customs-Trade Partnership Against Terrorism validation program

''(a) IN GENERAL.—The Secretary shall establish a voluntary program to strengthen and improve the overall security of the international supply chain and United States border security.

''(b) VALIDATION; RECORDS MANAGEMENT.—The Secretary shall issue regulations—

''(1) to strengthen the validation process to verify that security programs of members of the Customs-Trade Partnership Against Terrorism have been implemented and that the program benefits should continue by providing appropriate guidance to specialists conducting such validations, including establishing what level of review is adequate to determine whether member security practices are reliable, accurate, and effective; and

''(2) to implement a records management system that documents key decisions and significant operational events accurately and in a timely manner, including a reliable system for—

''(A) documenting and maintaining records of all decisions in the application through validation processes, including documentation of the objectives, scope, methodologies, and limitations of validations; and

''(B) tracking member status.

''(b) HUMAN CAPITAL PLAN.—Within 6 months after the date of enactment of the Transportation Security Improvement Act of 2005, the Secretary shall complete a human capital plan, that clearly describes how the Customs-Trade Partnership Against Terrorism program will recruit, train, and retain sufficient staff to conduct the work of the program successfully, including reviewing security profiles, vetting, and conducting validations to mitigate program risk.

''(c) REVALIDATION.—The Secretary shall establish a process for revalidating C–TPAT participants. Such revalidation shall occur not less frequently than once during every 3-year period following validation.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not to exceed—

''(1) $60,000,000 for fiscal year 2007;

''(2) $65,000,000 for fiscal year 2008; and

''(3) $72,000,000 for fiscal year 2009.

''§ 70119. Secure systems of transportation

''(a) IN GENERAL.—The Secretary shall establish a program, to be known as the 'GreenLane program', to evaluate and certify secure systems of international intermodal transportation—

''(1) to ensure the security and integrity of shipments of goods to the United States from the point at which such goods are initially packed or loaded into a cargo container for international shipment until they reach their ultimate destination; and

''(2) to facilitate the movement of such goods through the entire supply chain through an expedited security and clearance program.

''(b) PROGRAM ELEMENTS.—In establishing and conducting the program under subsection (a) the Secretary, acting through the Commissioner of Customs and Border Protection, shall—

''(1) establish standards and procedures for verifying, at the point at which goods are placed in a cargo container for shipping, that the container is free of unauthorized hazardous chemical, biological, or nuclear material and for securely sealing such containers after the contents are so verified;

''(2) ensure that cargo is loaded at a port designated under section 70117 for shipment to the United States;

''(3) develop performance standards to enhance the physical security of shipping containers, including performance standards for container security devices;

''(4) establish standards and procedures for securing cargo and monitoring that security while in transit;

''(5) ensure that cargo complies with additional security criteria established by the Secretary beyond the minimum requirements for C–TPAT participation under section 70118, particularly in the area of access controls;

''(6) establish standards and procedures for allowing the United States Government to ensure and validate compliance with this program; and

''(7) incorporate any other measures the Secretary considers necessary to ensure the security and integrity of international intermodal transport movements.

''(c) BENEFITS FROM PARTICIPATION.—

''(1) ELIGIBILITY.—The Commissioner of Customs and Border Protection may by regulation provide for expedited clearance of cargo for an entity that—

''(A) meets or exceeds the standards established under subsection (b); and

''(B) certifies the security of its supply chain not less often than once every 2 years to the Secretary.

''(2) BENEFITS.—The expedited clearance provided under paragraph (1) to any eligible entity may include—

''(A) the expedited release of GreenLane cargo into destination ports within the United States during all threat levels designated by the Secretary or the Commandant of the Coast Guard;

''(B) reduced or eliminated bonding requirements for GreenLane cargo;

''(C) priority processing for searches;

''(D) further reduced scores in the automated targeting system; and

''(E) streamlined billing of any customs duties or fees.

''(d) CONSEQUENCES OF LACK OF COMPLIANCE.—

''(1) IN GENERAL.—Any participant whose security measures and supply chain security practices have been determined by the Secretary to be out of compliance with any requirements of the program shall be denied benefits under the program.

''(2) RIGHT OF APPEAL.—Any participant determined by the Secretary under paragraph (1) not to be in compliance with the requirements of the program may appeal that determination to the Secretary.''.

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 70116 and inserting the following:

''70116. Automated targeting system
''70117. Container security initiative
''70118. Customs-Trade Partnership Against Terrorism validation program
''70119. Secure systems of transportation
''70120. In rem liability for civil penalties and certain costs
''70121. Firearms, arrests, and seizure of property
''70122. Withholding of clearance
''70123. Enforcement by State and local officers
''70124. Container security initiative
''70125. Civil penalty''.

(2) Section 70117(a) of title 46, United States Code, is amended by striking ''section 70120'' and inserting ''section 70125''.

(3) Section 70119(a) of such title, as redesignated by subsection (a)(1) of this section, is amended—

(A) by striking ''under section 70119,'' and inserting ''under section 70125,''; and

(B) by striking ''under section 70120,'' and inserting ''under that section,''.

SEC. 505. TECHNICAL REQUIREMENTS FOR NONINTRUSIVE INSPECTION EQUIPMENT.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Domestic Nuclear Detection Office, in consultation with the National Institute of Science and Technology and the U.S. Customs and Border Protection, shall initiate a rulemaking—

(1) to establish minimum technical requirements for the capabilities of non-intrusive inspection equipment for cargo, including imaging and radiation devices; and

(2) to ensure that all equipment used can detect risks and threats as determined appropriate by the Secretary.

(b) ENDORSEMENTS; SOVEREIGNTY CONFLICTS.—In establishing such requirements, the Domestic Nuclear Detection Office shall be careful to avoid the endorsement of products associated with specific companies and the creation of sovereignty conflicts with participating countries.

(c) RADIATION SAFETY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a plan to the Senate Committee on Commerce, Science, and Transportation, Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Appropriations, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Appropriations that—

(1) details the health and safety impacts of nonintrusive inspection technology; and

(2) describes the policy of the Bureau of Customs and Border Protection for using nonintrusive inspection equipment.

(d) FINAL RULE DEADLINE.—The Domestic Nuclear Detection Office shall issue a final rule under subsection (a) within 1 year after the rulemaking proceeding is initiated.

SEC. 506. RANDOM INSPECTION OF CONTAINERS.

Within 1 year after the date of enactment of this Act, the Commissioner of Customs and Border Protection shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling standards for random physical inspection of shipping containers in addition to any targeted or pre-shipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Commissioner. Nothing in this section shall be construed to mean that implementation of the random sampling plan would preclude the additional physical inspection of shipping containers not inspected pursuant to the plan.

SEC. 507. PORT SECURITY USER FEE STUDY.

The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Within 1 year after date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that—

(1) contains the Secretary's findings, conclusions, and recommendations (including legislative recommendations if appropriate); and

(2) includes an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security.

SEC. 508. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking ''for making a fair and equitable allocation of funds'' and inserting ''based on risk and vulnerability''.

(b) ELIGIBLE COSTS.—Section 70107(b) of title 46, United States Code, is amended by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(c) LETTERS OF INTENT.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

''(5) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to port sponsors from the Fund.''.

(d) OPERATION SAFE COMMERCE.—Section 70107(i) of title 46, United States Code, is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) the following:

''(4) OPERATION SAFE COMMERCE.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the [To be supplied] Act, the Secretary shall initiate grant projects that—

''(i) integrate nonintrusive inspection and radiation detection equipment with automatic identification methods for containers, vessels, and vehicles;

''(ii) test physical access control protocols and technologies;

''(iii) create a data sharing network capable of transmitting data required by entities participating in the international supply chain from every intermodal transfer point to the National Targeting Center of the Department; and

''(iv) otherwise further maritime and cargo security, as determined by the Secretary.

''(B) SUPPLY CHAIN SECURITY FOR SPECIAL CONTAINER AND NONCONTAINERIZED CARGO.—The Secretary shall consider demonstration projects that further the security of the international supply chain for special container cargo, including refrigerated containers, and noncontainerized cargo, including roll-on/roll-off, break-bulk, liquid, and dry bulk cargo.

''(C) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary shall submit a report detailing the results of Operation Safe Commerce to—

''(i) the Senate Committee on Commerce, Science, and Transportation;

''(ii) the Senate Committee on Homeland Security and Governmental Affairs;

''(iii) the House of Representatives Committee on Homeland Security;

''(iv) the Senate Committee on Appropriations; and

''(v) the House of Representatives Committee on Appropriations.''.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The Secretary of Homeland Security shall—

(1) direct research, development, test, and evaluation efforts in furtherance of maritime and cargo security;

(2) encourage the ingenuity of the private sector in developing and testing technologies

and process innovations in furtherance of these objectives; and

(3) evaluate such technologies.

(f) COORDINATION.—The Secretary of Homeland Security, acting through the Undersecretary for Science and Technology, in consultation with the Assistant Secretary for Policy, the Director of Cargo Security Policy, and the Chief Financial Officer, shall ensure that—

(1) research, development, test, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated to avoid duplication of efforts; and

(2) the results of such efforts are shared throughout the Department, as appropriate.

SEC. 509. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) is amended by inserting after ''area.'' the following: ''In this paragraph, the term 'economic disruption' does not include a work stoppage or other nonviolent employee-related action resulting from an employee-employer dispute.''.

SEC. 510. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, in coordination with the Secretary of State, and their Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.

SA 3434. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 395, strike line 10 and all that follows through page 416, line 11, and insert the following:

(c) PERIOD OF AUTHORIZED ADMISSION.—

(1) IN GENERAL.—An alien may be granted blue card status for a period not to exceed 2 years.

(2) RETURN TO COUNTRY.—At the end of the period described in paragraph (1), the alien shall return to the country of nationality or last residence of the alien.

(3) ELIGIBILITY FOR NONIMMIGRANT VISA.—Upon return to the country of nationality or last residence of the alien under paragraph (2), the alien may apply for any nonimmigrant visa.

(d) LOSS OF EMPLOYMENT.—

(1) IN GENERAL.—The blue card status of an alien shall terminate if the alien is not employed for at least 60 consecutive days.

(2) RETURN TO COUNTRY.—An alien whose period of authorized admission terminates under paragraph (1) shall return to the country of nationality or last residence of the alien.

(e) PROHIBITION OF CHANGE OR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—An alien with blue card status shall not be eligible to change or adjust status in the United States.

(2) LOSS OF ELIGIBILITY.—An alien with blue card status shall lose the status if the alien—

(A) files a petition to adjust status to legal permanent residence in the United States; or

(B) requests a consular processing for an immigrant or nonimmigrant visa outside the United States.

SA 3435. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 386, line 11, strike ''863 hours or''.

SA 3436. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 388, lines 8 and 9, strike ''3 or more misdemeanors'' and insert ''misdemeanor''.

SA 3437. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BORDER SECURITY CERTIFICATION.

Beginning on the date of the enactment of this Act, the Secretary may not implement the new conditional nonimmigrant work authorization programs provided for in this Act that grant legal status to any individual who illegally enters or entered the United States until the Secretary provides written certification to the President and the Congress that the border security and enforcement provisions provided for in this Act are in place and operational as determined by the Secretary of Homeland Security.

SA 3438. Mr. GREGG (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropirate place in the proposed instructions, insert the following:

(e) WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting ''and immigrants with advanced degrees'' after ''diversity immigrants''; and

(2) by amending subsection (e) to read as follows:

''(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS AND IMMIGRANTS WITH ADVANCED DEGREES.—

''(1) DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

''(2) IMMIGRANTS WITH ADVANCED DEGREES.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.''.

(f) IMMIGRANTS WITH ADVANCED DEGREES.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''paragraph (2), aliens subject to the worldwide level specified in section 201(e)'' and inserting ''paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

''(2) ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.—

''(A) IN GENERAL.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

''(B) ECONOMIC CONSIDERATIONS.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.'';

(D) in paragraph (3), as redesignated, by striking ''this subsection'' each place it appears and inserting ''paragraph (1)''; and

(E) by amending paragraph (4), as redesignated, to read as follows:

''(4) MAINTENANCE OF INFORMATION.—

''(A) DIVERSITY IMMIGRANTS.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

''(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2).''; and

(2) in subsection (e)—

(A) in paragraph (2), by striking ''(c)'' and inserting ''(c)(1)'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

''(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

''(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

''(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

''(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

''(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.''.

(g) DIVERSITY VISA CARRYOVER.—Section 204(a)(1)(I)(ii)(II) (8 U.S.C. 1154(a)(1)(I)(ii)(II)) is amended to read as follows:

''(II) An immigrant visa made available under subsection 203(c) for fiscal year 2007 or

any subsequent fiscal year may be issued, or adjustment of status under section 245(a) may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment of status in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide levels set forth in section 201(e) for the fiscal year for which the alien was selected.''.

(h) EFFECTIVE DATE.—The amendments made by subsections (e) through (g) shall take effect on October 1, 2006.

SA 3439. Mr. GREGG (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

In the language proposed to be stricken, at the appropriate place insert the following:

(e) WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting ''and immigrants with advanced degrees'' after ''diversity immigrants''; and

(2) by amending subsection (e) to read as follows:

''(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS AND IMMIGRANTS WITH ADVANCED DEGREES.—

''(1) DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

''(2) IMMIGRANTS WITH ADVANCED DEGREES.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.''.

(f) IMMIGRANTS WITH ADVANCED DEGREES.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''paragraph (2), aliens subject to the worldwide level specified in section 201(e)'' and inserting ''paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

''(2) ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.—

''(A) IN GENERAL.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

''(B) ECONOMIC CONSIDERATIONS.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.'';

(D) in paragraph (3), as redesignated, by striking ''this subsection'' each place it appears and inserting ''paragraph (1)''; and

(E) by amending paragraph (4), as redesignated, to read as follows:

''(4) MAINTENANCE OF INFORMATION.—

''(A) DIVERSITY IMMIGRANTS.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

''(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2).''; and

(2) in subsection (e)—

(A) in paragraph (2), by striking ''(c)'' and inserting ''(c)(1)'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

''(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

''(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

''(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

''(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

''(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.''.

(g) DIVERSITY VISA CARRYOVER.—Section 204(a)(1)(I)(ii)(II) (8 U.S.C. 1154(a)(1)(I)(ii)(II)) is amended to read as follows:

''(II) An immigrant visa made available under subsection 203(c) for fiscal year 2007 or any subsequent fiscal year may be issued, or adjustment of status under section 245(a) may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment of status in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide levels set forth in section 201(e) for the fiscal year for which the alien was selected.''.

(h) EFFECTIVE DATE.—The amendments made by subsections (e) through (g) shall take effect on October 1, 2006.

SA 3440. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING REIMBURSING STATES FOR THE COSTS OF UNDOCUMENTED IMMIGRANTS.

(a) FINDINGS.—The Senate finds the following:

(1) It is the obligation of the Federal Government to adequately secure the borders of the United States and prevent the flow of undocumented immigrants into the United States.

(2) Despite the fact that, according to the Congressional Research Service, Border Patrol agents apprehend more than 1,000,000 individuals each year trying to illegally enter the United States, the net growth in the number of unauthorized immigrants entering the United States has increased by approximately 500,000 each year.

(3) The costs associated with incarcerating undocumented criminal immigrants and providing education and healthcare to undocumented immigrants place a tremendous financial burden on States and local governments.

(4) In 2003, States received compensation from the Federal Government, through the State criminal alien assistance program under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)), for incarcerating approximately 74,000 undocumented criminal immigrants.

(5) In 2003, 700 local governments received compensation from the Federal Government, through the State criminal alien assistance program, for incarcerating approximately 138,000 undocumented criminal immigrants.

(6) It is estimated that Federal Government payments through the State criminal alien assistance program reimburse States and local governments for 25 percent or less of the actual costs of incarcerating the undocumented criminal immigrants.

(7) It is estimated that providing kindergarten through grade 12 education to undocumented immigrants costs States more than $8,000,000,000 annually.

(8) It is further estimated that more than $1,000,000,000 is spent on healthcare for undocumented immigrants each year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) States should be fully reimbursed by the Federal Government for the costs associated with providing education and healthcare to undocumented immigrants; and

(2) the program authorized under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) should be fully funded, for each of the fiscal years 2007 through 2012, at the levels authorized for such program under section 241(i)(5) of such Act (as amended by section 218(b)(2) of this Act).

SA 3441. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. . SUFFICIENCY FOR REVENUE FOR ENFORCEMENT.

Notwithstanding any other provision of law, any fee or, penalty required to be paid pursuant to this Act or an amendment made by this Act, shall be deposited in a special account in the Treasury to be available to the Secretary to implement the provisions of this Act without further appropriations and shall remain available until expended.

SA 3442. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. . SUFFICIENCY FOR REVENUE FOR ENFORCEMENT.

Notwithstanding any other provision of law, any fee, revenue, or penalty required to be paid pursuant to this Act or an amendment made by this Act, shall be deposited in a special account in the Treasury to be available to the Secretary to implement the provisions of this Act without further appropriations and shall remain available until expended.

SA 3443. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF THE INTEGRITY OF THE SOCIAL SECURITY SYSTEM.

(a) TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.—

(1) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

''(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

''(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of the Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

''(B) the President transmits the text of such agreement to each House of the Congress as provided in paragraph (2), and

''(C) an approval resolution regarding such agreement has passed both Houses of the Congress and has been enacted into law.

''(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of the Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

''(i) an estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title;

''(ii) a statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law,

''(iii) a statement describing whether and how the agreement changes provisions of an agreement previously negotiated,

''(iv) a statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title,

''(v) an estimate of the number of individuals who will be affected by the agreement,

''(vi) an assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement, and

''(vii) an assessment of ability of such country to track and monitor recipients of benefits under such agreement.

''(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to the Congress in the transmittal to the Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by the Congress under this section and shall have no force and effect under United States law.

''(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and _____ establishing totalization arrangements between the social security system established by title II of such Act and the social security system of _____, transmitted to the Congress by the President on _____, is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to the Congress.

''(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to the Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

''(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the proceeding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act which are transmitted to the Congress on or after April 1, 2006.

(b) BIENNIAL GAO REPORT ON IMPACT TOTALIZATION AGREEMENTS.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)), as amended by subsection (a)(1), is amended by adding at the end the following new paragraph:

''(6) Not later than January 1, 2007, and biennially thereafter, the Comptroller General of the United States shall submit a report to Congress and the President with respect to each such agreement that has become effective that—

''(A) compares the estimates, statements, and assessments contained in the report submitted to Congress under paragraph (2) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on the estimated income and expenditures of the social security system established by this title; and

''(B) contains such recommendations for adjusting the methods used to make the estimates, statements, and assessments required for reports submitted under paragraph (2) as the Comptroller General determines necessary.''.

SA 3444. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF THE INTEGRITY OF THE SOCIAL SECURITY SYSTEM.

(a) TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.—

(1) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

''(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

''(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of the Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

''(B) the President transmits the text of such agreement to each House of the Congress as provided in paragraph (2), and

''(C) an approval resolution regarding such agreement has passed both Houses of the Congress and has been enacted into law.

''(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of the Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

''(i) an estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title;

''(ii) a statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law,

''(iii) a statement describing whether and how the agreement changes provisions of an agreement previously negotiated,

''(iv) a statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title,

''(v) an estimate of the number of individuals who will be affected by the agreement,

''(vi) an assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement, and

''(vii) an assessment of ability of such country to track and monitor recipients of benefits under such agreement.

''(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to the Congress in the transmittal to the Congress under this paragraph of the agreement to establish a totalization arrangement, then

such separate agreement or understanding shall not be considered to be part of the agreement approved by the Congress under this section and shall have no force and effect under United States law.

''(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and _____ establishing totalization arrangements between the social security system established by title II of such Act and the social security system of _____, transmitted to the Congress by the President on _____, is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to the Congress.

''(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to the Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

''(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the proceeding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act which are transmitted to the Congress on or after March 1, 2006.

(b) BIENNIAL GAO REPORT ON IMPACT TOTALIZATION AGREEMENTS.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)), as amended by subsection (a)(1), is amended by adding at the end the following new paragraph:

''(6) Not later than January 1, 2007, and biennially thereafter, the Comptroller General of the United States shall submit a report to Congress and the President with respect to each such agreement that has become effective that—

''(A) compares the estimates, statements, and assessments contained in the report submitted to Congress under paragraph (2) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on the estimated income and expenditures of the social security system established by this title; and

''(B) contains such recommendations for adjusting the methods used to make the estimates, statements, and assessments required for reports submitted under paragraph (2) as the Comptroller General determines necessary.''.

SA 3445. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON PAYMENT OF SOCIAL SECURITY BENEFITS BASED ON QUARTERS OF COVERAGE EARNED BY AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN OR NATIONAL WHILE THAT INIDIVIDUAL IS NOT AUTHORIZED TO WORK IN THE UNITED STATES.

(a) IN GENERAL.—Section 213(a)(2)(B)(i) of the Social Security Act (42 U.S.C. 413(a)(2)(B)(i)) is amended—

(1) by striking ''and no quarter'' and inserting '', no quarter''; and

(2) by inserting before the semicolon the following: '', and no quarter any part of which includes wages paid to an individual or self-employment income earned by an individual while the individual was not assigned a social security account number consistent with the requirements of subclause (I) or (III) of section 205(c)(2)(B)(i) or was not described in section 214(c)(2) shall be a quarter of coverage''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications for benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) filed on or after the date of enactment of this Act.

SA 3446. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON PAYMENT OF SOCIAL SECURITY BENEFITS BASED ON QUARTERS OF COVERAGE EARNED BY AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN OR NATIONAL WHILE THAT INIDIVIDUAL IS NOT AUTHORIZED TO WORK IN THE UNITED STATES.

(a) IN GENERAL.—Section 213(a)(2)(B)(i) of the Social Security Act (42 U.S.C. 413(a)(2)(B)(i)) is amended—

(1) by striking ''and no quarter'' and inserting '', no quarter''; and

(2) by inserting before the semicolon the following: '', and no quarter any part of which includes wages paid to an individual or self-employment income earned by an individual while the individual was not assigned a social security account number consistent with the requirements of subclause (I) or (III) of section 205(c)(2)(B)(i) or was not described in section 214(c)(2) shall be a quarter of coverage''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications for benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) filed one day after the date of enactment of this Act.

SA 3447. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $500,000,000 for each of the fiscal years 2007 through 2011 to reimburse States that use the National Guard to secure their borders, provided that not more than $100,000,000 may be paid to any one State in a fiscal year. Not less than 10% of the money appropriated in any given year shall be available to states along the Northern border of the United States.

SA 3448. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $500,000,000 for each of the fiscal years 2007 through 2011 to reimburse States that use the National Guard to secure their borders, provided that not more than $100,000,000 may be paid to any one State in a fiscal year. Not less than 20% of the money appropriated in any given year shall be available to states along the Northern border of the United States.

SA 3449. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 385, strike lines 21 through 25 and insert the following:

(7) WORK DAY.—The term ''work day'' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

SA 3450. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 386, strike lines 10 through 13 and insert the following:

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2005;

SA 3451. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 386, line 17, strike ''and''.

On page 386, line 21, strike the period at the end and insert ''; and''.

On page 386, between lines 21 and 22, insert the following:

(D) has been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 398, strike lines 18 through 20 and insert the following:

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 401, strike lines 22 through 24 and insert the following:

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

SA 3452. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 388, line 2, strike ''or''.

On page 388, strike line 14 and insert the following:

or harm to property in excess of $500; or

(iii) the alien fails to perform the agricultural employment required under subsection (c)(1)(A)(i) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (c)(1)(A)(iii).

SA 3453. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 395, strike line 18 and all that follows through page 396, line 9, and insert the following:

(i) QUALIFYING EMPLOYMENT.—

(I) IN GENERAL.—Subject to subclause (II), the alien has performed at least—

(aa) 5 years of agricultural employment in the United States, for at least 100 work days per year, during the 5-year period beginning on the date of enactment of this Act; or

(bb) 3 years of agricultural employment in the United States, for at least 150 work days per year, during the 3-year period beginning on the date of enactment of this Act.

(II) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to qualify under subclause (I) if the alien has performed 4 years of agricultural employment in the United States, for at least 150 work days during 3 of the 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of enactment of this Act.

SA 3454. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 416, strike lines 8 through 11 and insert the following:

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the startup costs of the program authorized under this section for each of fiscal years 2007 and 2008.

SA 3455. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 385, strike lines 21 through 25 and insert the following:

(7) WORK DAY.—The term ''work day'' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

On page 386, strike lines 10 through 13 and insert the following:

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2005;

On page 386, line 17, strike ''and''.

On page 386, line 21, strike the period at the end and insert ''; and''.

On page 386, between lines 21 and 22, insert the following:

(D) has been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 388, line 2, strike ''or''.

On page 388, strike line 14 and insert the following:

or harm to property in excess of $500; or

(iii) the alien fails to perform the agricultural employment required under subsection (c)(1)(A)(i) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (c)(1)(A)(iii).

Beginning on page 395, strike line 18 and all that follows through page 396, line 9, and insert the following:

(i) QUALIFYING EMPLOYMENT.—

(I) IN GENERAL.—Subject to subclause (II), the alien has performed at least—

(aa) 5 years of agricultural employment in the United States, for at least 100 work days per year, during the 5-year period beginning on the date of enactment of this Act; or

(bb) 3 years of agricultural employment in the United States, for at least 150 work days per year, during the 3-year period beginning on the date of enactment of this Act.

(II) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to qualify under subclause (I) if the alien has performed 4 years of agricultural employment in the United States, for at least 150 work days during 3 of the 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of enactment of this Act.

On page 398, strike lines 18 through 20 and insert the following:

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 401, strike lines 22 through 24 and insert the following:

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 416, strike lines 8 through 11 and insert the following:

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the startup costs of the program authorized under this section for each of fiscal years 2007 and 2008.

SA 3456. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 525, after line 2, add the following:

Subtitle E—Farm Worker Transportation Safety

SEC. _____. SHORT TITLE.

This subtitle may be cited as the ''Farm Worker Transportation Safety Act''.

SEC. _____. SEATS AND SEAT BELTS FOR MIGRANT AND SEASONAL AGRICULTURAL WORKERS.

(a) SEATS.—Except as provided in subsection (d), in promulgating vehicle safety standards under the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) for the transportation of migrant and seasonal agricultural workers by farm labor contractors, agricultural employers or agricultural associations, the Secretary of Labor shall ensure that each occupant or rider in, or on, any vehicle subject to such standards is provided with a seat that is a designated seating position (as such term is defined for purposes of the Federal motor vehicle safety standards issued under chapter 301 of title 49, United States Code).

(b) SEAT BELTS.—Each seating position required under subsection (a) shall be equipped with an operational seat belt, except that this subsection shall not apply with respect to seating positions in buses that would otherwise not be required to have seat belts under the Federal motor vehicle safety standards.

(c) PERFORMANCE REQUIREMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Labor, shall issue minimum performance requirements for the strength of seats and the attachment of seats and seat belts in vehicles that are converted, after being sold for purposes other than resale, for the purpose of transporting migrant or seasonal agricultural workers. The requirements shall provide a level of safety that is as close as practicable to the level of safety provided for in a vehicle that is manufactured or altered for the purpose of transporting such workers before being sold for purposes other than resale.

(2) EXPIRATION.—Effective on the date that is 7 years after the date of enactment of this Act, any vehicle that is or has been converted for the purpose of transporting migrant or seasonal agricultural workers shall provide the same level of safety as a vehicle that is manufactured or altered for such purpose prior to being sold for purposes other than resale.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or modify the regulations contained in section 500.103, or the provision pertaining to transportation that is primarily on private roads in section 500.104(l), of title 29, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(e) DEFINITIONS.—The definitions contained in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802) shall apply to this section.

(f) COMPLIANCE DATE.—Not later than 1 year after such date of enactment, all vehicles subject to this Act shall be in compliance with the requirements of this section.

SA 3457. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(f) TERRORIST ACTIVITIES.—Section 212(a)(3)(B)(i) (8 U.S.C. 1182(a)(3)(B)(i)) is amended—

(1) in subclause (III), by striking '', under circumstances indicating an intention to cause death or serious bodily harm, incited'' and inserting ''incited or advocated''; and

(2) in subclause (VII), by striking ''or espouses terrorist activity or persuades others to endorse or espouse'' and inserting ''espouses, or advocates terrorist activity or persuades others to endorse, espouse, or advocate''.

(g)

SA 3458. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMPREHENSIVE METHAMPHETAMINE PLAN.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the President, in coordination with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, shall submit to the Chairman of Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives a formal plan that outlines the diplomatic, law enforcement, and other procedures that the Federal Government should implement to reduce the amount of Methamphetamine being trafficked into the United States.

(b) CONTENTS OF PLAN.—The plan under subsection (a) shall, at a minimum, include—

(1) a specific timeline for engaging elected and diplomatic officials in a bilateral process focused on developing a framework to reduce the inflow of Methamphetamine into the United States;

(2) a specific plan to engage the 5 countries who export the most psuedoephedrine, ephedrine, phenylpropanolamine, and other such Methamphetamine precursor chemicals during calendar year preceding the year in which the plan is prepared; and

(3) a specific funding request that outlines what, if any, additional appropriations are needed to secure the border, ports of entry, or any other Methamphetamine trafficking windows that are currently being exploited by Methamphetamine traffickers.

(c) GAO REPORT.—Not later than 100 days after the date of enactment of this Act, the Government Accountability Office shall prepare and submit to the committees of Congress referred to in subsection (a), a report to determine whether the President is in compliance with this section.

SA 3459. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 57, line 15, strike ''(f)'' and insert the following:

(f) TERRORIST ACTIVITIES.—Section 212(a)(3)(B)(i) (8 U.S.C. 1182(a)(3)(B)(i)) is amended—

(1) in subclause (III), by striking '', under circumstances indicating an intention to cause death or serious bodily harm, incited'' and inserting ''incited or advocated''; and

(2) in subclause (VII), by striking ''or espouses terrorist activity or persuades others to endorse or espouse'' and inserting ''espouses, or advocates terrorist activity or persuades others to endorse, espouse, or advocate''.

(g)

SA 3460. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMPREHENSIVE METHAMPHETAMINE PLAN.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the President, in coordination with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, shall submit to the Chairman of Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives a formal plan that outlines the diplomatic, law enforcement, and other procedures that the Federal Government should implement to reduce the amount of Methamphetamine being trafficked into the United States.

(b) CONTENTS OF PLAN.—The plan under subsection (a) shall, at a minimum, include—

(1) a specific timeline for engaging elected and diplomatic officials in a bilateral process focused on developing a framework to reduce the inflow of Methamphetamine into the United States;

(2) a specific plan to engage the 5 countries who export the most psuedoephedrine, ephedrine, phenylpropanolamine, and other such Methamphetamine precursor chemicals during calendar year preceding the year in which the plan is prepared; and

(3) a specific funding request that outlines what, if any, additional appropriations are needed to secure the border, ports of entry, or any other Methamphetamine trafficking windows that are currently being exploited by Methamphetamine traffickers.

(c) GAO REPORT.—Not later than 100 days after the date of enactment of this Act, the Government Accountability Office shall prepare and submit to the committees of Congress referred to in subsection (a), a report to determine whether the President is in compliance with this section.

SA 3461. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 232. NONIMMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) IN GENERAL.—Section 214(c)(4)(A) (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

''(i)(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance,

''(II) is a professional athlete, as defined in section 204(i)(2),

''(III) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if—

''(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country,

''(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association (NCAA), and

''(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league, or

''(IV) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production, and

''(ii) seeks to enter the United States temporarily and solely for the purpose of performing—

''(I) as such an athlete with respect to a specific athletic competition, or

''(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.''.

(b) ADVISORY OPINIONS.—Section 214(c) (8 U.S.C. 1184(c)) is amended—

(1) in paragraph (4)(D), by inserting ''(other than with respect to aliens seeking entry under subclause (II), (III), or (IV) of subparagraph (A)(i) of this paragraph),'' after ''101(a)(15)(P)''; and

(2) in paragraph (6)(A)(iii), by inserting ''(other than with respect to aliens seeking entry under subclause (II), (III), or (IV) of paragraph (4)(A)(i))'' after ''101(a)(15)(P)(i)''.

(c) PETITIONS FOR MULTIPLE ALIENS.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following new paragraph:

''(F) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than one alien as a nonimmigrant under section 101(a)(15)(P)(i)(a). The fee charged for such a petition may not be more than the fee charged for a petition seeking classification of one such alien.''.

(d) RELATIONSHIP TO OTHER PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)), as amended by subsection (c), is further amended by adding at the end the following new paragraph:

''(G) Notwithstanding any other provision of this title, the Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to seek admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i).''.

SA 3462. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 232. NONIMMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) IN GENERAL.—Section 214(c)(4)(A) (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

''(i)(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance,

''(II) is a professional athlete, as defined in section 204(i)(2),

''(III) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if—

''(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country,

''(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association (NCAA), and

''(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league, or

''(IV) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production, and

''(ii) seeks to enter the United States temporarily and solely for the purpose of performing—

''(I) as such an athlete with respect to a specific athletic competition, or

''(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.''.

(b) ADVISORY OPINIONS.—Section 214(c) (8 U.S.C. 1184(c)) is amended—

(1) in paragraph (4)(D), by inserting ''(other than with respect to aliens seeking entry under subclause (II), (III), or (IV) of subparagraph (A)(i) of this paragraph),'' after ''101(a)(15)(P)''; and

(2) in paragraph (6)(A)(iii), by inserting ''(other than with respect to aliens seeking entry under subclause (II), (III), or (IV) of paragraph (4)(A)(i))'' after ''101(a)(15)(P)(i)''.

(c) PETITIONS FOR MULTIPLE ALIENS.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following new paragraph:

''(F) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than one alien as a nonimmigrant under section 101(a)(15)(P)(i)(a). The fee charged for such a petition may not be more than the fee charged for a petition seeking classification of one such alien.''.

(d) RELATIONSHIP TO OTHER PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)), as amended by subsection (c), is further amended by adding at the end the following new paragraph:

''(G) Notwithstanding any other provision of this title, the Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to seek admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i).''.

SA 3463. Mr. INHOFE (for himself, Mr. ENZI, Mr. BYRD, Mr. COBURN, Mr. BUNNING, Mr. CHAMBLISS, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: 0

SEC. ____. NATIONAL LANGUAGE ACT OF 2006.

(a) SHORT TITLE.—This section may be cited as the ''National Language Act of 2006''.

(b) ENGLISH AS OFFICIAL LANGUAGE.—

(1) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 6—LANGUAGE OF THE GOVERNMENT

''Sec

''161. Declaration of official language

''162. Official Government activities in English

''163. Preserving and enhancing the role of the official language

''164. Exceptions

''§ 161. Declaration of official language

''English shall be the official language of the Government of the United States.

''§ 162. Official government activities in English

''The Government of the United States shall conduct its official business in English, including publications, income tax forms, and informational materials.

''§ 163. Preserving and enhancing the role of the official language

''The Government of the United States shall preserve and enhance the role of English as the official language of the United States of America. Unless specifically stated in applicable law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If exceptions are made, that does not create a legal entitlement to additional services in that language or any language other than English. If any forms are issued by the Federal government in a language other than English (or such forms are completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.

SA 3464. Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 42, between lines 11 and 12, insert the following:

Subtitle D—National Border Neighborhood Watch Program

SEC. 131. NATIONAL BORDER NEIGHBORHOOD WATCH PROGRAM.

The Commissioner of the United States Customs and Border Protection (referred to in this subtitle as the ''USCBP'') shall establish a National Border Neighborhood Watch Program (referred to in this subtitle as the ''NBNW Program'') to permit retired law enforcement officers and civilian volunteers to combat illegal immigration into the United States.

SEC. 132. BRAVE FORCE.

(a) ESTABLISHMENT.—There is established in the USCBP a Border Regiment Assisting in Valuable Enforcement Force (referred to in this subtitle as ''BRAVE Force''), which shall consist of retired law enforcement officers, to carry out the NBNW Program.

(b) RETIRED LAW ENFORCEMENT OFFICERS.—In this section, the term ''retired law enforcement officer'' means an individual who—

(1) has retired from employment as a Federal, State, or local law enforcement officer; and

(2) has not reached the Social Security retirement age (as defined in section 216(*l*) of the Social Security Act (42 U.S.C. 416(*l*)).

(c) EFFECT ON PERSONNEL CAPS.—Employees of BRAVE Force hired to carry out the NBNW Program shall be considered as additional agents and shall not count against the USCBP personnel limits.

(d) RETIRED ANNUITANTS.—An employee of BRAVE Force who has worked for the Federal Government shall be considered a rehired annuitant and shall have no reduction in annuity as a result of salary payment for such employees' service in the NBNW Program.

SEC. 133. CIVILIAN VOLUNTEERS.

(a) IN GENERAL.—The USCBP shall provide the opportunity for civilian volunteers to assist in carrying out the purposes of the NBNW Program.

(b) ORGANIZATION.—Not less than 3 civilian volunteers in the NBNW Program may report to each employee of BRAVE Force.

(c) REPORTING.—A civilian volunteer shall report a violation of Federal immigration law to the appropriate employee of BRAVE Force as soon as possible after observing such violation.

(d) REIMBURSEMENT.—A civilian volunteer participating in the NBNW Program shall be eligible for reimbursement by the USCBP for expenses related to carrying out the duties of the NBNW Program.

SEC. 134. LIABILITY OF BRAVE FORCE EMPLOYEES AND CIVILIAN VOLUNTEERS.

(a) CIVILIANS.—A civilian volunteer participating in the NBNW Program shall not be entitled to any immunity from personal liability by virtue of the volunteer's participation in the NBNW Program.

(b) EMPLOYEES.—An employee of the BRAVE Force shall not be liable for the actions of a civilian volunteer participating in the NBNW Program.

SEC. 135. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SA 3465. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 11, after line 23, insert the following:

SEC. 107. ESTABLISHMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT FIELD OFFICE.

(a) FINDINGS.—Congress finds the following:

(1) On July 17, 2002, 18 aliens who were present in the United States illegally, including 3 minors, were taken into custody by the Tulsa County Sheriff's Department. The aliens were later released by officials of the former Immigration and Naturalization Service.

(2) On August 13, 2002, an immigration task force meeting convened in Tulsa, Oklahoma, with the goal of bringing together local law enforcement and the Immigration and Naturalization Service to open a dialogue to find effective ways to better enforce Federal immigration laws in the first District of Oklahoma.

(3) On January 22, 2003, 4 new agents at the Immigration and Naturalization Service office in Oklahoma City were hired.

(4) On January 30, 2003, Oklahoma's Immigration and Naturalization Service office added 6 new special agents to their staff.

(5) On September 22, 2004, officials of the Bureau of Immigration and Customs Enforcement of the Department authorized the release of 18 individuals who may have been present in the United States illegally and were in the custody of the police department of the City of Catoosa, Oklahoma. Catoosa Police stopped a truck carrying 18 individuals, including children, in the early morning hours on that date. Only 2 of the individuals produced identification. One adult was arrested on drug possession charges and the remaining individuals were released.

(6) Oklahoma has 1 Office of Investigations of the Bureau of Immigration and Customs Enforcement, which is located in Oklahoma City. In 2005, 12 agents of the Bureau of Immigration and Customs Enforcement served the 3,500,000 people residing in Oklahoma.

(7) Highway I–44 and U.S.–75 are major roads through Tulsa, Oklahoma, that are used to transport illegal aliens to all areas of the United States.

(8) The establishment of a field office of the Office of Investigations of the Bureau of Immigration and Customs Enforcement in Tulsa, Oklahoma, will help enforce Federal immigration laws in Eastern Oklahoma.

(9) Seven agents of the Drug Enforcement Administration and an estimated 22 agents of the Federal Bureau of Investigation are assigned to duty stations in Tulsa, Oklahoma, and there are no agents of the Bureau of Immigration and Customs Enforcement who are assigned to a duty station in Tulsa, Oklahoma.

(b) ESTABLISHMENT OF FIELD OFFICE IN TULSA, OKLAHOMA.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a field office of the Office of Investigations of the Bureau of Immigration and Customs Enforcement in Tulsa, Oklahoma.

SA 3466. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 42, between lines 11 and 12, insert the following:

Subtitle D—Immigration Enforcement Training

SEC. 131. IMMIGRATION ENFORCEMENT TRAINING DEMONSTRATION PROJECT.

(a) IN GENERAL.—

(1) AUTHORITY.—The Secretary is authorized to provide assistance to the President of Cameron University, located in Lawton, Oklahoma, to establish and implement the demonstration project (referred to in this subtitle as the ''Project'') described in this subtitle.

(2) PURPOSE.—The purposes of the Project shall be to assess the feasibility of establishing a nationwide e-learning training course, covering basic immigration law enforcement issues, to be used by State, local, and tribal law enforcement officers in order to improve and enhance the ability of such officers, during their routine course of duties, to assist Federal immigration officers in the enforcement of immigration laws of the United States.

(b) PROJECT DIRECTOR RESPONSIBILITIES.—The Project shall be carried out by the Project Director, who shall—

(1) develop an online, e-learning Web site that—

(A) provides State, local, and tribal law enforcement officers access to the e-learning training course;

(B) enrolls officers in the e-learning training course;

(C) records the performance of officers on the course;

(D) tracks officers' proficiency in learning the course's concepts;

(E) ensures a high level of security; and

(F) encrypts personal and sensitive information;

(2) develop an e-learning training course that—

(A) entails not more than 4 hours of training;

(B) is accessible through the on-line, e-learning Web site developed under paragraph (1);

(C) covers the basic principles and practices of immigration law and the policies that relate to the enforcement of immigration laws;

(D) includes instructions about—

(i) employment-based and family-based immigration;

(ii) the various types of nonimmigrant visas;

(iii) the differences between immigrant and nonimmigrant status;

(iv) the differences between lawful and unlawful presence;

(v) the criminal and civil consequences of unlawful presence;

(vi) the various grounds for removal;

(vii) the types of false identification commonly used by illegal and criminal aliens;

(viii) the common methods of alien smuggling and groups that commonly participate in alien smuggling rings;

(ix) the inherent legal authority of local law enforcement officers to enforce federal immigration laws; and

(x) detention and removal procedures, including expeditious removal; and

(E) is accessible through the secure, encrypted on-line, e-learning Web site not later than 90 days of the date of enactment of this Act, and

(F) incorporates content similar to that covered in the 4-hour training course provided by the employees of the Immigration and Naturalization Service to Alabama State Troopers during 2003, in addition to the training given pursuant to an agreement by the State under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and

(3) assess the feasibility of expanding to State, local, and tribal law enforcement agencies throughout the Nation the on-line, e-learning Web site, including the e-learning training course, by using on-line technology.

(c) PERIOD OF PROJECT.—The Project Director shall carry out the demonstration project for a 2-year period beginning 90 days after the date of the enactment of this Act.

(d) PARTICIPATION IN PROJECT.—The Project Director shall carry out the demonstration project by enrolling in the e-learning training course State, local, and tribal law enforcement officers from—

(1) Alabama;

(2) Colorado;

(3) Florida;

(4) Oklahoma;

(5) Texas; and

(6) at least 1, but not more than 3, other States.

(e) PARTICIPATING OFFICERS.—

(1) NUMBER.—A total of 100,000 officers shall have access to, enroll in, and complete the e-learning training course provided under the Project.

(2) APPORTIONMENT.—The number of officers who are selected to participate in the Project shall be apportioned according to the State populations of the participating States.

(3) SELECTION.—Participation in the Project shall—

(A) be equally apportioned between State, county, and municipal law enforcement agency officers;

(B) include, when practicable, a significant subset of tribal law enforcement officers; and

(C) include officers from urban, rural, and highly rural areas.

(4) RECRUITMENT.—Recruitment of participants shall begin immediately, and occur concurrently, with the e-learning training course's establishment and implementation.

(5) LIMITATION ON PARTICIPATION.—Officers shall be ineligible to participate in the demonstration project if they are employed by a State, local, or tribal law enforcement agency that—

(A) has in effect a statute, policy, or practice that prohibits its law enforcement officers from cooperating with Federal immigration enforcement agents; or

(B) is otherwise in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

(6) ADDITIONAL REQUIREMENTS.—The law enforcement officers selected to participate in the e-learning training course provided under the Project—

(A) shall undergo standard vetting procedures, pursuant to the Federal Law Enforcement Training Center Distributed Learning Program, to ensure that each individual is a bona fide law enforcement officer; and

(B) shall be granted continuous access, throughout the 2-year period of the Project, to on-line course material and other training and reference resources accessible through the on-line, e-learning Web site.

(f) REPORT.—

(1) IN GENERAL.—Not later than the end of the 2-year period described in subsection (c), the Project Director shall submit a report on the participation of State, local, and tribal law enforcement officers in the Project's e-learning training course to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(D) the Committee on Homeland Security of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) an estimate of the cost savings realized by offering training through the e-learning training course instead of the residential classroom method;

(B) an estimate of the difference between the 100,000 law enforcement officers who received training through the e-learning training course and the number of law enforcement officers who could have received training through the residential classroom method in the same 2-year period;

(C) the effectiveness of the e-learning training course with respect to student-officer performance;

(D) the convenience afforded student-officers with respect to their ability to access the e-learning training course at their own convenience and to return to the on-line, e-learning Web site for refresher training and reference; and

(E) the ability of the on-line, e-learning Web site to safeguard the student officers' private and personal information while providing supervisors with appropriate information about student performance and course completion.

SEC. 132. EXPANSION OF PROGRAM.

(a) IN GENERAL.—After the completion of the Project, the Secretary shall—

(1) continue to make available the on-line, e-learning Web site and the e-learning training course developed in the Project;

(2) annually enroll 100,000 new State, local, and tribal law enforcement officers in such e-learning training course; and

(3) consult with Congress regarding the addition, substitution, or removal of States eligible to participate in such e-learning training course.

(b) LIMITATION ON PARTICIPATION.—An individual is ineligible to participate in the expansion of the Project established under this subtitle if the individual is employed by a State, local, or tribal law enforcement agency that—

(1) has in effect a statute, policy, or practice that prohibits its law enforcement officers from cooperating with Federal immigration enforcement agents; or

(2) is otherwise in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

SEC. 133. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2007.—There are authorized to be appropriated $3,000,000 to the Secretary in fiscal year 2007 to carry out this subtitle.

(b) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated in fiscal year 2008, and each subsequent fiscal year, such sums as may be necessary to continue to operate, promote, and recruit participants for the Project and the expansion of the Project under this subtitle.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section shall remain available until expended.

SA 3467. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 13, strike lines 10 through 13 and insert the following:

(c) STUDY ON THE USE OF TECHNOLOGY TO PREVENT UNLAWFUL IMMIGRATION.—The Secretary shall conduct a study of available technology, including radar animal detection systems, that could be utilized to—

(1) increase the security of the international borders of the United States; and

(2) permit law enforcement officials to detect and prevent illegal immigration.

(d) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report, which shall include—

(1) the plan required under subsection (a);

(2) the results of the study carried out under subsection (c); and

(3) recommendations of the Secretary related to the efficacy of the technologies studied under subsection (c).

SA 3468. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CRIMINAL PENALTIES FOR FORGERY OF FEDERAL DOCUMENTS.

(a) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding at the end the following:

"§ 515. Federal records, documents, and writings, generally

"Any person who—

"(1) falsely makes, alters, forges, or counterfeits any Federal record, Federal document, Federal writing, or record, document, or writing characterizing, or purporting to characterize, official Federal activity, service, contract, obligation, duty, property, or chose;

"(2) utters or publishes as true, or possesses with intent to utter or publish as true, any record, document, or writing described in paragraph (1), knowing, or negligently failing to know, that such record, document, or writing has not been verified, has been inconclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;

"(3) transmits to, or presents at any office, or to any officer, of the United States, any record, document, or writing described in paragraph (1), knowing, or negligently failing to know, that such record, document, or writing has not been verified, has been inconclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;

"(4) attempts, or conspires to commit, any of the acts described in paragraphs (1) through (3); or

"(5) while outside of the United States, engages in any of the acts described in paragraphs (1) through (3),

shall be fined under this title, imprisoned not more than 10 years, or both.".

(b) CLERICAL AMENDMENT.—The table of contents for chapter 25 of title 18, United States Code, is amended by inserting after the item relating to section 514 the following:

"515. Federal records, documents, and writings, generally.".

SA 3469. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMMIGRATION TRAINING FOR LAW ENFORCEMENT.

The Assistant Secretary of Homeland Security for the Bureau of Immigration and Customs Enforcement (ICE) shall maximize the training provided by ICE by using law-enforcement-sensitive, secure, encrypted, Web-based e-learning, including the Distributed Learning Program of the Federal Law Enforcement Training Center to provide—

(1) basic immigration enforcement training for State, local, and tribal police officers;

(2) training, mentoring, and updates authorized under section 287(f)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) through e-learning, to the maximum extent possible; and

(3) access to ICE information, updates, and notices for ICE field agents during field deployments.

SA 3470. Mr. INHOFE (for himself, Mr. ENZI, Mr. BYRD, Mr. COBURN, Mr. BUNNING, Mr. CHAMBLISS, and Mr. ROBERTS) submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL LANGUAGE ACT OF 2006.

(a) SHORT TITLE.—This section may be cited as the "National Language Act of 2006".

(b) ENGLISH AS OFFICIAL LANGUAGE.—

(1) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 6—LANGUAGE OF THE GOVERNMENT

"Sec

"161. Declaration of official language

"162. Official Government activities in English

"163. Preserving and enhancing the role of the official language

"164. Exceptions

"§ 161. Declaration of official language

"English shall be the official language of the Government of the United States.

"§ 162. Official government activities in English

"The Government of the United States shall conduct its official business in English, including publications, income tax forms, and informational materials.

"§ 163. Preserving and enhancing the role of the official language

"The Government of the United States shall preserve and enhance the role of English as the official language of the United States of America. Unless specifically stated in applicable law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If exceptions are made, that does not create a legal entitlement to additional services in that language or any language other than English. If any forms are issued by the Federal government in a language other than English (or such forms are completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.

SA 3471. Mr. INHOFE (for himself, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle D—National Border Neighborhood Watch Program

SEC. 131. NATIONAL BORDER NEIGHBORHOOD WATCH PROGRAM.

The Commissioner of the United States Customs and Border Protection (referred to in this subtitle as the "USCBP") shall establish a National Border Neighborhood Watch Program (referred to in this subtitle as the "NBNW Program") to permit retired law enforcement officers and civilian volunteers to combat illegal immigration into the United States.

SEC. 132. BRAVE FORCE.

(a) ESTABLISHMENT.—There is established in the USCBP a Border Regiment Assisting in Valuable Enforcement Force (referred to in this subtitle as "BRAVE Force"), which shall consist of retired law enforcement officers, to carry out the NBNW Program.

(b) RETIRED LAW ENFORCEMENT OFFICERS.—In this section, the term "retired law enforcement officer" means an individual who—

(1) has retired from employment as a Federal, State, or local law enforcement officer; and

(2) has not reached the Social Security retirement age (as defined in section 216(*l*) of the Social Security Act (42 U.S.C. 416(*l*)).

(c) EFFECT ON PERSONNEL CAPS.—Employees of BRAVE Force hired to carry out the NBNW Program shall be considered as additional agents and shall not count against the USCBP personnel limits.

(d) RETIRED ANNUITANTS.—An employee of BRAVE Force who has worked for the Federal Government shall be considered a rehired annuitant and shall have no reduction in annuity as a result of salary payment for such employees' service in the NBNW Program.

SEC. 133. CIVILIAN VOLUNTEERS.

(a) IN GENERAL.—The USCBP shall provide the opportunity for civilian volunteers to assist in carrying out the purposes of the NBNW Program.

(b) ORGANIZATION.—Not less than 3 civilian volunteers in the NBNW Program may report to each employee of BRAVE Force.

(c) REPORTING.—A civilian volunteer shall report a violation of Federal immigration law to the appropriate employee of BRAVE Force as soon as possible after observing such violation.

(d) REIMBURSEMENT.—A civilian volunteer participating in the NBNW Program shall be eligible for reimbursement by the USCBP for expenses related to carrying out the duties of the NBNW Program.

SEC. 134. LIABILITY OF BRAVE FORCE EMPLOYEES AND CIVILIAN VOLUNTEERS.

(a) CIVILIANS.—A civilian volunteer participating in the NBNW Program shall not be entitled to any immunity from personal liability by virtue of the volunteer's participation in the NBNW Program.

(b) EMPLOYEES.—An employee of the BRAVE Force shall not be liable for the actions of a civilian volunteer participating in the NBNW Program.

SEC. 135. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SA 3472. Mr. INHOFE submitted an amendment intended to be proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 107. ESTABLISHMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT FIELD OFFICE.

(a) FINDINGS.—Congress finds the following:

(1) On July 17, 2002, 18 aliens who were present in the United States illegally, including 3 minors, were taken into custody by the Tulsa County Sheriff's Department. The aliens were later released by officials of the former Immigration and Naturalization Service.

(2) On August 13, 2002, an immigration task force meeting convened in Tulsa, Oklahoma, with the goal of bringing together local law enforcement and the Immigration and Naturalization Service to open a dialogue to find effective ways to better enforce Federal immigration laws in the first District of Oklahoma.

(3) On January 22, 2003, 4 new agents at the Immigration and Naturalization Service office in Oklahoma City were hired.

(4) On January 30, 2003, Oklahoma's Immigration and Naturalization Service office added 6 new special agents to their staff.

(5) On September 22, 2004, officials of the Bureau of Immigration and Customs Enforcement of the Department authorized the release of 18 individuals who may have been present in the United States illegally and were in the custody of the police department of the City of Catoosa, Oklahoma. Catoosa Police stopped a truck carrying 18 individuals, including children, in the early morning hours on that date. Only 2 of the individuals produced identification. One adult was arrested on drug possession charges and the remaining individuals were released.

(6) Oklahoma has 1 Office of Investigations of the Bureau of Immigration and Customs Enforcement, which is located in Oklahoma City. In 2005, 12 agents of the Bureau of Immigration and Customs Enforcement served the 3,500,000 people residing in Oklahoma.

(7) Highway I–44 and U.S.–75 are major roads through Tulsa, Oklahoma, that are used to transport illegal aliens to all areas of the United States.

(8) The establishment of a field office of the Office of Investigations of the Bureau of Immigration and Customs Enforcement in Tulsa, Oklahoma, will help enforce Federal immigration laws in Eastern Oklahoma.

(9) Seven agents of the Drug Enforcement Administration and an estimated 22 agents of the Federal Bureau of Investigation are assigned to duty stations in Tulsa, Oklahoma, and there are no agents of the Bureau of Immigration and Customs Enforcement who are assigned to a duty station in Tulsa, Oklahoma.

(b) ESTABLISHMENT OF FIELD OFFICE IN TULSA, OKLAHOMA.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a field office of the Office of Investigations of the Bureau of Immigration and Customs Enforcement in Tulsa, Oklahoma.

SA 3473. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle D—Immigration Enforcement Training

SEC. 131. IMMIGRATION ENFORCEMENT TRAINING DEMONSTRATION PROJECT.

(a) IN GENERAL.—

(1) AUTHORITY.—The Secretary is authorized to provide assistance to the President of Cameron University, located in Lawton, Oklahoma, to establish and implement the demonstration project (referred to in this subtitle as the ''Project'') described in this subtitle.

(2) PURPOSE.—The purposes of the Project shall be to assess the feasibility of establishing a nationwide e-learning training course, covering basic immigration law enforcement issues, to be used by State, local, and tribal law enforcement officers in order to improve and enhance the ability of such officers, during their routine course of duties, to assist Federal immigration officers in the enforcement of immigration laws of the United States.

(b) PROJECT DIRECTOR RESPONSIBILITIES.—The Project shall be carried out by the Project Director, who shall—

(1) develop an online, e-learning Web site that—

(A) provides State, local, and tribal law enforcement officers access to the e-learning training course;

(B) enrolls officers in the e-learning training course;

(C) records the performance of officers on the course;

(D) tracks officers' proficiency in learning the course's concepts;

(E) ensures a high level of security; and

(F) encrypts personal and sensitive information;

(2) develop an e-learning training course that—

(A) entails not more than 4 hours of training;

(B) is accessible through the on-line, e-learning Web site developed under paragraph (1);

(C) covers the basic principles and practices of immigration law and the policies that relate to the enforcement of immigration laws;

(D) includes instructions about—

(i) employment-based and family-based immigration;

(ii) the various types of nonimmigrant visas;

(iii) the differences between immigrant and nonimmigrant status;

(iv) the differences between lawful and unlawful presence;

(v) the criminal and civil consequences of unlawful presence;

(vi) the various grounds for removal;

(vii) the types of false identification commonly used by illegal and criminal aliens;

(viii) the common methods of alien smuggling and groups that commonly participate in alien smuggling rings;

(ix) the inherent legal authority of local law enforcement officers to enforce federal immigration laws; and

(x) detention and removal procedures, including expeditious removal; and

(E) is accessible through the secure, encrypted on-line, e-learning Web site not later than 90 days of the date of enactment of this Act, and

(F) incorporates content similar to that covered in the 4-hour training course provided by the employees of the Immigration and Naturalization Service to Alabama State Troopers during 2003, in addition to the training given pursuant to an agreement by the State under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and

(3) assess the feasibility of expanding to State, local, and tribal law enforcement agencies throughout the Nation the on-line, e-learning Web site, including the e-learning training course, by using on-line technology.

(c) PERIOD OF PROJECT.—The Project Director shall carry out the demonstration project for a 2-year period beginning 90 days after the date of the enactment of this Act.

(d) PARTICIPATION IN PROJECT.—The Project Director shall carry out the demonstration project by enrolling in the e-learning training course State, local, and tribal law enforcement officers from—

(1) Alabama;

(2) Colorado;

(3) Florida;

(4) Oklahoma;

(5) Texas; and

(6) at least 1, but not more than 3, other States.

(e) PARTICIPATING OFFICERS.—

(1) NUMBER.—A total of 100,000 officers shall have access to, enroll in, and complete the e-learning training course provided under the Project.

(2) APPORTIONMENT.—The number of officers who are selected to participate in the Project shall be apportioned according to the State populations of the participating States.

(3) SELECTION.—Participation in the Project shall—

(A) be equally apportioned between State, county, and municipal law enforcement agency officers;

(B) include, when practicable, a significant subset of tribal law enforcement officers; and

(C) include officers from urban, rural, and highly rural areas.

(4) RECRUITMENT.—Recruitment of participants shall begin immediately, and occur concurrently, with the e-learning training course's establishment and implementation.

(5) LIMITATION ON PARTICIPATION.—Officers shall be ineligible to participate in the demonstration project if they are employed by a State, local, or tribal law enforcement agency that—

(A) has in effect a statute, policy, or practice that prohibits its law enforcement officers from cooperating with Federal immigration enforcement agents; or

(B) is otherwise in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

(6) ADDITIONAL REQUIREMENTS.—The law enforcement officers selected to participate in the e-learning training course provided under the Project—

(A) shall undergo standard vetting procedures, pursuant to the Federal Law Enforcement Training Center Distributed Learning Program, to ensure that each individual is a bona fide law enforcement officer; and

(B) shall be granted continuous access, throughout the 2-year period of the Project, to on-line course material and other training and reference resources accessible through the on-line, e-learning Web site.

(f) REPORT.—

(1) IN GENERAL.—Not later than the end of the 2-year period described in subsection (c), the Project Director shall submit a report on the participation of State, local, and tribal law enforcement officers in the Project's e-learning training course to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(D) the Committee on Homeland Security of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) an estimate of the cost savings realized by offering training through the e-learning training course instead of the residential classroom method;

(B) an estimate of the difference between the 100,000 law enforcement officers who received training through the e-learning training course and the number of law enforcement officers who could have received training through the residential classroom method in the same 2-year period;

(C) the effectiveness of the e-learning training course with respect to student-officer performance;

(D) the convenience afforded student-officers with respect to their ability to access the e-learning training course at their own convenience and to return to the on-line, e-learning Web site for refresher training and reference; and

(E) the ability of the on-line, e-learning Web site to safeguard the student officers' private and personal information while providing supervisors with appropriate information about student performance and course completion.

SEC. 132. EXPANSION OF PROGRAM.

(a) IN GENERAL.—After the completion of the Project, the Secretary shall—

(1) continue to make available the on-line, e-learning Web site and the e-learning training course developed in the Project;

(2) annually enroll 100,000 new State, local, and tribal law enforcement officers in such e-learning training course; and

(3) consult with Congress regarding the addition, substitution, or removal of States eligible to participate in such e-learning training course.

(b) LIMITATION ON PARTICIPATION.—An individual is ineligible to participate in the expansion of the Project established under this subtitle if the individual is employed by a State, local, or tribal law enforcement agency that—

(1) has in effect a statute, policy, or practice that prohibits its law enforcement officers from cooperating with Federal immigration enforcement agents; or

(2) is otherwise in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

SEC. 133. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2007.—There are authorized to be appropriated $3,000,000 to the Secretary in fiscal year 2007 to carry out this subtitle.

(b) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated in fiscal year 2008, and each subsequent fiscal year, such sums as may be necessary to continue to operate, promote, and recruit participants for the Project and the expansion of the Project under this subtitle.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section shall remain available until expended.

SA 3474. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

(c) STUDY ON THE USE OF TECHNOLOGY TO PREVENT UNLAWFUL IMMIGRATION.—The Secretary shall conduct a study of available technology, including radar animal detection systems, that could be utilized to—

(1) increase the security of the international borders of the United States; and

(2) permit law enforcement officials to detect and prevent illegal immigration.

(d) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report, which shall include—

(1) the plan required under subsection (a);

(2) the results of the study carried out under subsection (c); and

(3) recommendations of the Secretary related to the efficacy of the technologies studied under subsection (c).

SA 3475. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CRIMINAL PENALTIES FOR FORGERY OF FEDERAL DOCUMENTS.

(a) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding at the end the following:

"§ 515. Federal records, documents, and writings, generally

''Any person who—

''(1) falsely makes, alters, forges, or counterfeits any Federal record, Federal document, Federal writing, or record, document, or writing characterizing, or purporting to characterize, official Federal activity, service, contract, obligation, duty, property, or chose;

''(2) utters or publishes as true, or possesses with intent to utter or publish as true, any record, document, or writing described in paragraph (1), knowing, or negligently failing to know, that such record, document, or writing has not been verified, has been inconclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;

''(3) transmits to, or presents at any office, or to any officer, of the United States, any record, document, or writing described in paragraph (1), knowing, or negligently failing to know, that such record, document, or writing has not been verified, has been inconclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;

''(4) attempts, or conspires to commit, any of the acts described in paragraphs (1) through (3); or

''(5) while outside of the United States, engages in any of the acts described in paragraphs (1) through (3),

shall be fined under this title, imprisoned not more than 10 years, or both.''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 25 of title 18, United States Code, is amended by inserting after the item relating to section 514 the following:

''515. Federal records, documents, and writings, generally.''.

SA 3476. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMMIGRATION TRAINING FOR LAW ENFORCEMENT.

The Assistant Secretary of Homeland Security for the Bureau of Immigration and Customs Enforcement (ICE) shall maximize the training provided by ICE by using law-enforcement-sensitive, secure, encrypted, Web-based e-learning, including the Distributed Learning Program of the Federal Law Enforcement Training Center to provide—

(1) basic immigration enforcement training for State, local, and tribal police officers;

(2) training, mentoring, and updates authorized under section 287(f)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) through e-learning, to the maximum extent possible; and

(3) access to ICE information, updates, and notices for ICE field agents during field deployments.

SA 3477. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 163, strike lines 23 through 25 and insert the following:

(a) IN GENERAL.—Any alien with nonimmigrant status under subparagraph (H)(i)(b) or (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), who seeks to practice medicine in the United States, other than during participation in an accredited medical residency program, shall, during the 3-year period from the date of commencement of such status (or, in the case of an alien who initially practices medicine as part of such medical residency program, from the date of completion of such program), practice medicine in a facility that treats patients who reside in a Health Professional Shortage Area (as designated under section 5 of title 42, Code of Federal Regulations) or a Medically Underserved Area (as designated by the Secretary of Health and Human Services).

(b) EXEMPTION FROM NUMERICAL LIMITATION.—Section 214(g)(5) (8 U.S.C. 1184(g)(5)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(D) practices medicine in a facility that treats patients who reside in a Health Professional Shortage Area or a Medically Underserved Area, in accordance with section

226(a) of the Comprehensive Immigration Reform Act of 2006.''.

(c) EXTENSION OF WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking ''and before June 1, 2006.''.

SA 3478. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

''(5) DEPUTY UNITED STATES MARSHALS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that investigate criminal matters related to immigration.''.

On page 7, between lines 3 and 4, insert the following:

''(4) DEPUTY UNITED STATES MARSHALS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out paragraph (5) of subsection (a).''.

SA 3479. Mr. DOMENICI (for himself, Mr. DORGAN, Mr. BURNS, Mr. BINGAMAN, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 62, after line 9, add the following:

Subtitle F—Border Infrastructure and Technology Modernization

SEC. 161. SHORT TITLE.

This subtitle may be cited as the ''Border Infrastructure and Technology Modernization Act''.

SEC. 162. DEFINITIONS.

In this subtitle:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term ''maquiladora'' means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term ''northern border'' means the international border between the United States and Canada.

(4) SOUTHERN BORDER.—The term ''southern border'' means the international border between the United States and Mexico.

SEC. 163. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the Bureau of Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106–319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 154; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

SEC. 164. NATIONAL LAND BORDER SECURITY PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, an annually thereafter, the Secretary, after consultation with representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border, shall submit a National Land Border Security Plan to Congress.

(b) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 165. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner, in consultation with the Secretary, shall develop a plan to expand the size and scope, including personnel, of the Customs–Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(A) the Business Anti-Smuggling Coalition;

(B) the Carrier Initiative Program;

(C) the Americas Counter Smuggling Initiative;

(D) the Container Security Initiative;

(E) the Free and Secure Trade Initiative; and

(F) other Industry Partnership Programs administered by the Commissioner.

(2) SOUTHERN BORDER DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall implement, on a demonstration basis, at least 1 Customs–Trade Partnership Against Terrorism program, which has been successfully implemented along the northern border, along the southern border.

(b) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

SEC. 166. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTING.—Under the technology demonstration program, the Secretary shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) DEVELOPMENT OF FACILITIES.—At a demonstration site selected pursuant to subsection (c)(2), the Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under

the technology demonstration program established under this section.

(2) CONTENT.—The report submitted under paragraph (1) shall include an assessment by the Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Bureau of Customs and Border Protection.

SEC. 167. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) such sums as may be necessary for the fiscal years 2007 through 2011 to carry out the provisions of section 153(a);

(2) to carry out section 153(d)—

(A) $100,000,000 for each of the fiscal years 2007 through 2011; and

(B) such sums as may be necessary in any succeeding fiscal year;

(3) to carry out section 155(a)—

(A) $30,000,000 for fiscal year 2007, of which $5,000,000 shall be made available to fund the demonstration project established in section 156(a)(2); and

(B) such sums as may be necessary for the fiscal years 2008 through 2011; and

(4) to carry out section 155(b)—

(A) $5,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for the fiscal years 2008 through 2011; and

(5) to carry out section 156, provided that not more than $10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) $50,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the fiscal years 2008 through 2011.

(b) INTERNATIONAL AGREEMENTS.—Amounts authorized to be appropriated under this subtitle may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this subtitle.

SA 3480. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. COOPERATION WITH THE GOVERNMENT OF MEXICO.

(a) COOPERATION REGARDING BORDER SECURITY.—The Secretary of State, in cooperation with the Secretary and representatives of Federal, State, and local law enforcement agencies that are involved in border security and immigration enforcement efforts, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico regarding—

(1) improved border security along the international border between the United States and Mexico;

(2) the reduction of human trafficking and smuggling between the United States and Mexico;

(3) the reduction of drug trafficking and smuggling between the United States and Mexico;

(4) the reduction of gang membership in the United States and Mexico;

(5) the reduction of violence against women in the United States and Mexico; and

(6) the reduction of other violence and criminal activity.

(b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation with other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a nonimmigrant under Federal law to ensure that the citizens and nationals are not exploited while working in the United States.

(c) COOPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico to encourage circular migration, including assisting in the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on the actions taken by the United States and Mexico under this section.

SA 3481. Mr. DOMENICI (for himself, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ADDITIONAL DISTRICT COURT JUDGESHIPS.

The President shall appoint, by and with the advice and consent of the Senate, such additional district court judges as are necessary to carry out the 2005 recommendations of the Judicial Conference for district courts in which the criminal immigration filings totaled more than 50 per cent of all criminal filings for the 12-month period ending September 30, 2004.

SA 3482. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 3361 submitted by Mr. GRASSLEY (for himself and Mr. KYL) and intended to be proposed to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike title III and insert the following:

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

"(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

"(1) IN GENERAL.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing that the alien is an unauthorized alien with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

"(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) USE OF LABOR THROUGH CONTRACT.—In this section, an employer who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, to obtain the labor of an alien in the United States knowing that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

"(4) REBUTTABLE PRESUMPTION OF UNLAWFUL HIRING.—A rebuttable presumption is created for the purpose of a civil enforcement proceeding that an employer knowingly violated paragraph (1)(A) if the Secretary determines that—

"(A) the employer hired 50 or more new employees during a calendar year and that at least 10 percent of new employees hired in the calendar year by the employer were unauthorized aliens; or

"(B) the employer hired less than 50 new employees during a calendar year and that 5 new employees hired by the employer in the calendar year were unauthorized aliens.

"(5) DEFENSE.—

"(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) without a showing of compliance with subsection (d).

"(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

"(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

"(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the chief executive officer or similar official of the employer shall certify under penalty of perjury that—

"(A) the employer is in compliance with the requirements of subsections (c) and (d); or

"(B) that the employer has instituted a program to come into compliance with such requirements.

"(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

"(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

"(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or

referring for a fee, an individual for employment in the United States shall take all reasonable steps to verify that the individual is eligible for such employment. Such steps shall include meeting the requirements of subsection (d) and the following paragraphs:

''(1) ATTESTATION BY EMPLOYER.—

''(A) REQUIREMENTS.—

''(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining—

''(I) a document described in subparagraph (B); or

''(II) a document described in subparagraph (C) and a document described in subparagraph (D).

''(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

''(iii) STANDARDS FOR EXAMINATION.—An employer has complied with the requirement of this paragraph with respect to examination of a document if the document examined reasonably appears on its face to be genuine. If an individual provides a document (or combination of documents) that reasonably appears on its face to be genuine and that is sufficient to meet the requirement of clause (i), nothing in this paragraph may be construed as requiring the employer to solicit the production of any other document or as requiring the individual to produce such another document.

''(iv) REQUIREMENTS FOR EMPLOYMENT ELIGIBILITY SYSTEM PARTICIPANTS.—A participant in the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employment eligibility verification requirements contained in this section.

''(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT ELIGIBILITY AND IDENTITY.—A document described in this subparagraph is an individual's—

''(i) United States passport; or

''(ii) permanent resident card or other document designated by the Secretary, if the document—

''(I) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary proscribes in regulations is sufficient for the purposes of this subparagraph;

''(II) is evidence of eligibility for employment in the United States; and

''(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

''(C) DOCUMENTS EVIDENCING EMPLOYMENT ELIGIBILITY.—A document described in this subparagraph is an individual's—

''(i) social security account number card issued by the Commissioner of Social Security (other than a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or

''(ii) any other documents evidencing eligibility of employment in the United States, if—

''(I) the Secretary has published a notice in the Federal Register stating that such document is acceptable for purposes of this subparagraph; and

''(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

''(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual's—

''(i) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States provided that such a card or document—

''(I) contains the individual's photograph or information, including the individual's name, date of birth, gender, eye color, and address; and

''(II) contains security features to make such license or card resistant to tampering, counterfeiting, or fraudulent use;

''(ii) identification card issued by a Federal agency or department, including a branch of the Armed Forces, or an agency, department, or entity of a State, or a Native American tribal document, provided that such card or document—

''(I) contains the individual's photograph or information, including the individual's name, date of birth, gender, eye color, and address; and

''(II) contains security features to make the card resistant to tampering, counterfeiting, and fraudulent use; or

''(iii) in the case of an individual who is under 16 years of age who is unable to present a document described in clause (i) or (ii), a document of personal identity of such other type that—

''(I) the Secretary determines is a reliable means of identification; and

''(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

''(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

''(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B), (C), or (D) is not reliable to establish identity or eligibility for employment (as the case may be) or is being used fraudulently to an unacceptable degree, the Secretary is authorized to prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

''(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

''(2) ATTESTATION OF EMPLOYEE.—

''(A) REQUIREMENTS.—

''(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, recruited, or referred for a fee, in the United States.

''(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

''(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

''(3) RETENTION OF ATTESTATION.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation submitted under paragraph (1) or (2) for an individual and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

''(A) in the case of recruiting or referral for a fee of an individual, 3 years after the date of the recruiting or referral; or

''(B) in the case of the hiring of an individual the later of—

''(i) 3 years after the date of such hiring;

''(ii) 1 year after the date of the individual's employment is terminated; or

''(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

''(4) DOCUMENT RETENTION AND RECORD-KEEPING REQUIREMENTS.—

''(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

''(i) IN GENERAL.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer and the individual and the date of receipt of such documents.

''(ii) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

''(B) RETENTION OF CLARIFICATION DOCUMENTS.—The employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual's identity or eligibility for employment in the United States.

''(C) RETENTION OF OTHER RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

''(5) PENALTIES.—An employer that fails to comply with the requirement of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

''(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

''(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

''(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') as described in this subsection.

''(2) MANAGEMENT OF SYSTEM.—

''(A) IN GENERAL.—The Secretary shall, through the System—

''(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual's identity and eligibility for employment in the United States;

''(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

''(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

''(B) INITIAL RESPONSE.—

''(i) IN GENERAL.—The Secretary shall, through the System, tentatively confirm or nonconfirm an individual's identity and eligibility for employment in the United States not later than 1 working day after an employer submits an inquiry regarding the individual.

''(ii) MANUAL VERIFICATION.—If a tentative nonconfirmation is provided for an individual under clause (i), the Secretary, through the System, shall conduct a secondary manual verification not later than 9 working days after such tentative nonconfirmation is made.

''(iii) NOTICES.—Not later than 10 working days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

''(I) if the System is able to confirm, through a verification described in clause (i) or (ii), the individual's identity and eligibility for employment in the United States, an appropriate code indicating such confirmation; or

''(II) if the System is unable to confirm, through a verification described in clause (i) or (ii), the individual's identity or eligibility for employment in the United States, an appropriate code indicating such tentative nonconfirmation.

''(iv) DEFAULT CONFIRMATION IN CASE OF SYSTEM FAILURE.—If the Secretary, through the System, fails to provide a notice described in clause (iii) for an individual within the period described in such clause, an appropriate code indicating confirmation shall be provided to the employer. Such confirmation shall remain in effect for the individual until the Secretary, through the System, provides a notice that—

''(I) the System is unable to confirm the individual's identity; or

''(II) the individual is ineligible for employment in the United States.

''(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

''(i) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(iii)(II), not later than 10 working days after the date an individual submits information to contest such notice under paragraph (7)(C)(ii)(III), the Secretary, through the System, shall issue to the employer an appropriate code indicating final confirmation or final nonconfirmation.

''(ii) DEFAULT CONFIRMATION IN CASE OF SYSTEM FAILURE.—If the Secretary, through the System, fails to confirm or tentatively nonconfirm the individual's identity and eligibility for employment in the United States within the period described in clause (i), an appropriate code indicating confirmation shall be provided to the employer. Such confirmation shall remain in effect for the individual until the Secretary, through the System, provides a notice that—

''(I) the System is unable to confirm the individual's identity; or

''(II) the individual is ineligible for employment in the United States.

''(iii) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (i).

''(D) RIGHT TO APPEAL FINAL NONCONFIRMATION.—The individual shall have the right to an administrative or judicial appeal of a notice of final nonconfirmation. The Secretary shall consult with the Commissioner of Social Security to develop a process for such appeals.

''(E) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

''(i) to maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and security of the information maintained in the System;

''(ii) to respond to each inquiry made by an employer; and

''(iii) to track and record any occurrence when the System is unable to receive such an inquiry;

''(iv) to include appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information during use, transmission, storage, or disposal of that information, including the use of encryption, carrying out periodic stress testing of the System to detect, prevent, and respond to vulnerabilities or other failures, and utilizing periodic security updates;

''(v) to allow for monitoring of the use of the System and provide an audit capability;

''(vi) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status; and

''(vii) to permit individuals—

''(I) to view their own records in order to ensure the accuracy of such records; and

''(II) to contact the appropriate agency to correct any errors through an expedited process established by the Secretary, in consultation and coordination with the Commissioner of Social Security.

''(F) LIMITATION ON DATA ELEMENTS STORED.—The System and any databases created by the Commissioner of Social Security or the Secretary to achieve confirmation, tentative nonconfirmation, or final nonconfirmation under the System shall store only the minimum data about each individual for whom an inquiry was made to facilitate the successful operation of the System, and in no case shall the data stored be other than—

''(i) the individual's full legal name;

''(ii) the individual's date of birth;

''(iii) the individual's social security account number, or employment authorization status identification number;

''(iv) the address of the employer making the inquiry and the dates of any prior inquiries concerning the identity and authorization of the employee by the employer or any other employer and the address of such employer;

''(v) a record of each prior confirmation, tentative nonconfirmation, or final nonconfirmation made by the System for such individual; and

''(vi) in the case of the individual successfully contesting a prior tentative nonconfirmation, explanatory information concerning the successful resolution of any erroneous data or confusion regarding the identity or eligibility for employment of the individual, including the source of that error.

''(G) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

''(i) a determination of whether the name and social security account number provided in an inquiry by an employer match such information maintained by the Commissioner in order to confirm the validity of the information provided;

''(ii) determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner; and

''(iii) a confirmation notice or a nonconfirmation notice under subparagraph (B) or (C), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

''(H) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

''(i) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer match such information maintained by the Secretary in order to confirm the validity of the information provided;

''(ii) a determination of whether such number was issued to the named individual;

''(iii) a determination of whether the individual is authorized to be employed in the United States; and

''(iv) any other related information that the Secretary may require.

''(I) OFFICE OF ELECTRONIC VERIFICATION.—

''(i) IN GENERAL.—The Secretary shall establish the Office of Electronic Verification in the Bureau of Citizenship and Immigration Services.

''(ii) RESPONSIBILITIES.—Subject to available appropriations, the Office of Electronic Verification shall work with the Commissioner of Social Security—

''(I) to update the information maintained in the System in a manner that promotes maximum accuracy;

''(II) to provide a process for correcting erroneous information by registering not less than 97 percent of the new information and information changes submitted by employees within all relevant databases within 24 hours after submission and registering not less than 99 percent of such information within 10 working days after submission;

''(III) to ensure that at least 99 percent of the data received from field offices of the Bureau of Customs and Border Protection and from other points of contact between immigrants and the Department of Homeland Security is registered within all relevant databases within 24 hours after receipt;

''(IV) to ensure that at least 99 percent of the data received from field offices of the Social Security Administration and other points of contact between citizens and the Social Security Administration is registered within all relevant databases within 24 hours after receipt;

''(V) to employ a sufficient number of manual status verifiers to resolve 99 percent of the tentative nonconfirmations within 3 days;

''(VI) to establish and promote call-in help lines accessible to employers and employees on a 24-hour basis with questions about the functioning of the System or about the specific issues underlying a tentative nonconfirmation;

''(VII) to establish an outreach and education program to ensure that all new employers are fully informed of their responsibilities under the System; and

''(VIII) to conduct a random audit of a substantial percentage of workers' files in a database maintained by an agency or department of the United States each year to determine accuracy rates and require corrections of errors in a timely manner.

''(J) RIGHT TO REVIEW SYSTEM INFORMATION AND APPEAL ERRONEOUS NONCONFIRMATIONS.—Any individual who contests a tentative nonconfirmation or final nonconfirmation may review and challenge the accuracy of the data elements and information within the System upon, which such a nonconfirmation was based. Such a challenge may include the ability to submit additional information or appeal any final nonconfirmation to the Office of Electronic Verification. The Office of Electronic Verification shall review any such information submitted pursuant to such a challenge and issue a response and decision concerning the appeal within 7 days of the filing of such a challenge. The Office of Electronic Verification shall at least annually study and issue findings concerning the most common causes for erroneous nonconfirmations and issue recommendations concerning the resolution of such causes.

''(K) PRIVACY IMPACT ASSESSMENT.—The Commissioner of Social Security and the Secretary shall each complete a privacy impact assessment as described in section 208 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note) with regard to the System.

''(L) TRAINING.—The Commissioner of Social Security and the Secretary shall provide appropriate training materials to participating employers to ensure such employers are able to utilize the System in compliance with the requirements of this section.

''(M) HOTLINE.—The Secretary shall establish a fully staffed 24-hour hotline to receive inquiries by employees concerning tentative nonconfirmations and final nonconfirmations and shall identify for employees, at the time of inquiry, the particular data that resulted on the issuance of a nonconfirmation notice under the System.

''(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraphs (4) and (5), the Secretary shall require employers to participate in the System as follows:

''(A) CRITICAL EMPLOYERS.—

''(i) REQUIRED PARTICIPATION.—

''(I) DESIGNATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall designate, in the Secretary's sole and unrevieweable discretion, an employer or class of employers under this subclause if the Secretary determines such employer or class of employers is part of the critical infrastructure of the United States or directly related to the national security or homeland security of the United States.

''(II) PARTICIPATION.—Not later than 180 days after the date an employer or class of employers is designated under subclause (I), the Secretary shall require such employer or class of employers to participate in the System, with respect to employees hired by the employer on or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

''(ii) DISCRETIONARY PARTICIPATION.—

''(I) DESIGNATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary may designate, in the Secretary's sole and unreviewable discretion, an employer or class of employers under this subclause if the Secretary determines such employer or class of employers as a critical employer based on immigration enforcement or homeland security needs.

''(II) PARTICIPATION.—Not later than 180 days after the date an employer or class of employers is designated under subclause (I), the Secretary may require such employer or class of employers to participate in the System, with respect to employees hired on or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

''(B) LARGE EMPLOYERS.—Not later than 2 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 5,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

''(C) MIDSIZED EMPLOYERS.—Not later than 3 years after the date of enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 1,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

''(D) SMALL EMPLOYERS.—Not later than 4 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers with 250 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

''(E) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by an employer after the date the Secretary requires such participation.

''(F) REQUIREMENT TO PUBLISH.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in subparagraphs (B), (C), (D), and (E) prior to the effective date of such requirements.

''(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary's sole and unreviewable discretion to permit any employer that is not required to participate in the System under paragraph (3) to participate in the System on a voluntary basis.

''(5) WAIVER.—

''(A) AUTHORITY TO PROVIDE A WAIVER.—The Secretary is authorized to waive or delay the participation requirements of paragraph (3) with respect to any employer or class of employers if the Secretary provides notice to Congress of such waiver prior to the date such waiver is granted.

''(B) REQUIREMENT TO PROVIDE A WAIVER.—The Secretary shall waive or delay the participation requirements of paragraph (3) with respect to any employer or class of employers until the date that the Comptroller General of the United States submits the initial certification described in paragraph (13)(E) and shall waive or delay such participation during a year if the Comptroller General fails to submit a certification of paragraph (13)(E) for such year.

''(6) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an individual—

''(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to such individual; and

''(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) of this section, however such presumption may not apply to a prosecution under subsection (f)(1).

''(7) SYSTEM REQUIREMENTS.—

''(A) IN GENERAL.—An employer that participates in the System, with respect to the hiring, or recruiting or referring for a fee, of any individual for employment in the United States, shall—

''(i) notify employees of the employer and prospective employees to whom the employer has extended a job offer that the employer participates in the System and that the System may be used for immigration enforcement purposes;

''(ii) obtain from the individual and record on the form designated by the Secretary—

''(I) the individual's social security account number; and

''(II) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such identification or authorization number that the Secretary shall require;

''(iii) retain such form in electronic format, paper, microfilm, or microfiche and make such a form available for inspection for the periods and in the manner described in subsection (c)(3); and

''(iv) safeguard any information collected for purposes of the System and protect any means of access to such information to ensure that such information is not used for any other purpose and to protect the confidentiality of such information, including ensuring that such information is not provided to any person other than a person that carries out the employer's responsibilities under this subsection.

''(B) SEEKING VERIFICATION.—The employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States not later than 3 working days (or such other reasonable time as may be specified by the Secretary of Homeland Security) after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be).

''(C) CONFIRMATION OR NONCONFIRMATION.—

''(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (2)(B)(i) for an individual, the employer shall record, on the form specified by the Secretary, the appropriate code provided in such notice.

''(ii) NONCONFIRMATION AND VERIFICATION.—

''(I) NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (2)(B)(ii) for an individual, the employer shall inform such individual of the issuances of such notice in writing and shall provide the individual with information about the right to contest the tentative nonconfirmation and contact information for the appropriate agency to file such contest.

''(II) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice under subclause (I) within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form specified by the Secretary, the appropriate code provided in the nonconfirmation notice. An individual's failure to contest a tentative nonconfirmation may not be the basis for determining that the individual acted in a knowing (as defined in section 274a.1 of title 8, Code of Federal Regulations, or any corresponding similar regulation) manner.

''(III) CONTEST.—If the individual contests the tentative nonconfirmation notice under subclause (I), the individual shall submit appropriate information to contest such notice to the System within 10 working days of receiving notice from the individual's employer and shall utilize the verification process developed under paragraph (2)(C)(ii).

''(IV) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION.—A tentative nonconfirmation notice shall remain in effect until a final such notice becomes final under clause (II) or a final confirmation notice or final nonconfirmation notice is issued by the System.

''(V) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under subclause (II) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

''(VI) RECORDING OF CONCLUSION ON FORM.—If a final confirmation or nonconfirmation is provided by the System regarding an individual, the employer shall record on the form designated by the Secretary the appropriate code that is provided under the System to indicate a confirmation or nonconfirmation of the identity and employment eligibility of the individual.

''(D) CONSEQUENCES OF NONCONFIRMATION.—

''(i) TERMINATION OF CONTINUED EMPLOYMENT.—If the employer has received a final nonconfirmation regarding an individual,

the employer shall terminate the employment, recruitment, or referral of the individual. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

''(ii) ASSISTANCE IN IMMIGRATION ENFORCEMENT.—If an employer has received a final nonconfirmation which is not the result of the individual's failure to contest a tentative nonconfirmation in subparagraph (C)(ii)(II), the employer shall provide to the Secretary any information relating to the nonconfirmed individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws.

''(E) UNLAWFUL USE OF SYSTEM.—It shall be an unlawful immigration-related employment practice for an employer—

''(i) to use the System prior to an offer of employment;

''(ii) to use the System selectively to exclude certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most applicants;

''(iii) to terminate or undertake any adverse employment action based on a tentative nonconfirmation described in paragraph (2)(B)(iii)(II); or

''(iv) to reverify the employment authorization of hire employees after the 3 days of the employee's hire and after the employee has satisfied the eligibility verification provisions of subsection (b)(1) or to reverify employees hired before the date that the person or entity is required to participate in the System.

''(F) PROHIBITION OF UNLAWFUL ACCESSING AND OBTAINING OF INFORMATION.—

''(i) IMPROPER ACCESS.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly access the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization or modifying the System pursuant to law or regulation. Any individual who unlawfully accesses the System or the databases or shall be fined no less than $1,000 for each individual whose file was compromised or sentenced to less than 6 months imprisonment for each individual whose file was compromised.

''(ii) IDENTITY THEFT.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly obtain the information concerning an individual stored in the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization or modifying the System pursuant to law or regulation. Any individual who unlawfully obtains such information and uses it to commit identity theft for financial gain or to evade security or to assist another in gaining financially or evading security, shall be fined no less than $10,000 for each individual whose information was obtained and misappropriated sentenced to not less than 1 year of imprisonment for each individual whose information was obtained and misappropriated.

''(8) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

''(9) LIMITATION ON USE OF THE SYSTEM.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States to utilize any information, database, or other records used in the System for any purpose other than as provided for under this subsection.

''(10) ACCESS TO DATABASE.—No officer or employee of any agency or department of the United States, other than such an officer or employee who is responsible for the verification of employment eligibility or for the evaluation of an employment eligibility verification program at the Social Security Administration, the Department of Homeland Security, and the Department of Labor, may have access to any information, database, or other records utilized by the System.

''(11) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including requirements with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

''(12) REPORT.—Not later than 1 year after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall submit to Congress a report on the capacity, systems integrity, and accuracy of the System.

''(13) ANNUAL STUDY AND REPORT.—

''(A) REQUIREMENT FOR STUDY.—The Comptroller General of the United States shall conduct an annual study of the System as described in this paragraph.

''(B) PURPOSE OF THE STUDY.—The Comptroller General shall, for each year, undertake a study to determine whether the System meets the following requirements:

''(i) DEMONSTRATED ACCURACY OF THE DATABASES.—New information and information changes submitted by employees to the System is updated in all of the relevant databases within 3 working days of submission in at least 99 percent of all cases.

''(ii) LOW ERROR RATES AND DELAYS IN VERIFICATION.—

''(I) That, during a year, the System provides incorrect tentative nonconfirmation notices under paragraph (2)(B)(ii) for no more than 1 percent of all such notices sent during such year.

''(II) That, during a year, the System provides incorrect final nonconfirmation notices under paragraph (2)(C)(i) for no more than 3 percent of all such notices sent during such year.

''(III) That the number of incorrect tentative nonconfirmation notices under paragraph (2)(B)(ii) provided by the System during a year for individuals who are not citizens of the United States is not more than 300 percent more than the number of such incorrect notices sent to citizens of the United States during such year.

''(IV) That the number of final nonconfirmation notices under paragraph (2)(C)(i) provided by the System during a year for individuals who are not citizens of the United States is not more than 300 percent more than the number of such incorrect notices sent to citizens of the United States during such year.

''(iii) LIMITED IMPLEMENTATION COSTS TO EMPLOYERS.—No employer is required to spend more than $10 to verify the identity and employment eligibility of an individual through the system in any year, including the costs of all staff, training, materials, or other related costs of participation in the System.

''(iv) MEASURABLE EMPLOYER COMPLIANCE WITH SYSTEM REQUIREMENTS.—

''(I) The System has not and will not result in increased discrimination or cause reasonable employers to conclude that employees of certain races or ethnicities are more likely to have difficulties when offered employment caused by the operation of the System.

''(II) The determination described in subclause (I) is based on an independent study commissioned by the Comptroller General in each phase of expansion of the System that includes the use of testers.

''(v) PROTECTION OF WORKERS' PRIVATE INFORMATION.—At least 97 percent of employers who participate in the System are in full compliance with the privacy requirements described in this subsection.

''(vi) ADEQUATE AGENCY STAFFING AND FUNDING.—The Secretary and Commissioner of Social Security have sufficient funding to meet all of the deadlines and requirements of this subsection.

''(C) CONSULTATION.—In conducting a study under this paragraph, the Comptroller General shall consult with representatives from business, labor, immigrant communities, State governments, privacy advocates, and appropriate executive branch agencies.

''(D) REQUIREMENT FOR REPORTS.—Not later that 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, the Comptroller General shall submit to the Secretary and to Congress a report containing the findings of the study carried out under this paragraph. Each report shall include any certification made under subparagraph (E) and, at a minimum, the following:

''(i) An assessment of the impact of the System on the employment of unauthorized workers, including whether it has indirectly caused an increase in exploitation of unauthorized workers.

''(ii) An assessment of the accuracy of databases employed by the System and of the timeliness and accuracy of the System's responses to employers.

''(iii) An assessment of the privacy and confidentiality of the System and of its overall security with respect to cyber theft and theft or misuse of private data.

''(iv) An assessment of whether the System is being implemented in a nondiscriminatory and non-retaliatory manner.

''(v) Recommendations regarding whether or not the System should be modified prior to further expansion.

''(E) CERTIFICATION.—If the Comptroller General determines that the System meets the requirements described in subparagraph (B) for a year, the Comptroller shall certify such determination and submit such certification to Congress with the report required by subparagraph (D).

''(14) SUNSET PROVISION.—Mandatory participation in the System shall be discontinued 6 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006 unless Congress reauthorizes such participation.

''(e) COMPLIANCE.—

''(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

''(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

''(B) for the investigation of those complaints that the Secretary deems it appropriate to investigate; and

''(C) for the investigation of such other violations of subsection (a), as the Secretary determines are appropriate.

''(2) AUTHORITY IN INVESTIGATIONS.—

''(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

''(i) shall have reasonable access to examine evidence of any employer being investigated; and

''(ii) if designated by the Secretary of Homeland Security, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

''(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

''(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this title, or any regulation or order issued under this title.

''(3) COMPLIANCE PROCEDURES.—

''(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

''(i) describe the violation;

''(ii) specify the laws and regulations allegedly violated;

''(iii) disclose the material facts which establish the alleged violation; and

''(iv) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

''(B) REMISSION OR MITIGATION OF PENALTIES.—

''(i) PETITION BY EMPLOYER.—Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A), the employer may file within 30 days from receipt of such notice, with the Secretary a petition for the remission or mitigation of such fine or penalty, or a petition for termination of the proceedings. The petition may include any relevant evidence or proffer of evidence the employer wishes to present, and shall be filed and considered in accordance with procedures to be established by the Secretary.

''(ii) REVIEW BY SECRETARY.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

''(iii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) or of any other requirements of this section.

''(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

''(4) CIVIL PENALTIES.—

''(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1)(A) or (2) of subsection (a) shall pay civil penalties as follows:

''(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

''(ii) If the employer has previously been fined 1 time during the 2-year period preceding the violation under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

''(iii) If the employer has previously been fined more than 1 time during the 2-year period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

''(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the requirements of subsection (b), (c), or (d), shall pay a civil penalty as follows:

''(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

''(ii) If the employer has previously been fined 1 time during the 2-year period preceding the violation under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

''(iii) If the employer has previously been fined more than 1 time during the 2-year period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of $6,000 for each such violation.

''(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the civil penalty described in subsection (g)(2).

''(D) REDUCTION OF PENALTIES.—Notwithstanding subparagraphs (A), (B), and (C), the Secretary is authorized to reduce or mitigate penalties imposed upon employers, based upon factors including the employer's hiring volume, compliance history, good faith implementation of a compliance program, participation in a temporary worker program, and voluntary disclosure of violations of this subsection to the Secretary.

''(E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted every 4 years to account for inflation, as provided by law.

''(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in any appropriate district court of the United States for review of the order. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until the appeal process is completed. The burden shall be on the employer to show that the final determination was not supported by a preponderance of the evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

''(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination, no earlier than 46 days, but no later than 90 days, after the date the final determination is issued, in any appropriate district court of the United States. The burden shall remain on the employer to show that the final determination was not supported by a preponderance of the evidence.

''(7) RECOVERY OF COSTS AND ATTORNEYS' FEES.—In any appeal brought under paragraph (5) by an employer or suit brought under paragraph (6) against an employer, the employer shall be entitled to recover from the Department of Homeland Security reasonable costs and attorneys' fees if such employer substantially prevails on the merits of the case. An award of such attorneys' fees may not exceed $25,000. Any costs and attorneys' fees assessed against the Department of Homeland Security under this paragraph shall be charged against the operating expenses of the Department for the fiscal year in which the assessment is made, and shall not be reimbursed from any other source.

''(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

''(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both.

''(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

''(g) PROHIBITION OF INDEMNITY BONDS.—

''(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

''(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $2,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, the deposit of such amounts as miscellaneous receipts in the general fund.

''(h) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

''(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

''(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section

or is convicted of a crime under this section, the employer may be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 2 years.

''(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

''(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

''(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary of Homeland Secretary to be a repeat violator of this section or is convicted of a crime under this section, may be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

''(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

''(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation shall not be judicially reviewed.

''(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

''(i) MISCELLANEOUS PROVISIONS.—

''(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

''(2) PREEMPTION.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

''(j) DEFINITIONS.—In this section:

''(1) EMPLOYER.—The term 'employer' means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

''(2) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

''(3) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

''(A) an alien lawfully admitted for permanent residence; or

''(B) authorized to be so employed by this Act or by the Secretary.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a) are repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under such sections 401, 402, 403, 404, and 405 in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking ''274A(h)(3)'' and inserting ''274A''.

(2) DOCUMENT REQUIREMENTS.—Section 274B (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking ''274A(b)'' and inserting ''274A(d)''; and

(B) in subsection (g)(2)(B)(ii), by striking ''274A(b)(5)'' and inserting ''274A(d)''.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) COMMISSIONER OF SOCIAL SECURITY.—There are authorized to be appropriated to the Commissioner of Social Security for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out the responsibilities of the Commission under section 274A of the Immigration and Nationality Act, as amended by subsection (a).

(2) SECRETARY OF HOMELAND SECURITY.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out section 274A of the Immigration and Nationality Act, as amended by section 301(a).

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 302. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324 and 1324a) during the 5-year period beginning on the date of the enactment of this Act.

(b) FRAUD DETECTION.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning on the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 303. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking ''citizen'' and inserting ''national''.

SEC. 304. ANTIDISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VERIFICATION SYSTEM.—Section 274B(a)(1) (8 U.S.C. 1324b(a)(1)) is amended by inserting '', the verification of the individual's work authorization through the Electronic Employment Verification System described in section 274A(d),'' after ''the individual for employment''.

(b) CLASSES OF ALIENS AS PROTECTED INDIVIDUALS.—Section 274B(a)(3)(B) (8 U.S.C. 1324b(a)(3)(B)) is amended to read as follows:

''(B) is an alien who is—

''(i) lawfully admitted for permanent residence;

''(ii) granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245(a)(1);

''(iii) admitted as a refugee under section 207;

''(iv) granted asylum under section 208;

''(v) granted the status of a nonimmigrant under section 101(a)(15)(H)(ii)(c);

''(vi) granted temporary protected status under section 244; or

''(vii) granted parole under section 212(d)(5).''.

(c) REQUIREMENTS FOR ELECTRONIC EMPLOYMENT VERIFICATION.—Section 274B(a) (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

''(7) ANTIDISCRIMINATION REQUIREMENTS OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—It is an unfair immigration-related employment practice for a person or other entity, in the course of the electronic verification process described in section 274A(d)—

''(A) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

''(B) to use the verification system for screening of an applicant prior to an offer of employment;

''(C) except as described in section 274A(d)(4)(B), to use the verification system for a current employee after the first 3 days of employment, or for the reverification of an employee after the employee has satisfied the process described in section 274A(b).''.

(d) INCREASE IN CIVIL MONEY PENALTIES.—Section 274B(g)(2) (8 U.S.C. 1324b(g)(2)) is amended—

(1) in subparagraph (B)(iv)—

(A) in subclause (I), by striking ''$250 and not more than $2,000'' and inserting ''$1,000 and not more than $4,000'';

(B) in subclause (II), by striking ''$2,000 and not more than $5,000'' and inserting ''$4,000 and not more than $10,000'';

(C) in subclause (III), by striking ''$3,000 and not more than $10,000'' and inserting ''$6,000 and not more than $20,000''; and

(D) in subclause (IV), by striking ''$100 and not more than $1,000'' and inserting ''$500 and not more than $5,000''.

(e) INCREASED FUNDING OF INFORMATION CAMPAIGN.—Section 274B(l)(3) (8 U.S.C. 1324b(l)(3)) is amended by inserting ''and an additional $40,000,000 for each of fiscal years 2007 through 2009'' before the period at the end.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to violations occurring on or after such date.

SA 3483. Mr. BOND (for himself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the

bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 324, strike line 8 and all that follows through page 332, line 7, and insert the following:

''(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining a master's or doctorate degree or pursuing post-doctoral studies.''.

(b) CREATION OF J-STEM VISA CATEGORY.—Section 101(a)(15)(J) (8 U.S.C. 1101(a)(15)(J)) is amended to read as follows:

''(J) an alien with a residence in a foreign country that the alien has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, and who—

''(i) is coming temporarily to the United States as a participant in a program (other than a graduate program described in clause (ii))designated by the Director of the United States Information Agency, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if coming to the United States to participate in a program under which the alien will receive graduate medical education or training, also meets the requirements of section 212(j), and the alien spouse and minor children of any such alien if accompanying the alien or following to join the alien; or

''(ii) has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the physical or life sciences in the United States for the purpose of obtaining a master's or doctorate degree or pursuing post-doctoral studies.''.

(c) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking ''subparagraph (L) or (V)'' and inserting ''subparagraph (F)(iv), (J)(ii), (L), or (V)''.

(d) REQUIREMENTS FOR F–4 OR J-STEM VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

''(m) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—''; and

(2) by adding at the end the following:

''(3) A visa issued to an alien under subparagraph (F)(iv) or (J)(ii) of section 101(a)(15) shall be valid—

''(A) during the intended period of study in a graduate program described in such section;

''(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

''(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.''.

(e) WAIVER OF FOREIGN RESIDENCE REQUIREMENT.—Section 212(e) (8 U.S.C. 1182(e)) is amended—

(1) by inserting ''(1)'' before ''No person'';

(2) by striking ''admission (i) whose'' and inserting the following: ''admission—

''(A) whose'';

(3) by striking ''residence, (ii) who'' and inserting the following: ''residence;

''(B) who'';

(4) by striking ''engaged, or (iii) who'' and inserting the following: ''engaged; or

''(C) who'';

(5) by striking ''training, shall'' and inserting the following: ''training, ''shall'';

(6) by striking ''United States: *Provided*, That upon'' and inserting the following: ''United States.

''(2) Upon'';

(7) by striking ''section 214(l): And provided further, That, except'' and inserting the following: ''section 214(l).

''(3) Except''; and

(8) by adding at the end the following:

''(4) An alien who qualifies for adjustment of status under section 214(m)(3)(C) shall not be subject to the 2-year foreign residency requirement under this subsection.''.

(f) OFF CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.—

(1) IN GENERAL.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

(g) ADJUSTMENT OF STATUS.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

''(A) the alien makes an application for such adjustment;

''(B) the alien is eligible to receive an immigrant visa;

''(C) the alien is admissible to the United States for permanent residence; and

''(D) an immigrant visa is immediately available to the alien at the time the application is filed.

''(2) STUDENT VISAS.—Notwithstanding the requirement under paragraph (1)(D), an alien may file an application for adjustment of status under this section if—

''(A) the alien has been issued a visa or otherwise provided nonimmigrant status under subparagraph (J)(ii) or (F)(iv) of section 101(a)(15), or would have qualified for such nonimmigrant status if subparagraph (J)(ii) or (F)(iv) of section 101(a)(15) had been enacted before such alien's graduation;

''(B) the alien has earned a master's or doctorate degree or completed post-doctoral studies in the sciences, technology, engineering, or mathematics;

''(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

''(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

''(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.''.

(h) USE OF FEES.—

(1) JOB TRAINING; SCHOLARSHIPS.—Section 286(s)(1) (8 U.S.C. 1356(s)(1)) is amended by inserting ''and 80 percent of the fees collected under section 245(a)(2)(D)'' before the period at the end.

(2) FRAUD PREVENTION AND DETECTION.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting ''and 20 percent of the fees collected under section 245(a)(2)(D)'' before the period at the end.

SEC. 508. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) ALIENS WITH CERTAIN ADVANCED DEGREES NOT SUBJECT TO NUMERICAL LIMITATIONS ON EMPLOYMENT BASED IMMIGRANTS.—

(1) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by section 505, is amended by adding at the end the following:

''(G) Aliens who have earned a master's or doctorate degree, or completed post-doctoral studies, in science, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

''(H) Aliens described in subparagraph (A) or (B) of section 203(b)(1)(A) or who have received a national interest waiver under section 203(b)(2)(B).

''(I) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any visa application—

(A) pending on the date of the enactment of this Act; or

(B) filed on or after such date of enactment.

(b) LABOR CERTIFICATION.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking ''or'' at the end;

(2) in subclause (II), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(III) has a master's or doctorate degree, or completed post-doctoral studies, in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.''.

(c) TEMPORARY WORKERS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''(beginning with fiscal year 1992)''; and

(B) in subparagraph (A)—

(i) in clause (vii), by striking ''each succeeding fiscal year; or'' and inserting ''each of fiscal years 2004, 2005, and 2006;''; and

(ii) by adding after clause (vii) the following:

''(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause; and

''(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or'';

(2) in paragraph (5)—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(D) has earned a master's or doctorate degree, or completed post-doctoral studies, in science, technology, engineering, or math.'';

SA 3484. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 233 beginning on line 14, strike all through page 491, line 9 and insert the following:

(A) by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security'';

(B) in subclause (I), by inserting before the semicolon, ', including a criminal enterprise undertaken by a foreign government, its agents, representatives, or officials';

(C) in subclause (III), by inserting ''where the information concerns a criminal enterprise undertaken by an individual or organization that is not a foreign government, its agents, representatives, or officials,'' before ''whose''; and

(D) by striking ''or'' at the end; and

(2) in clause (ii)—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) by striking ''1956,'' and all that follows through ''the alien;'' and inserting the following: ''1956; or

''(iii) who the Secretary of Homeland Security and the Secretary of State, in consultation with the Director of Central Intelligence, jointly determine—

''(I) is in possession of critical reliable information concerning the activities of governments or organizations, or their agents, representatives, or officials, with respect to weapons of mass destruction and related delivery systems, if such governments or organizations are at risk of developing, selling, or transferring such weapons or related delivery systems; and

''(II) is willing to supply or has supplied, fully and in good faith, information described in subclause (I) to appropriate persons within the United States Government;

''and, if the Secretary of Homeland Security (or with respect to clause (ii), the Secretary of State and the Secretary of Homeland Security jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i), (ii), or (iii) if accompanying, or following to join, the alien;''.

(b) NUMERICAL LIMITATION.—Section 214(k)(1) (8 U.S.C. 1184(k)(1)) is amended by striking ''The number of aliens'' and all that follows through the period and inserting the following: ''The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 1,000.''.

(c) REPORTS.—

(1) CONTENT.—Paragraph (4) of section 214(k) (8 U.S.C. 1184(k)) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''The Attorney General'' and inserting ''The Secretary of Homeland Security''; and

(ii) by striking ''concerning—'' and inserting ''that includes—'';

(B) in subparagraph (D), by striking ''and'';

(C) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(D) by inserting at the end the following:

''(F) in the event that the total number of such nonimmigrants admitted is fewer than 25 percent of the total number provided for under paragraph (1) of this subsection—

''(i) the reasons why the number of such nonimmigrants admitted is fewer than 25 percent of that provided for by law;

''(ii) the efforts made by the Secretary of Homeland Security to admit such nonimmigrants; and

''(iii) any extenuating circumstances that contributed to the admission of a number of such nonimmigrants that is fewer than 25 percent of that provided for by law.''.

(2) FORM OF REPORT.—Section 214(k) (8 U.S.C. 1184(k)) is amended by adding at the end the following new paragraph:

''(5) To the extent required by law and if it is in the interests of national security or the security of such nonimmigrants that are admitted, as determined by the Secretary of Homeland Security, the information contained in a report described in paragraph (4) may be classified, and the Secretary of Homeland Security shall, to the extent feasible, submit a non-classified version of the report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.''.

SEC. 411. L VISA LIMITATIONS.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case'' and inserting ''Except as provided in subparagraph (H), in the case''; and

(3) by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for a period not to exceed 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits to the Secretary of Homeland Security—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements of section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the previous 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the previous 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees if the beneficiary will be employed in a managerial or executive capacity;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii) and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(H)(i) The Secretary of Homeland Security may not authorize the spouse of an alien described under section 101(a)(15)(L), who is a dependent of a beneficiary under subparagraph (G), to engage in employment in the United States during the initial 9-month period described in subparagraph (G)(i).

''(ii) A spouse described in clause (i) may be provided employment authorization upon the approval of an extension under subparagraph (G)(ii).

''(I) For purposes of determining the eligibility of an alien for classification under Section 101(a)(15)(L) of this Act, the Secretary of Homeland Security shall establish a program to work cooperatively with the Department of State to verify a company or facility's existence in the United States and abroad.''.

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle and the amendments made by this subtitle for the first fiscal year beginning before the date of enactment of this Act and each of the subsequent fiscal years beginning not more than 7 years after the effective date of the regulations promulgated by the Secretary to implement this subtitle.

Subtitle B—Immigration Injunction Reform

SEC. 421. SHORT TITLE.

This subtitle may be cited as the ''Fairness in Immigration Litigation Act of 2006''.

SEC. 422. APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.

(a) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in subsection (1) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—This subsection shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(b) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(c) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(d) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term ''consent decree''—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) GOOD CAUSE.—The term ''good cause'' does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term ''Government'' means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term ''permanent relief'' means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term ''private settlement agreement'' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) PROSPECTIVE RELIEF.—The term ''prospective relief'' means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(e) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

SEC. 423. EFFECTIVE DATE.

(a) IN GENERAL.—This subtitle shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(b) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(c) AUTOMATIC STAY FOR PENDING MOTIONS.—

(1) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after such date of enactment.

(2) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government's motion under section 422(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 422(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 422(b)(2)(D).

TITLE V—BACKLOG REDUCTION

SEC. 501. ELIMINATION OF EXISTING BACKLOGS.

(a) FAMILY-SPONSORED IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

''(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

''(1) 480,000;

''(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

''(3) the difference between—

''(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those fiscal years; and

''(B) the number of visas calculated under subparagraph (A) that were issued after fiscal year 2005.''.

(b) EMPLOYMENT-BASED IMMIGRANTS.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

''(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

''(A)(i) 450,000, for each of the fiscal years 2007 through 2016; or

''(ii) 290,000, for fiscal year 2017 and each subsequent fiscal year;

''(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

''(C) the difference between—

''(i) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those fiscal years; and

''(ii) the number of visas calculated under clause (i) that were issued after fiscal year 2005.

''(2) VISAS FOR SPOUSES AND CHILDREN.—Immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).''.

SEC. 502. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking '', (4), and (5)'' and inserting ''and (4)''; and

(B) by striking ''7 percent (in the case of a single foreign state) or 2 percent'' and inserting ''10 percent (in the case of a single foreign state) or 5 percent''; and

(2) by striking paragraph (5).

SEC. 503. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

''(a) PREFERENCE ALLOCATIONS FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated visas as follows:

''(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

''(A) 10 percent of such worldwide level; and

''(B) any visas not required for the class specified in paragraph (4).

''(2) SPOUSES AND UNMARRIED SONS AND DAUGHTERS OF PERMANENT RESIDENT ALIENS.—

''(A) IN GENERAL.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated to qualified immigrants who are—

''(i) the spouses or children of an alien lawfully admitted for permanent residence; or

''(ii) the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

''(B) MINIMUM PERCENTAGE.—Visas allocated to individuals described in subparagraph (A)(i) shall constitute not less than 77

percent of the visas allocated under this paragraph.

''(3) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

''(A) 10 percent of such worldwide level; and

''(B) any visas not required for the classes specified in paragraphs (1) and (2).

''(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of a citizen of the United States who is at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level.''.

(b) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking ''28.6 percent'' and inserting ''15 percent'';

(2) in paragraph (2)(A), by striking ''28.6 percent'' and inserting ''15 percent'';

(3) in paragraph (3)(A)—

(A) by striking ''28.6 percent'' and inserting ''35 percent''; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking ''7.1 percent'' and inserting ''5 percent'';

(7) by inserting after paragraph (4), as redesignated, the following:

''(5) OTHER WORKERS.—

''(A) IN GENERAL.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States.

''(B) PRIORITY.—In allocating visas under subparagraph (A), priority shall be given to qualified immigrants who were physically present in the United States before January 7, 2004,''; and

(8) by striking paragraph (6).

(c) CONFORMING AMENDMENTS.—

(1) DEFINITION OF SPECIAL IMMIGRANT.—Section 101(a)(27)(M) (8 U.S.C. 1101(a)(27)(M)) is amended by striking ''subject to the numerical limitations of section 203(b)(4),''.

(2) REPEAL OF TEMPORARY REDUCTION IN WORKERS' VISAS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (Public Law 105–100; 8 U.S.C. 1153 note) is repealed.

SEC. 504. RELIEF FOR MINOR CHILDREN.

(a) IN GENERAL.—Section 201(b)(2) (8 U.S.C. 1151(b)(2)) is amended to read as follows:

''(2)(A)(i) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa under section 203(a) to their accompanying parent who is an immediate relative.

''(ii) In this subparagraph, the term 'immediate relative' means a child, spouse, or parent of a citizen of the United States (and each child of such child, spouse, or parent who is accompanying or following to join the child, spouse, or parent), except that, in the case of parents, such citizens shall be at least 21 years of age.

''(iii) An alien who was the spouse of a citizen of the United States for not less than 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, and each child of such alien, shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death if the spouse files a petition under section 204(a)(1)(A)(ii) before the earlier of—

''(I) 2 years after such date; or

''(II) the date on which the spouse remarries.

''(iv) In this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) remains an immediate relative if the United States citizen spouse or parent loses United States citizenship on account of the abuse.

''(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.''.

(b) PETITION.—Section 204(a)(1)(A)(ii) (8 U.S.C. 1154 (a)(1)(A)(ii)) is amended by striking ''in the second sentence of section 201(b)(2)(A)(i) also'' and inserting ''in section 201(b)(2)(A)(iii) or an alien child or alien parent described in the 201(b)(2)(A)(iv)''.

SEC. 505. SHORTAGE OCCUPATIONS.

(a) EXCEPTION TO DIRECT NUMERICAL LIMITATIONS.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following new subparagraph:

''(F)(i) During the period beginning on the date of the enactment the Comprehensive Immigration Reform Act of 2006 and ending on September 30, 2017, an alien—

''(I) who is otherwise described in section 203(b); and

''(II) who is seeking admission to the United States to perform labor in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(5)(A) due to the lack of sufficient United States workers able, willing, qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.

''(ii) During the period described in clause (i), the spouse or dependents of an alien described in clause (i), if accompanying or following to join such alien.''.

(b) EXCEPTION TO NONDISCRIMINATION REQUIREMENTS.—Section 202(a)(1)(A) (8 U.S.C. 1152(a)(1)(A)) is amended by striking ''201(b)(2)(A)(i)'' and inserting ''201(b)''.

(c) EXCEPTION TO PER COUNTRY LEVELS FOR FAMILY-SPONSORED AND EMPLOYMENT-BASED IMMIGRANTS.—Section 202(a)(2) (8 U.S.C. 1152(a)(2)), as amended by section 502(1), is further amended by inserting '', except for aliens described in section 201(b),'' after ''any fiscal year''.

(d) INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.—Not later than January 1, 2007, the Secretary of Health and Human Services shall—

(1) submit to Congress a report on the source of newly licensed nurses and physical therapists in each State, which report shall—

(A) include the past 3 years for which data are available;

(B) provide separate data for each occupation and for each State;

(C) separately identify those receiving their initial license and those licensed by endorsement from another State;

(D) within those receiving their initial license in each year, identify the number who received their professional education in the United States and those who received such education outside the United States; and

(E) to the extent possible, identify, by State of residence and country of education, the number of nurses and physical therapists who were educated in any of the 5 countries (other than the United States) from which the most nurses and physical therapists arrived;

(F) identify the barriers to increasing the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(G) recommend strategies to be followed by Federal and State governments that would be effective in removing such barriers, including strategies that address barriers to advancement to become registered nurses for other health care workers, such as home health aides and nurses assistants;

(H) recommend amendments to Federal legislation that would increase the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(I) recommend Federal grants, loans, and other incentives that would provide increases in nurse educators, nurse training facilities, and other steps to increase the domestic education of new nurses and physical therapists;

(J) identify the effects of nurse emigration on the health care systems in their countries of origin; and

(K) recommend amendments to Federal law that would minimize the effects of health care shortages in the countries of origin from which immigrant nurses arrived;

(2) enter into a contract with the National Academy of Sciences Institute of Medicine to determine the level of Federal investment under titles VII and VIII of the Public Health Service Act necessary to eliminate the domestic nursing and physical therapist shortage not later than 7 years from the date on which the report is published; and

(3) collaborate with other agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived, to—

(A) address health worker shortages caused by emigration;

(B) ensure that there is sufficient human resource planning or other technical assistance needed to reduce further health worker shortages in such countries.

SEC. 506. RELIEF FOR WIDOWS AND ORPHANS.

(a) SHORT TITLE.—This section may be cited as the ''Widows and Orphans Act of 2006''.

(b) NEW SPECIAL IMMIGRANT CATEGORY.—

(1) CERTAIN CHILDREN AND WOMEN AT RISK OF HARM.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended—

(A) in subparagraph (L), by inserting a semicolon at the end;

(B) in subparagraph (M), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(N) subject to subsection (j), an immigrant who is not present in the United States—

''(i) who is—

''(I) referred to a consular, immigration, or other designated official by a United States Government agency, an international organization, or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

''(II) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5))—

''(aa) for whom no parent or legal guardian is able to provide adequate care;

''(bb) who faces a credible fear of harm related to his or her age;

''(cc) who lacks adequate protection from such harm; and

''(dd) for whom it has been determined to be in his or her best interests to be admitted to the United States; or

''(ii) who is—

''(I) referred to a consular or immigration official by a United States Government agency, an international organization or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

''(II) determined by such official to be a female who has—

''(aa) a credible fear of harm related to her sex; and

''(bb) a lack of adequate protection from such harm.''.

(2) STATUTORY CONSTRUCTION.—Section 101 (8 U.S.C. 1101) is amended by adding at the end the following:

''(j)(1) No natural parent or prior adoptive parent of any alien provided special immigrant status under subsection (a)(27)(N)(i) shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

''(2)(A) No alien who qualifies for a special immigrant visa under subsection (a)(27)(N)(ii) may apply for derivative status or petition for any spouse who is represented by the alien as missing, deceased, or the source of harm at the time of the alien's application and admission. The Secretary of Homeland Security may waive this requirement for an alien who demonstrates that the alien's representations regarding the spouse were bona fide.

''(B) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) may apply for derivative status or petition for any sibling under the age of 18 years or children under the age of 18 years of any such alien, if accompanying or following to join the alien. For purposes of this subparagraph, a determination of age shall be made using the age of the alien on the date the petition is filed with the Department of Homeland Security.

''(3) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) shall be treated in the same manner as a refugee solely for purposes of section 412.

''(4) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may waive any other provision of such section (other than paragraph 2(C) or subparagraph (A), (B), (C), or (E) of paragraph (3) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation. The Secretary of Homeland Security shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

''(5) For purposes of subsection (a)(27)(N)(i)(II), a determination of age shall be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

''(6) The Secretary of Homeland Security shall waive any application fee for a special immigrant visa for an alien described in section 101(a)(27)(N).''.

(3) EXPEDITED PROCESS.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official (as described in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1))—

(A) special immigrant status shall be adjudicated; and

(B) if special immigrant status is granted, the alien shall be paroled to the United States pursuant to section 212(d)(5) of that Act (8 U.S.C. 1182(d)(5)) and allowed to apply for adjustment of status to permanent residence under section 245 of that Act (8 U.S.C. 1255) within 1 year after the alien's arrival in the United States.

(4) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the progress of the implementation of this section and the amendments made by this section, including—

(A) data related to the implementation of this section and the amendments made by this section;

(B) data regarding the number of placements of females and children who faces a credible fear of harm as referred to in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1); and

(C) any other information that the Secretary considers appropriate.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(c) REQUIREMENTS FOR ALIENS.—

(1) REQUIREMENT PRIOR TO ENTRY INTO THE UNTIED STATES.—

(A) DATABASE SEARCH.—An alien may not be admitted to the United States unless the Secretary has ensured that a search of each database maintained by an agency or department of the United States has been conducted to determine whether such alien is ineligible to be admitted to the Untied States on criminal, security, or related grounds.

(B) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (A) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigration visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (b)(1).

(2) REQUIREMENT AFTER ENTRY INTO THE UNITED STATES.—

(A) REQUIREMENT TO SUBMIT FINGERPRINTS.—

(i) IN GENERAL.—Not later than 30 days after the date that an alien enters the United States, the alien shall be fingerprinted and submit to the Secretary such fingerprints and any other personal biometric data required by the Secretary.

(ii) OTHER REQUIREMENTS.—The Secretary may prescribe regulations that permit fingerprints submitted by an alien under section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of clause (i).

(B) DATABASE SEARCH.—The Secretary shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(C) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (B) is completed not later than 180 days after the date on which the alien enters the United States.

(D) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(i) IN GENERAL.—There may be no review of a determination by the Secretary, after a search required by subparagraph (B), that an alien is ineligible for an adjustment of status, under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds except as provided in this subparagraph.

(ii) ADMINISTRATIVE REVIEW.—An alien may appeal a determination described in clause (i) through the Administrative Appeals Office of the Bureau of Citizenship and Immigration Services. The Secretary shall ensure that a determination on such appeal is made not later than 60 days after the date that the appeal is filed.

(iii) JUDICIAL REVIEW.—There may be no judicial review of a determination described in clause (i).

SEC. 507. STUDENT VISAS.

(a) IN GENERAL.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i)—

(A) by striking ''he has no intention of abandoning, who is'' and inserting the following: ''except in the case of an alien described in clause (iv), the alien has no intention of abandoning, who is—

''(I)'';

(B) by striking ''consistent with section 214(l)'' and inserting ''(except for a graduate program described in clause (iv)) consistent with section 214(m)'';

(C) by striking the comma at the end and inserting the following: ''; or

''(II) engaged in temporary employment for optional practical training related to the alien's area of study, which practical training shall be authorized for a period or periods of up to 24 months;'';

(2) in clause (ii)—

(A) by inserting ''or (iv)'' after ''clause (i)''; and

(B) by striking '', and'' and inserting a semicolon;

(3) in clause (iii), by adding ''and'' at the end; and

(4) by adding at the end the following:

''(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining an advanced degree.''.

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking ''subparagraph (L) or (V)'' and inserting ''subparagraph (F)(iv), (L), or (V)''.

(c) REQUIREMENTS FOR F-4 VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

''(m) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—''; and

(2) by adding at the end the following:

''(3) A visa issued to an alien under section 101(a)(15)(F)(iv) shall be valid—

''(A) during the intended period of study in a graduate program described in such section;

''(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

''(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.''.

(d) OFF CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.—

(1) IN GENERAL.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

(e) ADJUSTMENT OF STATUS.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

''(A) the alien makes an application for such adjustment;

''(B) the alien is eligible to receive an immigrant visa;

''(C) the alien is admissible to the United States for permanent residence; and

''(D) an immigrant visa is immediately available to the alien at the time the application is filed.

''(2) STUDENT VISAS.—Notwithstanding the requirement under paragraph (1)(D), an alien may file an application for adjustment of status under this section if—

''(A) the alien has been issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(F)(iv), or would have qualified for such nonimmigrant status if section 101(a)(15)(F)(iv) had been enacted before such alien's graduation;

''(B) the alien has earned an advanced degree in the sciences, technology, engineering, or mathematics;

''(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

''(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

''(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.''.

(f) USE OF FEES.—

(1) JOB TRAINING; SCHOLARSHIPS.—Section 286(s)(1) (8 U.S.C. 1356(s)(1)) is amended by inserting ''and 80 percent of the fees collected under section 245(a)(2)(D)'' before the period at the end.

(2) FRAUD PREVENTION AND DETECTION.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting ''and 20 percent of the fees collected under section 245(a)(2)(D)'' before the period at the end.

SEC. 508. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) ALIENS WITH CERTAIN ADVANCED DEGREES NOT SUBJECT TO NUMERICAL LIMITATIONS ON EMPLOYMENT BASED IMMIGRANTS.—

(1) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by section 505, is amended by adding at the end the following:

''(G) Aliens who have earned an advanced degree in science, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

''(H) Aliens described in subparagraph (A) or (B) of section 203(b)(1)(A) or who have received a national interest waiver under section 203(b)(2)(B).

''(I) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any visa application—

(A) pending on the date of the enactment of this Act; or

(B) filed on or after such date of enactment.

(b) LABOR CERTIFICATION.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking ''or'' at the end;

(2) in subclause (II), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(III) has an advanced degree in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.''.

(c) TEMPORARY WORKERS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''(beginning with fiscal year 1992)''; and

(B) in subparagraph (A)—

(i) in clause (vii), by striking ''each succeeding fiscal year; or'' and inserting ''each of fiscal years 2004, 2005, and 2006;''; and

(ii) by adding after clause (vii) the following:

''(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause; and

''(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or'';

(2) in paragraph (5)—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(D) has earned an advanced degree in science, technology, engineering, or math.'';

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

''(9) If the numerical limitation in paragraph (1)(A)—

''(A) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

''(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.''.

(d) APPLICABILITY.—The amendment made by subsection (c)(2) shall apply to any visa application—

(1) pending on the date of the enactment of this Act; or

(2) filed on or after such date of enactment.

SA 3485. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 225, beginning on line 17, strike all through page 491, line 9, and insert the following:

(d) OTHER STUDIES AND REPORTS.—

(1) STUDY BY LABOR.—The Secretary of Labor shall conduct a study on a sector-by-sector basis on the need for guest workers and the impact that any proposed temporary worker or guest worker program would have on wages and employment opportunities of American workers.

(2) STUDY BY GAO.—The Comptroller General of the United States shall conduct a study regarding establishing minimum criteria for effectively implementing any proposed temporary worker program and determining whether the Department has the capability to effectively enforce the program. If the Comptroller General determines that the Department does not have the capability to effectively enforce any proposed temporary worker program, the Comptroller General shall determine what additional manpower and resources would be required to ensure effective implementation.

(3) STUDY BY THE DEPARTMENT.—The Secretary shall conduct a study to determine if the border security and interior enforcement measures contained in this Act are being properly implemented and whether they are effective in securing United States borders and curbing illegal immigration.

(4) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall, in cooperation with the Secretary of Labor and the Comptroller General of the United States, submit a report to Congress regarding the studies conducted pursuant to paragraphs (1), (2), and (3).

SEC. 410. S VISAS.

(a) EXPANSION OF S VISA CLASSIFICATION.—Section 101(a)(15)(S) (8 U.S.C. 1101(a)(15)(S)) is amended—

(1) in clause (i)—

(A) by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security'';

(B) in subclause (I), by inserting before the semicolon, ', including a criminal enterprise undertaken by a foreign government, its agents, representatives, or officials';

(C) in subclause (III), by inserting ''where the information concerns a criminal enterprise undertaken by an individual or organization that is not a foreign government, its agents, representatives, or officials,'' before ''whose''; and

(D) by striking ''or'' at the end; and

(2) in clause (ii)—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) by striking ''1956,'' and all that follows through ''the alien;'' and inserting the following: ''1956; or

''(iii) who the Secretary of Homeland Security and the Secretary of State, in consultation with the Director of Central Intelligence, jointly determine—

''(I) is in possession of critical reliable information concerning the activities of governments or organizations, or their agents, representatives, or officials, with respect to weapons of mass destruction and related delivery systems, if such governments or organizations are at risk of developing, selling,

or transferring such weapons or related delivery systems; and

''(II) is willing to supply or has supplied, fully and in good faith, information described in subclause (I) to appropriate persons within the United States Government;

''and, if the Secretary of Homeland Security (or with respect to clause (ii), the Secretary of State and the Secretary of Homeland Security jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i), (ii), or (iii) if accompanying, or following to join, the alien;''.

(b) NUMERICAL LIMITATION.—Section 214(k)(1) (8 U.S.C. 1184(k)(1)) is amended by striking ''The number of aliens'' and all that follows through the period and inserting the following: ''The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 1,000.''.

(c) REPORTS.—

(1) CONTENT.—Paragraph (4) of section 214(k) (8 U.S.C. 1184(k)) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''The Attorney General'' and inserting ''The Secretary of Homeland Security''; and

(ii) by striking ''concerning—'' and inserting ''that includes—'';

(B) in subparagraph (D), by striking ''and'';

(C) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(D) by inserting at the end the following:

''(F) in the event that the total number of such nonimmigrants admitted is fewer than 25 percent of the total number provided for under paragraph (1) of this subsection—

''(i) the reasons why the number of such nonimmigrants admitted is fewer than 25 percent of that provided for by law;

''(ii) the efforts made by the Secretary of Homeland Security to admit such nonimmigrants; and

''(iii) any extenuating circumstances that contributed to the admission of a number of such nonimmigrants that is fewer than 25 percent of that provided for by law.''.

(2) FORM OF REPORT.—Section 214(k) (8 U.S.C. 1184(k)) is amended by adding at the end the following new paragraph:

''(5) To the extent required by law and if it is in the interests of national security or the security of such nonimmigrants that are admitted, as determined by the Secretary of Homeland Security, the information contained in a report described in paragraph (4) may be classified, and the Secretary of Homeland Security shall, to the extent feasible, submit a non-classified version of the report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.''.

SEC. 411. L VISA LIMITATIONS.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case'' and inserting ''Except as provided in subparagraph (H), in the case''; and

(3) by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for a period not to exceed 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits to the Secretary of Homeland Security—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements of section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the previous 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the previous 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees if the beneficiary will be employed in a managerial or executive capacity;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii) and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(H)(i) The Secretary of Homeland Security may not authorize the spouse of an alien described under section 101(a)(15)(L), who is a dependent of a beneficiary under subparagraph (G), to engage in employment in the United States during the initial 9-month period described in subparagraph (G)(i).

''(ii) A spouse described in clause (i) may be provided employment authorization upon the approval of an extension under subparagraph (G)(ii).

''(I) For purposes of determining the eligibility of an alien for classification under Section 101(a)(15)(L) of this Act, the Secretary of Homeland Security shall establish a program to work cooperatively with the Department of State to verify a company or facility's existence in the United States and abroad.''.

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle and the amendments made by this subtitle for the first fiscal year beginning before the date of enactment of this Act and each of the subsequent fiscal years beginning not more than 7 years after the effective date of the regulations promulgated by the Secretary to implement this subtitle.

Subtitle B—Immigration Injunction Reform

SEC. 421. SHORT TITLE.

This subtitle may be cited as the ''Fairness in Immigration Litigation Act of 2006''.

SEC. 422. APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.

(a) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in subsection (1) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—This subsection shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(b) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the

automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(c) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(d) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term ''consent decree''—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) GOOD CAUSE.—The term ''good cause'' does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term ''Government'' means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term ''permanent relief'' means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term ''private settlement agreement'' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) PROSPECTIVE RELIEF.—The term ''prospective relief'' means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(e) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

SEC. 423. EFFECTIVE DATE.

(a) IN GENERAL.—This subtitle shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(b) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(c) AUTOMATIC STAY FOR PENDING MOTIONS.—

(1) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after such date of enactment.

(2) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government's motion under section 422(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 422(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 422(b)(2)(D).

TITLE V—BACKLOG REDUCTION

SEC. 501. ELIMINATION OF EXISTING BACKLOGS.

(a) FAMILY-SPONSORED IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

''(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

''(1) 480,000;

''(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

''(3) the difference between—

''(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those fiscal years; and

''(B) the number of visas calculated under subparagraph (A) that were issued after fiscal year 2005.''.

(b) EMPLOYMENT-BASED IMMIGRANTS.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

''(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

''(A)(i) 450,000, for each of the fiscal years 2007 through 2016; or

''(ii) 290,000, for fiscal year 2017 and each subsequent fiscal year;

''(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

''(C) the difference between—

''(i) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those fiscal years; and

''(ii) the number of visas calculated under clause (i) that were issued after fiscal year 2005.

''(2) VISAS FOR SPOUSES AND CHILDREN.—Immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).''.

SEC. 502. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking '', (4), and (5)'' and inserting ''and (4)''; and

(B) by striking ''7 percent (in the case of a single foreign state) or 2 percent'' and inserting ''10 percent (in the case of a single foreign state) or 5 percent''; and

(2) by striking paragraph (5).

SEC. 503. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

''(a) PREFERENCE ALLOCATIONS FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated visas as follows:

''(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

''(A) 10 percent of such worldwide level; and

''(B) any visas not required for the class specified in paragraph (4).

''(2) SPOUSES AND UNMARRIED SONS AND DAUGHTERS OF PERMANENT RESIDENT ALIENS.—

''(A) IN GENERAL.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated to qualified immigrants who are—

''(i) the spouses or children of an alien lawfully admitted for permanent residence; or

''(ii) the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

''(B) MINIMUM PERCENTAGE.—Visas allocated to individuals described in subparagraph (A)(i) shall constitute not less than 77 percent of the visas allocated under this paragraph.

''(3) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

''(A) 10 percent of such worldwide level; and

''(B) any visas not required for the classes specified in paragraphs (1) and (2).

''(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of a citizen of the United States who is at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level.''.

(b) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking ''28.6 percent'' and inserting ''15 percent'';

(2) in paragraph (2)(A), by striking ''28.6 percent'' and inserting ''15 percent'';

(3) in paragraph (3)(A)—

(A) by striking ''28.6 percent'' and inserting ''35 percent''; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking ''7.1 percent'' and inserting ''5 percent'';

(7) by inserting after paragraph (4), as redesignated, the following:

''(5) OTHER WORKERS.—

''(A) IN GENERAL.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States.

''(B) PRIORITY.—In allocating visas under subparagraph (A), priority shall be given to qualified immigrants who were physically present in the United States before January 7, 2004,''; and

(8) by striking paragraph (6).

(c) CONFORMING AMENDMENTS.—

(1) DEFINITION OF SPECIAL IMMIGRANT.—Section 101(a)(27)(M) (8 U.S.C. 1101(a)(27)(M)) is amended by striking ''subject to the numerical limitations of section 203(b)(4),''.

(2) REPEAL OF TEMPORARY REDUCTION IN WORKERS' VISAS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (Public Law 105–100; 8 U.S.C. 1153 note) is repealed.

SEC. 504. RELIEF FOR MINOR CHILDREN.

(a) IN GENERAL.—Section 201(b)(2) (8 U.S.C. 1151(b)(2)) is amended to read as follows:

''(2)(A)(i) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa under section 203(a) to their accompanying parent who is an immediate relative.

''(ii) In this subparagraph, the term 'immediate relative' means a child, spouse, or parent of a citizen of the United States (and each child of such child, spouse, or parent who is accompanying or following to join the child, spouse, or parent), except that, in the case of parents, such citizens shall be at least 21 years of age.

''(iii) An alien who was the spouse of a citizen of the United States for not less than 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, and each child of such alien, shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death if the spouse files a petition under section 204(a)(1)(A)(ii) before the earlier of—

''(I) 2 years after such date; or

''(II) the date on which the spouse remarries.

''(iv) In this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) remains an immediate relative if the United States citizen spouse or parent loses United States citizenship on account of the abuse.

''(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.''.

(b) PETITION.—Section 204(a)(1)(A)(ii) (8 U.S.C. 1154 (a)(1)(A)(ii)) is amended by striking ''in the second sentence of section 201(b)(2)(A)(i) also'' and inserting ''in section 201(b)(2)(A)(iii) or an alien child or alien parent described in the 201(b)(2)(A)(iv)''.

SEC. 505. SHORTAGE OCCUPATIONS.

(a) EXCEPTION TO DIRECT NUMERICAL LIMITATIONS.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following new subparagraph:

''(F)(i) During the period beginning on the date of the enactment the Comprehensive Immigration Reform Act of 2006 and ending on September 30, 2017, an alien—

''(I) who is otherwise described in section 203(b); and

''(II) who is seeking admission to the United States to perform labor in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(5)(A) due to the lack of sufficient United States workers able, willing, qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.

''(ii) During the period described in clause (i), the spouse or dependents of an alien described in clause (i), if accompanying or following to join such alien.''.

(b) EXCEPTION TO NONDISCRIMINATION REQUIREMENTS.—Section 202(a)(1)(A) (8 U.S.C. 1152(a)(1)(A)) is amended by striking ''201(b)(2)(A)(i)'' and inserting ''201(b)''.

(c) EXCEPTION TO PER COUNTRY LEVELS FOR FAMILY-SPONSORED AND EMPLOYMENT-BASED IMMIGRANTS.—Section 202(a)(2) (8 U.S.C. 1152(a)(2)), as amended by section 502(1), is further amended by inserting '', except for aliens described in section 201(b),'' after ''any fiscal year''.

(d) INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.—Not later than January 1, 2007, the Secretary of Health and Human Services shall—

(1) submit to Congress a report on the source of newly licensed nurses and physical therapists in each State, which report shall—

(A) include the past 3 years for which data are available;

(B) provide separate data for each occupation and for each State;

(C) separately identify those receiving their initial license and those licensed by endorsement from another State;

(D) within those receiving their initial license in each year, identify the number who received their professional education in the United States and those who received such education outside the United States; and

(E) to the extent possible, identify, by State of residence and country of education, the number of nurses and physical therapists who were educated in any of the 5 countries (other than the United States) from which the most nurses and physical therapists arrived;

(F) identify the barriers to increasing the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(G) recommend strategies to be followed by Federal and State governments that would be effective in removing such barriers, including strategies that address barriers to advancement to become registered nurses for other health care workers, such as home health aides and nurses assistants;

(H) recommend amendments to Federal legislation that would increase the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(I) recommend Federal grants, loans, and other incentives that would provide increases in nurse educators, nurse training facilities, and other steps to increase the domestic education of new nurses and physical therapists;

(J) identify the effects of nurse emigration on the health care systems in their countries of origin; and

(K) recommend amendments to Federal law that would minimize the effects of health care shortages in the countries of origin from which immigrant nurses arrived;

(2) enter into a contract with the National Academy of Sciences Institute of Medicine to determine the level of Federal investment under titles VII and VIII of the Public Health Service Act necessary to eliminate the domestic nursing and physical therapist shortage not later than 7 years from the date on which the report is published; and

(3) collaborate with other agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived, to—

(A) address health worker shortages caused by emigration;

(B) ensure that there is sufficient human resource planning or other technical assistance needed to reduce further health worker shortages in such countries.

SEC. 506. RELIEF FOR WIDOWS AND ORPHANS.

(a) SHORT TITLE.—This section may be cited as the ''Widows and Orphans Act of 2006''.

(b) NEW SPECIAL IMMIGRANT CATEGORY.—

(1) CERTAIN CHILDREN AND WOMEN AT RISK OF HARM.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended—

(A) in subparagraph (L), by inserting a semicolon at the end;

(B) in subparagraph (M), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(N) subject to subsection (j), an immigrant who is not present in the United States—

''(i) who is—

''(I) referred to a consular, immigration, or other designated official by a United States Government agency, an international organization, or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

''(II) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5))—

''(aa) for whom no parent or legal guardian is able to provide adequate care;

''(bb) who faces a credible fear of harm related to his or her age;

''(cc) who lacks adequate protection from such harm; and

''(dd) for whom it has been determined to be in his or her best interests to be admitted to the United States; or

''(ii) who is—

''(I) referred to a consular or immigration official by a United States Government agency, an international organization or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

''(II) determined by such official to be a female who has—

''(aa) a credible fear of harm related to her sex; and

''(bb) a lack of adequate protection from such harm.''.

(2) STATUTORY CONSTRUCTION.—Section 101 (8 U.S.C. 1101) is amended by adding at the end the following:

''(j)(1) No natural parent or prior adoptive parent of any alien provided special immigrant status under subsection (a)(27)(N)(i) shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

''(2)(A) No alien who qualifies for a special immigrant visa under subsection (a)(27)(N)(ii) may apply for derivative status or petition for any spouse who is represented by the alien as missing, deceased, or the source of harm at the time of the alien's application and admission. The Secretary of Homeland Security may waive this requirement for an alien who demonstrates that the alien's representations regarding the spouse were bona fide.

''(B) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) may apply for derivative status or petition for any sibling under the age of 18 years or children under the age of 18 years of any such alien, if accompanying or following to join the alien. For purposes of this subparagraph, a determination of age shall be made using the age of the alien on the date the petition is filed with the Department of Homeland Security.

''(3) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) shall be treated in the same manner as a refugee solely for purposes of section 412.

''(4) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may waive any other provision of such section (other than paragraph 2(C) or subparagraph (A), (B), (C), or (E) of paragraph (3) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation. The Secretary of Homeland Security shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal

year and a summary of the reasons for granting such waivers.

''(5) For purposes of subsection (a)(27)(N)(i)(II), a determination of age shall be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

''(6) The Secretary of Homeland Security shall waive any application fee for a special immigrant visa for an alien described in section 101(a)(27)(N).''.

(3) EXPEDITED PROCESS.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official (as described in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1))—

(A) special immigrant status shall be adjudicated; and

(B) if special immigrant status is granted, the alien shall be paroled to the United States pursuant to section 212(d)(5) of that Act (8 U.S.C. 1182(d)(5)) and allowed to apply for adjustment of status to permanent residence under section 245 of that Act (8 U.S.C. 1255) within 1 year after the alien's arrival in the United States.

(4) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the progress of the implementation of this section and the amendments made by this section, including—

(A) data related to the implementation of this section and the amendments made by this section;

(B) data regarding the number of placements of females and children who faces a credible fear of harm as referred to in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1); and

(C) any other information that the Secretary considers appropriate.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(c) REQUIREMENTS FOR ALIENS.—

(1) REQUIREMENT PRIOR TO ENTRY INTO THE UNTIED STATES.—

(A) DATABASE SEARCH.—An alien may not be admitted to the United States unless the Secretary has ensured that a search of each database maintained by an agency or department of the United States has been conducted to determine whether such alien is ineligible to be admitted to the Untied States on criminal, security, or related grounds.

(B) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (A) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigration visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (b)(1).

(2) REQUIREMENT AFTER ENTRY INTO THE UNITED STATES.—

(A) REQUIREMENT TO SUBMIT FINGERPRINTS.—

(i) IN GENERAL.—Not later than 30 days after the date that an alien enters the United States, the alien shall be fingerprinted and submit to the Secretary such fingerprints and any other personal biometric data required by the Secretary.

(ii) OTHER REQUIREMENTS.—The Secretary may prescribe regulations that permit fingerprints submitted by an alien under section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of clause (i).

(B) DATABASE SEARCH.—The Secretary shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(C) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (B) is completed not later than 180 days after the date on which the alien enters the United States.

(D) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(i) IN GENERAL.—There may be no review of a determination by the Secretary, after a search required by subparagraph (B), that an alien is ineligible for an adjustment of status, under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds except as provided in this subparagraph.

(ii) ADMINISTRATIVE REVIEW.—An alien may appeal a determination described in clause (i) through the Administrative Appeals Office of the Bureau of Citizenship and Immigration Services. The Secretary shall ensure that a determination on such appeal is made not later than 60 days after the date that the appeal is filed.

(iii) JUDICIAL REVIEW.—There may be no judicial review of a determination described in clause (i).

SEC. 507. STUDENT VISAS.

(a) IN GENERAL.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i)—

(A) by striking ''he has no intention of abandoning, who is'' and inserting the following: ''except in the case of an alien described in clause (iv), the alien has no intention of abandoning, who is—

''(I)'';

(B) by striking ''consistent with section 214(l)'' and inserting ''(except for a graduate program described in clause (iv)) consistent with section 214(m)'';

(C) by striking the comma at the end and inserting the following: ''; or

''(II) engaged in temporary employment for optional practical training related to the alien's area of study, which practical training shall be authorized for a period or periods of up to 24 months;'';

(2) in clause (ii)—

(A) by inserting ''or (iv)'' after ''clause (i)''; and

(B) by striking '', and'' and inserting a semicolon;

(3) in clause (iii), by adding ''and'' at the end; and

(4) by adding at the end the following:

''(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining an advanced degree.''.

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking ''subparagraph (L) or (V)'' and inserting ''subparagraph (F)(iv), (L), or (V)''.

(c) REQUIREMENTS FOR F-4 VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

''(m) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—''; and

(2) by adding at the end the following:

''(3) A visa issued to an alien under section 101(a)(15)(F)(iv) shall be valid—

''(A) during the intended period of study in a graduate program described in such section;

''(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

''(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.''.

(d) OFF CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.—

(1) IN GENERAL.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

(e) ADJUSTMENT OF STATUS.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

''(A) the alien makes an application for such adjustment;

''(B) the alien is eligible to receive an immigrant visa;

''(C) the alien is admissible to the United States for permanent residence; and

''(D) an immigrant visa is immediately available to the alien at the time the application is filed.

''(2) STUDENT VISAS.—Notwithstanding the requirement under paragraph (1)(D), an alien

may file an application for adjustment of status under this section if—

''(A) the alien has been issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(F)(iv), or would have qualified for such nonimmigrant status if section 101(a)(15)(F)(iv) had been enacted before such alien's graduation;

''(B) the alien has earned an advanced degree in the sciences, technology, engineering, or mathematics;

''(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

''(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

''(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.''.

(f) USE OF FEES.—

(1) JOB TRAINING; SCHOLARSHIPS.—Section 286(s)(1) (8 U.S.C. 1356(s)(1)) is amended by inserting ''and 80 percent of the fees collected under section 245(a)(2)(D)'' before the period at the end.

(2) FRAUD PREVENTION AND DETECTION.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting ''and 20 percent of the fees collected under section 245(a)(2)(D)'' before the period at the end.

SEC. 508. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) ALIENS WITH CERTAIN ADVANCED DEGREES NOT SUBJECT TO NUMERICAL LIMITATIONS ON EMPLOYMENT BASED IMMIGRANTS.—

(1) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by section 505, is amended by adding at the end the following:

''(G) Aliens who have earned an advanced degree in science, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

''(H) Aliens described in subparagraph (A) or (B) of section 203(b)(1)(A) or who have received a national interest waiver under section 203(b)(2)(B).

''(I) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any visa application—

(A) pending on the date of the enactment of this Act; or

(B) filed on or after such date of enactment.

(b) LABOR CERTIFICATION.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking ''or'' at the end;

(2) in subclause (II), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(III) has an advanced degree in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.''.

(c) TEMPORARY WORKERS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''(beginning with fiscal year 1992)''; and

(B) in subparagraph (A)—

(i) in clause (vii), by striking ''each succeeding fiscal year; or'' and inserting ''each of fiscal years 2004, 2005, and 2006;''; and

(ii) by adding after clause (vii) the following:

''(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause; and

''(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or''.

(2) in paragraph (5)—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(D) has earned an advanced degree in science, technology, engineering, or math.''.

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

''(9) If the numerical limitation in paragraph (1)(A)—

''(A) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

''(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.''.

(d) APPLICABILITY.—The amendment made by subsection (c)(2) shall apply to any visa application—

(1) pending on the date of the enactment of this Act; or

(2) filed on or after such date of enactment.

SA 3486. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike line 13 through page 13, line 20, and insert the following:

''SEC. 105. PORTS OF ENTRY.

To facilitate the flow of trade, commerce, tourism, and legal immigration, the Secretary shall—

(1) at locations to be determined by the Secretary, increase by at least 25 percent, the number of ports of entry along the southwestern international border of the United States;

(2) increase the port of entry along the northern international land border as needed; and

(3) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106 CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) OTHER SECTORS.—

(1) REINFORCED FENCING—The Secretary shall construct a double- or triple-layered fence

(A) extending from 10 miles west of the Tecate, California, port of entry to 10 miles east of the Tecate, California, port of entry;

(B) extending from 10 miles west of the Calexico, California, port of entry to 5 miles east of the Douglas, Arizona, port of entry;

(C) extending from 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso, Texas;

(D) extending from 5 miles northwest of the Del Rio, Texas, port of entry to 5 miles southeast of the Eagle Pass, Texas, port of entry; and

(E) extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry.

(d) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) (b) and (c), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) (b) and (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''

SA 3487. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike line 13 through page 13, line 20, and insert the following:

''SEC. 105. PORTS OF ENTRY.

To facilitate the flow of trade, commerce, tourism, and legal immigration, the Secretary shall—

(1) at locations to be determined by the Secretary, increase by at least 25 percent, the number of ports of entry along the southwestern international border of the United States;

(2) increase the ports of entry along the northern international land border as needed; and

(3) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106 CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-fencing running

parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) OTHER SECTORS.—

(1) REINFORCED FENCING.—The Secretary shall construct not less than 700 additional miles of double- or triple-layered fencing at strategic locations along the southwest international border to be determined by the Secretary.

(2) PRIORITY AREAS.—In determining strategic locations under paragraph (c)(1), the Secretary shall prioritize, to the maximum extent practicable—

(A) areas with the highest illegal alien apprehension rates; and

(B) areas with the highest human and drug trafficking rates, in the determination of the Secretary.

(d) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) (b) and (c), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) (b) and (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''

SA 3488. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 169, line 1 and 2 strike ''of the criminal provisions''.

SA 3489. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 509. REQUIREMENTS FOR NATURALIZATION.

(a) ENGLISH LANGUAGE REQUIREMENTS.—Section 312(a)(1) (8 U.S.C. 1423(a)(1)) is amended to read as follows:

''(1) an understanding of the English language on an eighth grade level, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State; and''.

(b) REQUIREMENT FOR HISTORY AND GOVERNMENT TESTING.—Section 312(a)(2) (8 U.S.C. 1423(a)(2)) is amended by striking the period at the end and inserting '', as demonstrated by receiving a passing score on a standardized test administered by the Secretary of Homeland Security of not less than 50 randomly selected questions from a database of not less than 1000 questions developed by the Secretary.''.

SA 3490. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 5, after line 16, add new Sections 3 (3); 3(4); and 3(5) that reads:

(3) BIOMETRIC.—The term ''Biometric'' includes the collection of, at a minimum, all 10 fingerprints from an individual, unless the individual is missing one or more of their digits, in which case the term ''biometric'' shall include the collection of, at a minimum, all fingerprints available.

(4) BIOMETRIC IDENTIFIER.—The term ''biometric identifier'' includes identifying an individual through the use of, at a minimum, fingerprint biometrics. The term does not include identification through a facial recognition biometric alone.

(5) BIOMETRIC AUTHENTICATION.—The term ''biometric authentication'' includes, at a minimum, authentication through the use of a fingerprint biometric.

SA 3491. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—IMMIGRATION LITIGATION REDUCTION

SEC. 701. CONSOLIDATION OF IMMIGRATION APPEALS.

(a) REAPPORTIONMENT OF CIRCUIT COURT JUDGES.—The table in section 44(a) of title 28, United States Code, is amended in the item relating to the Federal Circuit by striking ''12'' and inserting ''15''.

(b) REVIEW OF ORDERS OF REMOVAL.—Section 242(b) (8 U.S.C. 1252(b)) is amended—

(1) in paragraph (2), by striking the first sentence and inserting ''The petition for review shall be filed with the United States Court of Appeals for the Federal Circuit.'';

(2) in paragraph (5)(B), by adding at the end the following: ''Any appeal of a decision by the district court under this paragraph shall be filed with the United States Court of Appeals for the Federal Circuit.''; and

(3) in paragraph (7), by amending subparagraph (C) to read as follows:

''(C) CONSEQUENCE OF INVALIDATION AND VENUE OF APPEALS.—

''(i) INVALIDATION.—If the district court rules that the removal order is invalid, the court shall dismiss the indictment for violation of section 243(a).

''(ii) APPEALS.—The United States Government may appeal a dismissal under clause (i) to the United States Court of Appeals for the Federal Circuit within 30 days after the date of the dismissal. If the district court rules that the removal order is valid, the defendant may appeal the district court decision to the United States Court of Appeals for the Federal Circuit within 30 days after the date of completion of the criminal proceeding.''.

(c) REVIEW OF ORDERS REGARDING INADMISSABLE ALIENS.—Section 242(e) (8 U.S.C. 1252(e)) is amended by adding at the end the following new paragraph:

''(6) VENUE.—The petition to appeal any decision by the district court pursuant to this subsection shall be filed with the United States Court of Appeals for the Federal Circuit.''.

(d) EXCLUSIVE JURISDICTION.—Section 242(g) (8 U.S.C. 1252(g)) is amended—

(1) by striking ''Except''; and inserting the following:

''(1) IN GENERAL.—Except''; and

(2) by adding at the end the following:

''(2) APPEALS.—Notwithstanding any other provision of law, the United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction to review a district court order arising from any action taken, or proceeding brought, to remove or exclude an alien from the United States, including a district court order granting or denying a petition for writ of habeas corpus.''.

(e) JURISDICTION OF THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—

(1) EXCLUSIVE JURISDICTION.—Section 1295(a) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(15) of an appeal to review a final administrative order or a district court decision arising from any action taken, or proceeding brought, to remove or exclude an alien from the United States.''.

(2) CONFORMING AMENDMENTS.—Such section 1295(a) is further amended—

(A) in paragraph (13), by striking ''and''; and

(B) in paragraph (14), by striking the period at the end and inserting a semicolon and ''and''.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Court of Appeals for the Federal Circuit for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of additional attorneys for the such Court.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of enactment of this Act and shall apply to any final agency order or district court decision entered on or after the date of enactment of this Act.

SEC. 702. CERTIFICATE OF REVIEWABILITY.

(a) BRIEFS.—Section 242(b)(3)(C) (8 U.S.C. 1252(b)(3)(C)) is amended to read as follows:

''(C) BRIEFS.—

''(i) ALIEN'S BRIEF.—The alien shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available. The court may not extend this deadline except upon motion for good cause shown. If an alien fails to file a brief within the time provided in this subparagraph, the court shall dismiss the appeal unless a manifest injustice would result.

''(ii) UNITED STATES BRIEF.—The United States shall not be afforded an opportunity to file a brief in response to the alien's brief until a judge issues a certificate of reviewability as provided in subparagraph (D), unless the court requests the United

States to file a reply brief prior to issuing such certification.''.

(b) CERTIFICATE OF REVIEWABILITY.—Section 242(b)(3) (8 U.S.C. 1252 (b)(3)) is amended by adding at the end the following new subparagraphs:

''(D) CERTIFICATE OF REVIEWABILITY.—

''(i) After the alien has filed a brief, the petition for review shall be assigned to one judge on the Federal Circuit Court of Appeals.

''(ii) Unless such judge issues a certificate of reviewability, the petition for review shall be denied and the United States may not file a brief.

''(iii) Such judge may not issue a certificate of reviewability under clause (ii) unless the petitioner establishes a prima facie case that the petition for review should be granted.

''(iv) Such judge shall complete all action on such certificate, including rendering judgment, not later than 60 days after the date on which the judge is assigned the petition for review, unless an extension is granted under clause (v).

''(v) Such judge may grant, on the judge's own motion or on the motion of a party, an extension of the 60-day period described in clause (iv) if—

''(I) all parties to the proceeding agree to such extension; or

''(II) such extension is for good cause shown or in the interests of justice, and the judge states the grounds for the extension with specificity.

''(vi) If no certificate of reviewability is issued before the end of the period described in clause (iv), including any extension under clause (v), the petition for review shall be denied, any stay or injunction on petitioner's removal shall be dissolved without further action by the court or the Government, and the alien may be removed.

''(vii) If such judge issues a certificate of reviewability under clause (ii), the Government shall be afforded an opportunity to file a brief in response to the alien's brief. The alien may serve and file a reply brief not later than 14 days after service of the Government brief, and the court may not extend this deadline except upon motion for good cause shown.

''(E) NO FURTHER REVIEW OF DECISION NOT TO ISSUE A CERTIFICATE OF REVIEWABILITY.—The decision of a judge on the Federal Circuit Court of Appeals not to issue a certificate of reviewability or to deny a petition for review, shall be the final decision for the Federal Circuit Court of Appeals and may not be reconsidered, reviewed, or reversed by the such Court through any mechanism or procedure.''.

SA 3492. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection 644(c)(3) and insert:

(3) ENGLISH AND HISTORY AND GOVERNMENT REQUIREMENTS.— Section 312(a) is amended to read as follows:

''(a) No person except as otherwise provided in this title shall hereafter be naturalized as a citizen of the United States upon his own application who cannot demonstrate—''

''(1) an understanding of the English language on an eighth grade level, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State; and''

''(2) a knowledge and understanding of the fundamentals of the history, and of the principles and form of government of the United Staes, as demonstrated by receiving a passing score on a standardized test administered by the Secretary of the Department of Homeland Security of not less than 50 randomly selected questions from a database of not less than 1000 questions developed by the Secretary.''

SA 3493. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike lines 13 through 20 and insert the following:

SEC. 105. PORTS OF ENTRY.

To facilitate the flow of trade, commerce, tourism, and legal immigration, the Secretary shall—

(1) at locations to be determined by the Secretary, increase by at least 25 percent the number of ports of entry along the southwestern border of the United States;

(2) increase the ports of entry along the northern international land border as needed; and

(3) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

On page 13, between lines 5 and 6 insert the following:

(c) OTHER SECTORS.—

(1) REINFORCED FENCING.—The Secretary shall construct not less than 700 additional miles of double- or triple-layered fencing at strategic locations along the southwest border at strategic locations to be determined by the Secretary.

(2) PRIORITY AREAS.—In determining strategic locations under paragraph (1), the Secretary shall prioritize, to the maximum extent practicable—

(A) areas with the highest illegal alien apprehension rates; and

(B) areas with the highest human and drug trafficking rates, in the determination of the Secretary.

On page 13, line 6, strike ''(c)'' and insert ''(d)''.

On page 13, line 11, strike ''(d)'' and insert ''(e)''.

On page 13, line 18, strike ''(e)'' and insert ''(f)''.

SA 3494. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 351, strike lines 9 through 12, and insert the following:

''(3) CRIMINAL PENALTY.—Any person who knowingly uses, discloses, or allows to be disclosed information in violation of this subsection shall be fined not more than $1,000.

SA 3495. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 350, strike line 4 and all that follows through 350, line 21, and insert the following:

''(i) CONFIDENTIALITY OF INFORMATION.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, no Federal agency or bureau, nor any officer, employee, or agent of such agency or bureau, may use the information filed by the applicant under this section for any purpose other than the enforcement and administration of the immigration laws.

''(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security shall provide the information furnished pursuant to an application filed under this section, and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

''(3) CRIMINAL PENALTY.—Any person who knowingly uses, discloses, or allows to be disclosed information in violation of this subsection shall be fined not more than $1,000.

SA 3496. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.

No alien granted legal status under this Act or an amendment made by this Act shall be granted any public benefit as a result of the changed status of the alien, including any cash or non-cash assistance, postsecondary educational assistance, housing assistance, daycare assistance, food stamps, Medicaid, or other individual public assistance, whether or not receipt of the public assistance would be sufficient for the person to be considered a public charge under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)).

SA 3497. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 350, strike line 5 and all that follows through 350, line 21, and insert the following:

''(1) IN GENERAL.—Except as otherwise provided in this subsection, no Federal agency or bureau, nor any officer, employee, or agent of such agency or bureau, may use the information filed by the applicant under this section for any purpose other than the enforcement and administration of the immigration laws.

SA 3498. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 241, strike lines 13 and 14 and insert the following:

''(A) paragraphs (5) and (7) of section 212(a) may be waived for

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SA 3499. Mr. SESSIONS submitted an amendment intended to be proposed by

him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 355, strike lines 7 through line 14, and insert the following:

''(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in status under this Title shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)).''

SA 3500. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 355, strike lines 7 through line 14, and insert the following:

''(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in status under this Title shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)), for the first 5 years after status under this Title is attained.''

SA 3501. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.

(a) SHORT TITLE.—This section may be cited as the ''Initial Entry, Adjustment, and Citizenship Assistance Grant Act of 2006''.

(b) PURPOSE.—The purpose of this section is to establish a grant program within the Bureau of Citizenship and Immigration Services that provides funding to community-based organizations, including community-based legal service organizations, as appropriate, to develop and implement programs to assist eligible applicants for the conditional nonimmigrant worker program established under this Act by providing them with the services described in subsection (d)(2).

(c) DEFINITIONS.—In this section:

(1) COMMUNITY-BASED ORGANIZATION.—The term ''community-based organization'' means a nonprofit, tax-exempt organization, including a faith-based organization, whose staff has experience and expertise in meeting the legal, social, educational, cultural educational, or cultural needs of immigrants, refugees, persons granted asylum, or persons applying for such statuses.

(2) IEACA GRANT.—The term ''IEACA grant'' means an Initial Entry, Adjustment, and Citizenship Assistance Grant authorized under subsection (d).

(d) ESTABLISHMENT OF INITIAL ENTRY, ADJUSTMENT, AND CITIZENSHIP ASSISTANCE GRANT PROGRAM.—

(1) GRANTS AUTHORIZED.—The Secretary, working through the Director of the Bureau of Citizenship and Immigration Services, may award IEACA grants to community-based organizations.

(2) USE OF FUNDS.—Grants awarded under this section may be used for the design and implementation of programs to provide the following services:

(A) INITIAL APPLICATION.—Assistance and instruction, including legal assistance, to aliens making initial application for treatment under the program established by section 218D of the Immigration and Nationality Act, as added by section 601. Such assistance may include assisting applicants in—

(i) screening to assess prospective applicants' potential eligibility or lack of eligibility;

(ii) filling out applications;

(iii) gathering proof of identification, employment, residence, and tax payment;

(iv) gathering proof of relationships of eligible family members;

(v) applying for any waivers for which applicants and qualifying family members may be eligible; and

(vi) any other assistance that the Secretary or grantee considers useful to aliens who are interested in filing applications for treatment under such section 218D.

(B) ADJUSTMENT OF STATUS.—Assistance and instruction, including legal assistance, to aliens seeking to adjust their status in accordance with section 245 or 245B of the Immigration and Nationality Act.

(C) CITIZENSHIP.—Assistance and instruction to applicants on—

(i) the rights and responsibilities of United States Citizenship;

(ii) English as a second language;

(iii) civics; or

(iv) applying for United States citizenship.

(3) DURATION AND RENEWAL.—

(A) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 3 years.

(B) RENEWAL.—The Secretary may renew any grant awarded under this section in 1-year increments.

(4) APPLICATION FOR GRANTS.—Each entity desiring an IEACA grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(5) ELIGIBLE ORGANIZATIONS.—A community-based organization applying for a grant under this section to provide services described in subparagraph (A), (B), or (C)(iv) of paragraph (2) may not receive such a grant unless the organization is—

(A) recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(B) otherwise directed by an attorney.

(6) SELECTION OF GRANTEES.—Grants awarded under this section shall be awarded on a competitive basis.

(7) GEOGRAPHIC DISTRIBUTION OF GRANTS.—The Secretary shall approve applications under this section in a manner that ensures, to greatest extent practicable, that—

(A) not less than 50 percent of the funding for grants under this section are awarded to programs located in the 10 States with the highest percentage of foreign-born residents; and

(B) not less than 20 percent of the funding for grants under this section are awarded to programs located in States that are not described in subparagraph (A).

(8) ETHNIC DIVERSITY.—The Secretary shall ensure that community-based organizations receiving grants under this section provide services to an ethnically diverse population, to the greatest extent possible.

(e) LIAISON BETWEEN USCIS AND GRANTEES.—The Secretary shall establish a liaison between the Bureau of Citizenship and Immigration Services and the community of providers of services under this section to assure quality control, efficiency, and greater client willingness to come forward.

(f) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and each subsequent July 1, the Secretary shall submit a report to Congress that includes information regarding—

(1) the status of the implementation of this section;

(2) the grants issued pursuant to this section; and

(3) the results of those grants.

(g) SOURCE OF GRANT FUNDS.—

(1) APPLICATION FEES.—The Secretary may use funds made available under sections 218A(l)(2) and 218D(f)(4)(B) of the Immigration and Nationality Act, as added by this Act, to carry out this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) AMOUNTS AUTHORIZED.—In addition to the amounts made available under paragraph (1), there are authorized to be appropriated such additional sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

(B) AVAILABILITY.—Any amounts appropriated pursuant to subparagraph (A) shall remain available until expended.

(h) DISTRIBUTION OF FEES AND FINES.—

(1) H–2C VISA FEES.—Notwithstanding section 218A(l) of the Immigration and Nationality Act, as added by section 403, 2 percent of the fees collected under section 218A of such Act shall be made available for grants under the Initial Entry, Adjustment, and Citizenship Assistance Grant Program established under this section.

(2) CONDITIONAL NONIMMIGRANT VISA FEES AND FINES.—Notwithstanding section 218D(f)(4) of the Immigration and Nationality Act, as added by section 601, 2 percent of the fees and fines collected under section 218D of such Act shall be made available for grants under the Initial Entry, Adjustment, and Citizenship Assistance Grant Program established under this section.

SA 3502. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

(13) AGREEMENT TO COLLECT PERCENTAGE OF WAGES TO OFFSET COST OF EMERGENCY HEALTH SERVICES FURNISHED TO UNINSURED H–2C NONIMMIGRANTS.—The employer shall collect an amount equal to 1.45 percent of the wages paid by the employer to any H–2C nonimmigrant and shall transmit such amount to the Secretary of the Treasury for deposit into the H–2C Nonimmigrant Health Services Trust Fund established under section 404(c) of the Comprehensive Immigration Reform Act of 2006 at such time and in such manner as the Secretary of the Treasury shall determine.

On page 266, after line 22, add the following:

(c) H–2C NONIMMIGRANT HEALTH SERVICES TRUST FUND.—

(1) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ''H–2C Nonimmigrant Health Services Trust Fund'', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this subsection or under rules similar to the rules of section 9602 of the Internal Revenue Code of 1986.

(2) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the H–2C Nonimmigrant Health Services Trust Fund amounts equivalent to the amounts received by the Secretary of the Treasury as a result of the provisions of section 218B(b)(13) of the Immigration and Nationality Act.

(3) EXPENDITURES FROM TRUST FUND.—Amounts in the H–2C Nonimmigrant Health Services Trust Fund shall be available only for making payments by the Secretary of Health and Human Services out of the State allotments established in accordance with paragraph (4) directly to eligible providers for the provision of eligible services to H–2C nonimmigrants to the extent that the eligible provider was not otherwise reimbursed (through insurance or otherwise) for such services, as determined by such Secretary. Such payments shall be made under rules similar to the rules for making payments to eligible providers under section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd).

(4) STATE ALLOTMENTS.—Not later than January 1 of each year, the Secretary of Health and Human Services shall establish an allotment for each State equal to the product of—

(A) the total amount the Secretary of the Treasury notifies the Secretary of Health and Human Services was appropriated or credited to the H–2C Nonimmigrant Health Services Trust Fund during the preceding year; and

(B) the number of H–2C nonimmigrants employed in the State during such preceding year (as determined by the Secretary of Labor).

(5) DEFINITIONS.—In this subsection:

(A) ELIGIBLE PROVIDER; ELIGIBLE SERVICES.—The terms ''eligible provider'' and ''eligible services'' have the meanings given those terms in section 1011(e) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd).

(B) H–2C NONIMMIGRANT.—The term ''H–2C nonimmigrant'' has the meaning given that term in section 218A(n)(7) of the Immigration and Nationality Act.

SA 3503. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 303, strike line 7 and all that follows through page 304, line 5, and insert the following:

''(A)(i) for each of fiscal years 2007 through 2016, 450,000; or

''(ii) for fiscal year 2017 and each subsequent fiscal year, 290,000; and

''(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year.

''(2) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS FOR FISCAL YEARS 2001 THROUGH 2005.—

''(A) IN GENERAL.—Beginning in fiscal year 2006, the number of employment-based visas made available for immigrants described in paragraph (1), (2), or (3) of section 203(b) during any fiscal year, as calculated under paragraph (1), shall be increased by the number described in subparagraph (B).

''(B) ADDITIONAL NUMBER.—

''(i) IN GENERAL.—Subject to clause (ii), the number referred to in subparagraph (A) shall be equal to the sum of—

''(I) the difference between—

''(aa) the number of employment-based visas made available during the period of fiscal years 2001 through 2005; and

''(bb) the number of employment-based visas actually used during that period; and

''(II) the number of immigrant visas issued after September 30, 2004, to spouses and children of employment-based immigrants that were counted for purposes of paragraph (1)(B).

''(ii) REDUCTION.—For fiscal year 2007 and each fiscal year thereafter, the number described in clause (i) shall be reduced by the number of employment-based visas actually used under subparagraph (A) during the preceding fiscal year.''.

On page 304, strike lines 6 through 15 and insert the following:

SEC. 502. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended by striking ''7 percent (in the case of a single foreign state) or 2 percent'' and inserting ''10 percent (in the case of a single foreign state) or 5 percent''.

On page 329, strike lines 1 through 4 and insert the following:

''(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.

''(4) FILING IN CASES OF UNAVAILABLE VISA NUMBERS.—Subject to the limitation described in paragraph (3), if a supplemental petition fee is paid for a petition under subparagraph (E) or (F) of section 204(a)(1), an application under paragraph (1) on behalf of an alien that is a beneficiary of the petition (including a spouse or child who is accompanying or following to join the beneficiary) may be filed without regard to the requirement under paragraph (1)(D).

''(5) PENDING APPLICATIONS.—Subject to the limitation described in paragraph (3), if a petition under subparagraph (E) or (F) of section 204(a)(1) is pending or approved as of the date of enactment of this paragraph, on payment of the supplemental petition fee under that section, the alien that is the beneficiary of the petition may submit an application for adjustment of status under this subsection without regard to the requirement under paragraph (1)(D).

''(6) EMPLOYMENT AUTHORIZATIONS AND ADVANCED PAROLE TRAVEL DOCUMENTATION.—The Attorney General shall—

''(A) provide to any immigrant who has submitted an application for adjustment of status under this subsection not less than 3 increments, the duration of each of which shall be not less than 3 years, for any applicable employment authorization or advanced parole travel document of the immigrant; and

''(B) adjust each applicable fee payment schedule in accordance with the increments provided under subparagraph (A) so that 1 fee for each authorization or document is required for each 3-year increment.''.

Beginning on page 329, strike line 23 and all that follows through page 330, line 4, and insert the following:

''(G) Aliens who have earned an advanced degree in science, technology, engineering, or math and are employed in a related field.

On page 333, after line 5, insert the following:

(e) TEMPORARY WORKER VISA DURATION.—Section 106 of the American Competitiveness in the Twenty-First Century Act of 2000 (Public Law 106–313; 114 Stat. 1254) is amended by striking subsection (b) and inserting the following:

''(b) EXTENSION OF H–1B WORKER STATUS.—The Attorney General shall—

''(1) extend the stay of an alien who qualifies for an exemption under subsection (a) in not less than 3 increments, the duration of each of which shall be not less than 3 years, until such time as a final decision is made with respect to the lawful permanent residence of the alien; and

''(2) adjust each applicable fee payment schedule in accordance with the increments provided under paragraph (1) so that 1 fee is required for each 3-year increment.''.

SA 3504. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert ''(other than subparagraph (C)(i)(II) of such paragraph (9))'' after ''212(a)''.

At the appropriate place, insert the following:

this paragraph to waive the provisions of section 212(a).

''(3) INELIGIBILITY.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section if—

''(A) the Secretary of Homeland Security determines that—

''(i) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

''(ii) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

''(iii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

''(B) the alien has been convicted of any felony or three or more misdemeanors; or

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SA 3505. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purpose; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. BORDER SECURITY CERTIFICATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, subject to subsection (b), beginning on the date of enactment of this Act, the Secretary may not implement a new conditional nonimmigrant work authorization program that grants legal status to any individual who illegally enters or entered the United States, or any similar or subsequent employment program that grants legal status to any individual who illegally enters or entered the United States, until the Secretary provides written certification to the President and Congress that the borders of the United States are reasonably sealed and secured.

(b) WAIVER AND IMPLEMENTATION.—The President may waive the certification requirement under subsection (a) and direct the Secretary to implement a new conditional nonimmigrant work authorization program or any similar or subsequent program described in that subsection, if the President determines that implementation of the program would strengthen the national security of the United States.

SA 3506. Mr. REID (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purpose; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

''(6) CRIMINAL AND RELATED GROUNDS.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section under any of the following circumstances:

''(A) CONVICTION OF CERTAIN CRIMES.—

''(i) IN GENERAL.—Except as provided in clause (ii), the alien was convicted of, admits having committed, or admits having committed acts which constitute the essential elements of—

''(I) a crime involving moral turpitude (other than a purely political offense) or an attempt or conspiracy to commit such a crime, or

''(II) a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

''(ii) EXCEPTION.—Clause (i)(I) shall not apply to an alien who committed only 1 crime if—

''(I) the crime was committed before the alien reached 18 years of age and the alien was released from any confinement to a prison or correctional institution imposed for the crime more than 5 years before the date of application for a visa or other documentation and the date of application for admission to the United States; or

''(II) the maximum allowable penalty for the crime for which the alien was convicted, admits having committed, or admits having committed the acts constituting the essential elements of, is not longer than imprisonment for 1 year and, if the alien was convicted of such crime, the alien was not sentenced to a term of imprisonment longer than 6 months (regardless of the extent to which the sentence was ultimately executed).

''(B) MULTIPLE CRIMINAL CONVICTIONS.—The alien has been convicted of 2 or more offenses (other than purely political offenses) for which the aggregate sentences to confinement were 5 years or more, regardless of whether—

''(i) the conviction was in a single trial;

''(ii) the offenses arose from a single scheme of misconduct; or

''(iii) the offenses involved moral turpitude, .

''(C) CONTROLLED SUBSTANCE TRAFFICKERS.—The consular officer or the Attorney General knows, or has reason to believe, that the alien—

''(i) is or has been—

''(I) an illicit trafficker in any controlled substance or in any listed chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

''(II) a knowing aider, abettor, assister, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical, or endeavored to do so; or

''(ii) is the spouse, son, or daughter of an alien ineligible under clause (i), and has—

''(I) during the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien; and

''(II) knew or reasonably should have known that the financial or other benefit was the product of such illicit activity.

''(D) CERTAIN ALIENS INVOLVED IN SERIOUS CRIMINAL ACTIVITY WHO HAVE ASSERTED IMMUNITY FROM PROSECUTION.—The alien—

''(i) has committed a serious criminal offense (as defined in section 101(h)) in the United States;

''(ii) exercised immunity from criminal jurisdiction with respect to that offense;

''(iii) as a consequence of the offense and exercise of immunity, has departed from the United States; and

''(iv) has not subsequently submitted fully to the jurisdiction of the court in the United States having jurisdiction with respect to that offense.

''(E) FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—The alien, while serving as a foreign government official, was responsible for, or directly carried out, at any time, particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402)).

''(F) SIGNIFICANT TRAFFICKERS IN PERSONS.—

''(i) IN GENERAL.—The alien is listed in a report submitted under section 111(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7108(b)) or the consular officer or the Attorney General knows or has reason to believe that the alien is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons (as defined in the section 103 of such Act (22 U.S.C. 7102)).

''(ii) BENEFICIARIES OF TRAFFICKING.—Except as provided in clause (iii), the consular officer or the Attorney General knows or has reason to believe that the alien is the spouse, son, or daughter of an alien ineligible under clause (i), and the alien—

''(I) within the previous 5 years, has obtained any financial or other benefit from the illicit activity of that alien; and

''(II) knew or reasonably should have known that the financial or other benefit was the product of such illicit activity.

''(iii) EXCEPTION FOR CERTAIN SONS AND DAUGHTERS.—Clause (ii) shall not apply to a son or daughter who was a child at the time he or she received the benefit described in such clause.

''(G) MONEY LAUNDERING.—A consular officer or the Attorney General knows, or has reason to believe, that the alien—

''(i) has engaged, is engaging, or seeks to enter the United States to engage, in an offense described in section 1956 or 1957 of title 18, United States Code (relating to laundering of monetary instruments); or

''(ii) is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with others in an offense referred to in clause (i).

''(H) CRIMINAL CONVICTIONS.—The alien has been convicted of any felony or at least 3 misdemeanors.

SA 3507. Mr. REID (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purpose; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

''(6) CRIMINAL AND RELATED GROUNDS.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section under any of the following circumstances:

''(A) CONVICTION OF CERTAIN CRIMES.—

''(i) IN GENERAL.—Except as provided in clause (ii), the alien was convicted of, admits having committed, or admits having committed acts which constitute the essential elements of—

''(I) a crime involving moral turpitude (other than a purely political offense) or an attempt or conspiracy to commit such a crime, or

''(II) a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

''(ii) EXCEPTION.—Clause (i)(I) shall not apply to an alien who committed only 1 crime if—

''(I) the crime was committed before the alien reached 18 years of age and the alien was released from any confinement to a prison or correctional institution imposed for the crime more than 5 years before the date of application for a visa or other documentation and the date of application for admission to the United States; or

''(II) the maximum allowable penalty for the crime for which the alien was convicted, admits having committed, or admits having committed the acts constituting the essential elements of, is not longer than imprisonment for 1 year and, if the alien was convicted of such crime, the alien was not sentenced to a term of imprisonment longer than 6 months (regardless of the extent to which the sentence was ultimately executed).

''(B) MULTIPLE CRIMINAL CONVICTIONS.—The alien has been convicted of 2 or more offenses (other than purely political offenses) for which the aggregate sentences to confinement were 5 years or more, regardless of whether—

''(i) the conviction was in a single trial;

''(ii) the offenses arose from a single scheme of misconduct; or

''(iii) the offenses involved moral turpitude, .

''(C) CONTROLLED SUBSTANCE TRAFFICKERS.—The consular officer or the Attorney General knows, or has reason to believe, that the alien—

''(i) is or has been—

''(I) an illicit trafficker in any controlled substance or in any listed chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

''(II) a knowing aider, abettor, assister, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical, or endeavored to do so; or

''(ii) is the spouse, son, or daughter of an alien ineligible under clause (i), and has—

''(I) during the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien; and

''(II) knew or reasonably should have known that the financial or other benefit was the product of such illicit activity.

''(D) CERTAIN ALIENS INVOLVED IN SERIOUS CRIMINAL ACTIVITY WHO HAVE ASSERTED IMMUNITY FROM PROSECUTION.—The alien—

''(i) has committed a serious criminal offense (as defined in section 101(h)) in the United States;

''(ii) exercised immunity from criminal jurisdiction with respect to that offense;

''(iii) as a consequence of the offense and exercise of immunity, has departed from the United States; and

''(iv) has not subsequently submitted fully to the jurisdiction of the court in the United States having jurisdiction with respect to that offense.

''(E) FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—The alien, while serving as a foreign government official, was responsible for, or directly carried out, at any time, particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402)).

''(F) SIGNIFICANT TRAFFICKERS IN PERSONS.—

''(i) IN GENERAL.—The alien is listed in a report submitted under section 111(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7108(b)) or the consular officer or the Attorney General knows or has reason to believe that the alien is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons (as defined in the section 103 of such Act (22 U.S.C. 7102)).

''(ii) BENEFICIARIES OF TRAFFICKING.—Except as provided in clause (iii), the consular

officer or the Attorney General knows or has reason to believe that the alien is the spouse, son, or daughter of an alien ineligible under clause (i), and the alien—

''(I) within the previous 5 years, has obtained any financial or other benefit from the illicit activity of that alien; and

''(II) knew or reasonably should have known that the financial or other benefit was the product of such illicit activity.

''(iii) EXCEPTION FOR CERTAIN SONS AND DAUGHTERS.—Clause (ii) shall not apply to a son or daughter who was a child at the time he or she received the benefit described in such clause.

''(G) MONEY LAUNDERING.—A consular officer or the Attorney General knows, or has reason to believe, that the alien—

''(i) has engaged, is engaging, or seeks to enter the United States to engage, in an offense described in section 1956 or 1957 of title 18, United States Code (relating to laundering of monetary instruments); or

''(ii) is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with others in an offense referred to in clause (i).

SA 3508. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purpose; which was ordered to lie on the table; as follows:

On page 351, lines 7 and 8, strike '', when such information is requested in writing by such entity''.

SA 3509. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purpose; which was ordered to lie on the table; as follows:

On page 351, strike lines 9 through 12.

SA 3510. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purpose; which was ordered to lie on the table; as follows:

On page 351, beginning on line 7, strike '', when such'' and all that follows through line 12, and insert a period.

SA 3511. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 350, strike line 4 and all that follows through ''(f)'' on page 351, line 13, and insert ''(e)''.

SA 3512. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 339, strike lines 7 through 22, and insert the following:

''(E) PAYMENT OF INCOME TAXES.—

''(i) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of all applicable Federal income tax liability by establishing that—

''(I) no such tax liability exists;

''(II) all outstanding liabilities have been paid; or

''(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

''(ii) APPLICABLE FEDERAL INCOME TAX LIABILITY.—For purposes of clause (i), the term 'applicable Federal income tax liability' means liability for Federal income taxes owed for any year during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

''(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this subparagraph.

SA 3513. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 399, strike lines 6 through 25, and insert the following:

(D) PAYMENT OF INCOME TAXES.—

(i) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this subsection, the alien shall establish the payment of all applicable Federal income tax liability by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been paid; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) APPLICABLE FEDERAL INCOME TAX LIABILITY.—For purposes of clause (i), the term ''applicable Federal income tax liability'' means liability for Federal income taxes owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this subparagraph.

SA 3514. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 341, line 16, strike ''90'' and insert ''180''.

SA 3515. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 340, strike ''alien—'' and all that follows through line 15, and insert the following ''alien meets the requirements of section 312.''.

SA 3516. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 332, line 7, strike the semicolon at the end and all that follows through line 24 and insert a period.

SA 3517. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. H–1B EMPLOYER FEE.

Section 214(c)(9)(B) (8 U.S.C. 1184(c)(9)(B)) is amended by striking ''$1,500'' and inserting ''$2,000''.

SA 3518. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ___. NATIONAL CENTER FOR WELCOMING NEW AMERICANS.

(a) ESTABLISHMENT.—The Secretary, acting through the Director of the Bureau of Citizenship and Immigration Services, may establish the National Center for Welcoming New Americans, an organization duly established at the University of Northern Iowa.

(b) PURPOSES.—The purposes of the National Center for Welcoming New Americans shall be—

(1) to promote the integration of new immigrants and refugees in communities, institutions, faith-based organizations, and workplaces;

(2) to provide training to new immigrants and refugees with respect to culturally appropriate social and health services;

(3) to create publications for new immigrants and refugees, United States citizens, and institutions; and

(4) to establish a national clearinghouse to collect and disseminate information relating to best practices in immigrant integration in the United States and abroad.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 3519. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OFFICE OF INTERNAL CORRUPTION INVESTIGATION.

(a) INTERNAL CORRUPTION; BENEFITS FRAUD.—Section 453 of the Homeland Security Act of 2002 (6 U.S.C. 273) is amended—

(1) by striking ''the Bureau of'' each place it appears and inserting ''United States'';

(2) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) establishing the Office of Internal Corruption Investigation, which shall—

''(A) receive, process, administer, and investigate criminal and noncriminal allegations of misconduct, corruption, and fraud involving any employee or contract worker of United States Citizenship and Immigration Services that are not subject to investigation by the Inspector General for the Department;

''(B) ensure that all complaints alleging any violation described in subparagraph (A) are handled and stored in a manner appropriate to their sensitivity;

''(C) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to United States Citizenship and Immigration Services, which relate to programs and operations for which the Director is responsible under this Act;

''(D) request such information or assistance from any Federal, State, or local governmental agency as may be necessary for carrying out the duties and responsibilities under this section;

''(E) require the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to carry out the functions under this section—

''(i) by subpoena, which shall be enforceable, in the case of contumacy or refusal to obey, by order of any appropriate United States district court; or

''(ii) through procedures other than subpoenas if obtaining documents or information from Federal agencies;

''(F) administer to, or take from, any person an oath, affirmation, or affidavit, as necessary to carry out the functions under this section, which oath, affirmation, or affidavit, if administered or taken by or before an agent of the Office of Internal Corruption Investigation shall have the same force and effect as if administered or taken by or before an officer having a seal;

''(G) investigate criminal allegations and noncriminal misconduct;

''(H) acquire adequate office space, equipment, and supplies as necessary to carry out the functions and responsibilities under this section; and

''(I) be under the direct supervision of the Director.'';

(B) in paragraph (2), by striking ''and'' at the end;

(C) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(4) establishing the Office of Immigration Benefits Fraud Investigation, which shall—

''(A) conduct administrative investigations, including site visits, to address immigration benefit fraud;

''(B) assist United States Citizenship and Immigration Services provide the right benefit to the right person at the right time;

''(C) track, measure, assess, conduct pattern analysis, and report fraud-related data to the Director; and

''(D) work with counterparts in other Federal agencies on matters of mutual interest or information-sharing relating to immigration benefit fraud.''; and

(3) by adding at the end the following:

''(c) ANNUAL REPORT.—The Director, in consultation with the Office of Internal Corruption Investigations, shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes—

''(1) the activities of the Office, including the number of investigations began, completed, pending, turned over to the Inspector General for criminal investigations, and turned over to a United States Attorney for prosecution; and

''(2) the types of allegations investigated by the Office during the 12-month period immediately preceding the submission of the report that relate to the misconduct, corruption, and fraud described in subsection (a)(1).''.

(b) USE OF IMMIGRATION FEES TO COMBAT FRAUD.—Section 286(v)(2)(B) (8 U.S.C. 1356(v)(2)(B)) is amended by adding at the end the following: ''Not less than 20 percent of the funds made available under this subparagraph shall be used for activities and functions described in paragraphs (1) and (4) of section 453(a) of the Homeland Security Act of 2002 (6 U.S.C. 273(a)).''.

SA 3520. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 283, line 21, strike ''visa—'' and all that follows through line 25, and insert ''visa by the alien's employer.''.

SA 3521. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 358, strike ''$2,000'' in line 17 and insert ''$5,000''.

SA 3522. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 359, strike ''be eligible to'' in line 19.

SA 3523. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 362, strike lines 20–22

SA 3524. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 364, strike ''may'' in line 21 and ''be'' in line 22, and insert ''shall''.

SA 3525. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 373, strike ''$2,000'' in line 19 and insert ''$5,000''.

On page 373, strike ''$3,000'' in line 22 and insert ''$10,000''.

SA 3526. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 9, strike lines 2 through 20 and insert the following:

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, autonomous unmanned ground vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a ''virtual fence'' along such international borders to provide a barrier to illegal immigration.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, autonomous unmanned ground vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

SA 3527. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 390, strike line 15 and all that follows through page 394, line 17.

SA 3528. Mr. THOMAS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) PROTECTED LAND.—The term ''protected land'' means land under the jurisdiction of the Secretary concerned.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, shall provide—

(A) increased Customs and Border Protection personnel to secure protected land along the international land borders of the United States;

(B) Federal land resource training for Customs and Border Protection agents dedicated to protected land; and

(C) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on protected land that is directly adjacent to the international land border of the United States, with priority given to units of the National Park System.

(2) COORDINATION.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary concerned to ensure that the training is appropriate to the mission of the National Park Service, the Forest Service, or the relevant agency of the Department of the Interior or the Department of Agriculture to minimize the adverse impact on natural and cultural resources from border protection activities.

(c) INVENTORY OF COSTS AND ACTIVITIES.—The Secretary concerned shall develop and submit to the Secretary an inventory of costs incurred by the Secretary concerned relating to illegal border activity, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, recapitalization of facilities, and operations.

(d) RECOMMENDATIONS.—The Secretary shall—

(1) develop joint recommendations with the National Park Service and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c); and

(2) not later than March 31, 2007, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S. C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(e) BORDER PROTECTION STRATEGY.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects—

(1) units of the National Park System;

(2) land under the jurisdiction of the United States Fish and Wildlife Service; and

(3) other relevant land under the jurisdiction of the Department of the Interior or the Department of Agriculture.

SA 3529. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 389, line 18, strike ''100'' and insert ''$1000''.

SA 3530. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 388, lines 8 and 9, strike ''3 or more misdemeanors'' and insert ''misdemeanor''.

SA 3531. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 386, line 11, strike ''863 hours or''.

SA 3532. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 397, line 19, strike ''$400'' and insert ''$1000''.

SA 3533. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 385, line 22, strike ''1'' and insert ''8''.

SA 3534. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 409, strike line 13 and all that follows through line 19 on page 409.

SA 3535. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 426, strike line 6 and all that follows through line 23 on page 427.

SA 3536. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 439, strike line 24 and all that follows through line 19 on page 442, and insert the following:

''(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the applicable State minimum wage.''.

SA 3537. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 395, strike line 10 and all that follows through page 416, line 11 and insert the following:

(c) PERIOD OF AUTHORIZED ADMISSION.—

(1) IN GENERAL.—An alien may be granted blue card status for a period not to exceed 2 years.

(2) RETURN TO COUNTRY.—At the end of the period described in paragraph (1), the alien shall return to the country of nationality or last residence of the alien.

(3) ELIGIBILITY FOR NONIMMIGRANT VISA.—Upon return to the country of nationality or last residence of the alien under paragraph (2), the alien may apply for any nonimmigrant visa.

(d) LOSS OF EMPLOYMENT.—

(1) IN GENERAL.—The blue card status of an alien shall terminate if the alien is not employed for at least 60 consecutive days.

(2) RETURN TO COUNTRY.—An alien whose period of authorized admission terminates under paragraph (1) shall return to the country of nationality or last residence of the alien.

(e) PROHIBITION OF CHANGE OR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—An alien with blue card status shall not be eligible to change or adjust status in the United States.

(2) LOSS OF ELIGIBILITY.—An alien with blue card status shall lose the status if the alien—

(A) files a petition to adjust status to legal permanent residence in the United States; or

(B) requests a consular processing for an immigrant or nonimmigrant Visa outside the United States.

SA 3538. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 9, line 4, insert ''autonomous unmanned ground vehicles, '' after ''vehicles,''.

On page 9, line 16, insert ''autonomous unmanned ground vehicles, '' after ''vehicles,''.

SA 3539. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. 305. EMPLOYEE IDENTITY THEFT PREVENTION AND PRIVACY PROTECTION.

(a) FINDINGS.—

(1) According to the Federal Trade Commission, more than 8,400,000 Americans were victims of identity theft in 2004, and according to published reports approximately 55,000,000 Americans' most sensitive, personally identifiable information was accidentally made public through a data breach during 2005.

(2) Approximately 54,000,000 times each year, someone in America begins a new job and full implementation of the System will require transfer of data to verify the identity and authorization of each potential new employee.

(3) The data transferred through the System or stored in the databases utilized to verify identity and authorization will contain each employee's most sensitive, personally identifiable information.

(4) The information transferred and stored will be of uniquely high value to any potential identity thief, nonwork authorized undocumented alien, alien smuggler, or terrorist seeking to establish work authorization under another's name.

(5) The System should not be implemented or expanded unless it sufficiently protects against identity theft and safeguards employees' personal privacy.

(b) PRIVACY PROTECTIONS IN THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—Section 274A (8 U.S.C. 1324a), as amended by section 301(a), is further amended by adding at the end of subsection (d)(2) the following new subparagraphs:

''(H) LIMITATION ON DATA ELEMENTS COLLECTED FOR VERIFICATION PROCESS.—Employers utilizing the System shall obtain only

the following data elements from any employee:

''(i) The employee's full legal name.

''(ii) The employee's date of birth.

''(iii) The employee's social security account number or other employment authorization status identification number.

''(I) LIMITATION ON DATA ELEMENTS STORED.—The System and any databases created by the Commissioner of Social Security or the Secretary to achieve confirmation, tentative nonconfirmation, or final nonconfirmation of employment eligibility for an individual shall store only the minimum data about each individual for whom an inquiry was made to facilitate the successful operation of the System, but in no case shall the data stored be other than—

''(i) the individual's full legal name;

''(ii) the individual's date of birth;

''(iii) the individual's social security account number or other employment authorization status identification number;

''(iv) the address of the employer making the inquiry;

''(v) the dates of any prior inquiries concerning the identity and eligibility of the employee by the employer or any other employers and the address of any such employer;

''(vi) records of any prior confirmations, tentative nonconfirmations, or final nonconfirmations issued under the System for the individual; and

''(vii) in the case of an employee successfully challenging a prior tentative nonconfirmation, explanatory information concerning the successful resolution of any erroneous data or confusion regarding the identity of the employee, including the source of that error.

''(J) LIMITATION OF SYSTEM USE OR INFORMATION TRANSFER.—Only individuals employed by the Commissioner of Social Security or the Secretary to implement and operate the System shall be permitted access to the System and any information in the databases queried to determine identity and employment authorization. It shall be unlawful for any other person to access the System or such databases or obtain information from the System or database. Information stored in the Systems or such databases may not be transferred to or shared with any Federal, State, or local government officials for any purpose other than preventing unauthorized workers from obtaining employment.

''(K) PROTECTION AGAINST UNLAWFUL INTERCEPTION AND DATA BREACHES.—The Commissioner of Social Security and the Secretary shall protect against unauthorized disclosure of the information transferred between employers, the Commissioner, and the Secretary and between the Commissioner and the Secretary by requiring that all information transmitted be encrypted.

''(L) ROBUST COMPUTER SYSTEM AND SOFTWARE SECURITY.—The Commissioner of Social Security and the Secretary shall employ robust, state-of-the-art computer system and software security to prevent hacking of the System or the databases employed.

''(M) SYSTEM SECURITY TESTING.—

''(i) REQUIREMENT FOR TESTING.—The Commissioner of Social Security and the Secretary shall require periodic stress testing of the System to determine if the System contains any vulnerabilities to data loss or theft or improper use of data. Such testing shall occur not less often than prior to each phase-in expansion of the System.

''(ii) REQUIREMENT TO REPAIR VULNERABILITIES.—Any computer vulnerabilities identified under clause (i) or through any other process shall be resolved prior to initial implementation or any subsequent expansion of the System.

''(iii) REQUIREMENT TO UPDATE.—The Secretary shall regularly update the System to ensure that the data protections in the System remains consistent with the state-of-the-art for databases of similarly sensitive personally identifiable information.

''(N) PROHIBITION OF UNLAWFUL ACCESSING AND OBTAINING OF INFORMATION.—

''(i) IMPROPER ACCESS.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly access the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization or modifying the System pursuant to law or regulation. Any individual who unlawfully accesses the System or the databases or shall be fined no less than $1,000 for each individual whose file was compromised or sentenced to less than 6 months imprisonment for each individual whose file was compromised.

''(ii) IDENTITY THEFT.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly obtain the information concerning an individual stored in the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization or modifying the System pursuant to law or regulation. Any individual who unlawfully obtains such information and uses it to commit identity theft for financial gain or to evade security or to assist another in gaining financially or evading security, shall be fined no less than $10,000 for each individual whose information was obtained and misappropriated sentenced to not less than 1 year of imprisonment for each individual whose information was obtained and misappropriated.

''(O) OFFICE OF EMPLOYEE PRIVACY.—

''(i) ESTABLISHMENT.—The Commissioner of Social Security and the Secretary shall establish a joint Office of Employee Privacy that shall be empowered to protect the rights of employees subject to verification under the System.

''(ii) AUTHORITY TO INVESTIGATE.—The Office of Employee Privacy shall investigate alleged privacy violations concerning failure of the Commissioner or the Secretary to satisfy the requirements of subparagraphs (H) through (Q) of this paragraph and any data breaches that may occur pursuant to the implementation and operation of the System.

''(iii) AUTHORITY TO ISSUE SUBPOENAS.—The head of the Office of Employee Privacy may issue subpoenas for a document or a person to facilitate an investigation.

''(iv) ANNUAL REPORT TO CONGRESS.—The head of the Office of Employee Privacy shall submit to Congress an annual report concerning the operation of the System.

''(v) ANNUAL REPORT ON INCORRECT NOTICES.—The head of the Office of Employee Privacy shall, at least annually, study and issue findings concerning the most common causes of the incorrect issuance of nonconfirmation notices under the System. Such report shall include recommendations for preventing such incorrect notices.

''(vi) AVAILABILITY OF REPORTS.—The head of the Office of Employee Privacy shall make available to the public any report issued by the Office concerning findings of an investigation conducted by the Office.

''(vii) REQUIREMENT FOR HOTLINE.—The head of the Office of Employee Privacy shall establish a fully staffed 24-hour hotline to receive inquiries by employees concerning tentative nonconfirmations and final nonconfirmations and shall identify for employees, at the time of inquiry, the particularity data that resulted in the issuance of a nonconfirmation notice under the System.

''(viii) CERTIFICATION BY GAO.—The Secretary may not implement the System or any subsequent expansion or phase-in of the System unless the Comptroller General of the United States certifies that the Office of Employee Privacy has hired sufficient employees to answer employee inquiries and respond in real time concerning the particular data that resulted in the issuance of a nonconfirmation notice.

''(ix) TRAINING IN PRIVACY PROTECTION.—The head of the Office of Employee Privacy shall train any employee of the Social Security Administration or the Department of Homeland Security who implements or operates the System concerning the importance of and means of utilizing best practices for protecting employee privacy while utilizing and operating the System.

''(P) AUDITS OF DATA ACCURACY.—The Commissioner of Social Security and the Secretary shall randomly audit a substantial percentage of both citizens and work-eligible noncitizens files utilized to verify identity and authorization for the System each year to determine accuracy rates and shall require correction of errors in a timely fashion.

''(Q) EMPLOYEE RIGHT TO REVIEW SYSTEM INFORMATION AND APPEAL ERRONEOUS NONCONFIRMATIONS.—Any employee who contests a tentative nonconfirmation notice or final nonconfirmation notice may review and challenge the accuracy of the data elements and information in the System that resulted in the issuance of the nonconfirmation notice. Such a challenge may include the ability to submit additional information or appeal any final nonconfirmation notice to the Office of Employee Privacy. The head of the Office of Employee Privacy shall review any such information submitted pursuant to such a challenge and issue a response and decision concerning the appeal within 7 days of the filing of such a challenge.''.

SA 3540. Mr. KENNEDY (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of the amendment, insert the following:

SEC. 2. DETERMINATIONS WITH RESPECT TO CHILDREN UNDER THE HAITIAN AND IMMIGRANT FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902(d) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended by adding at the end the following:

''(3) DETERMINATIONS WITH RESPECT TO CHILDREN.—

''(A) USE OF APPLICATION FILING DATE.—Determinations made under this subsection as to whether an individual is a child of a parent shall be made using the age and status of the individual on October 21, 1998.

''(B) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraph (1)(C), an application under this subsection filed based on status as a child may be filed or the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.''.

(b) NEW APPLICATIONS AND MOTIONS TO REOPEN.—

(1) NEW APPLICATIONS.—Notwithstanding section 902(a)(1)(A) of the Haitian and Immigrant Fairness Act of 1998, an alien who is eligible for adjustment of status under such

Act, as amended by subsection (a), may submit an application for adjustment of status under such Act not later than the later of—

(A) 2 years after the date of the enactment of this Act; and

(B) 1 year after the date on which final regulations implementing this section are promulgated.

(2) MOTIONS TO REOPEN.—The Secretary of Homeland Security shall establish procedures for the reopening and reconsideration of applications for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 that are affected by the amendments under subsection (a).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—Section 902(a)(3) of the Haitian and Immigrant Fairness Act of 1998 shall apply to an alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily, and who files an application under paragraph (1), or a motion under paragraph (2), in the same manner as such section 902(a)(3) applied to aliens filing applications for adjustment of status under such Act before April 1, 2000.

SEC. 3. INADMISSIBILITY DETERMINATION.

Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended in subsections (a)(1)(B) and (d)(1)(D) by inserting ''(6)(C)(i),'' after ''(6)(A).''

SA 3541. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigation and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 329, line 11, insert ''(other than subparagraph (C)(i)(II) of such paragraph (9))'' after ''212(a)''.

On page 330, strike lines 8 through 15, and insert the following: this paragraph to waive the provisions of section 212(a).

''(3) INELIGIBILITY.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section if—

''(A) the Secretary of Homeland Security determines that—

''(i) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

''(ii) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

''(iii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

''(B) the alien has been convicted of any felony or three or more misdemeanors; or

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SA 3542. Mr. THOMAS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purpose; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) PROTECTED LAND.—The term ''protected land'' means land under the jurisdiction of the Secretary concerned.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, shall provide—

(A) increased Customs and Border Protection personnel to secure protected land along the international land borders of the United States;

(B) Federal land resource training for Customs and Border Protection agents dedicated to protected land; and

(C) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on protected land that is directly adjacent to the international land border of the United States, with priority given to units of the National Park System.

(2) COORDINATION.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary concerned to ensure that the training is appropriate to the mission of the National Park Service, the Forest Service, or the relevant agency of the Department of the Interior or the Department of Agriculture to minimize the adverse impact on natural and cultural resources from border protection activities.

(c) INVENTORY OF COSTS AND ACTIVITIES.—The Secretary concerned shall develop and submit to the Secretary an inventory of costs incurred by the Secretary concerned relating to illegal border activity, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, recapitalization of facilities, and operations.

(d) RECOMMENDATIONS.—The Secretary shall—

(1) develop joint recommendations with the National Park Service and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c); and

(2) not later than March 31, 2007, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S. C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(e) BORDER PROTECTION STRATEGY.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects—

(1) units of the National Park System;

(2) land under the jurisdiction of the United States Fish and Wildlife Service; and

(3) other relevant land under the jurisdiction of the Department of the Interior or the Department of Agriculture.

SA 3543. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1, strike line 3 and all that follows through the end, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Comprehensive Immigration Reform Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reference to the Immigration and Nationality Act.
Sec. 3. Definitions.
Sec. 4. Severability.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

Sec. 101. Enforcement personnel.
Sec. 102. Technological assets.
Sec. 103. Infrastructure.
Sec. 104. Border patrol checkpoints.
Sec. 105. Ports of entry.
Sec. 106. Construction of strategic border fencing and vehicle barriers.

Subtitle B—Border Security Plans, Strategies, and Reports

Sec. 111. Surveillance plan.
Sec. 112. National Strategy for Border Security.
Sec. 113. Reports on improving the exchange of information on North American security.
Sec. 114. Improving the security of Mexico's southern border.
Sec. 115. Combating human smuggling.

Subtitle C—Other Border Security Initiatives

Sec. 121. Biometric data enhancements.
Sec. 122. Secure communication.
Sec. 123. Border patrol training capacity review.
Sec. 124. US-VISIT System.
Sec. 125. Document fraud detection.
Sec. 126. Improved document integrity.
Sec. 127. Cancellation of visas.
Sec. 128. Biometric entry-exit system.
Sec. 129. Border study.
Sec. 130. Secure border initiative financial accountability.
Sec. 131. Mandatory detention for aliens apprehended at or between ports of entry.
Sec. 132. Evasion of inspection or violation of arrival, reporting, entry, or clearance requirements.

Subtitle D—Border Tunnel Prevention Act

Sec. 141. Short title.
Sec. 142. Construction of border tunnel or passage.
Sec. 143. Directive to the United States Sentencing Commission.

TITLE II—INTERIOR ENFORCEMENT

Sec. 201. Removal and denial of benefits to terrorist aliens.
Sec. 202. Detention and removal of aliens ordered removed.
Sec. 203. Aggravated felony.
Sec. 204. Terrorist bars.
Sec. 205. Increased criminal penalties related to gang violence, removal, and alien smuggling.
Sec. 206. Illegal entry.
Sec. 207. Illegal reentry.
Sec. 208. Reform of passport, visa, and immigration fraud offenses.
Sec. 209. Inadmissibility and removal for passport and immigration fraud offenses.
Sec. 210. Incarceration of criminal aliens.
Sec. 211. Encouraging aliens to depart voluntarily.
Sec. 212. Deterring aliens ordered removed from remaining in the United States unlawfully.
Sec. 213. Prohibition of the sale of firearms to, or the possession of firearms by certain aliens.
Sec. 214. Uniform statute of limitations for certain immigration, naturalization, and peonage offenses.

Sec. 215. Diplomatic security service.
Sec. 216. Field agent allocation and background checks.
Sec. 217. Construction.
Sec. 218. State criminal alien assistance program.
Sec. 219. Transportation and processing of illegal aliens apprehended by State and local law enforcement officers.
Sec. 220. Reducing illegal immigration and alien smuggling on tribal lands.
Sec. 221. Alternatives to detention.
Sec. 222. Conforming amendment.
Sec. 223. Reporting requirements.
Sec. 224. State and local enforcement of Federal immigration laws.
Sec. 225. Removal of drunk drivers.
Sec. 226. Medical services in underserved areas.
Sec. 227. Expedited removal.
Sec. 228. Protecting immigrants from convicted sex offenders.
Sec. 229. Law enforcement authority of States and political subdivisions and transfer to Federal custody.
Sec. 230. Laundering of monetary instruments.
Sec. 231. Listing of immigration violators in the National Crime Information Center database.
Sec. 232. Cooperative enforcement programs.
Sec. 233. Increase of Federal detention space and the utilization of facilities identified for closures as a result of the Defense Base Closure Realignment Act of 1990.
Sec. 234. Determination of immigration status of individuals charged with Federal offenses.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

Sec. 301. Unlawful employment of aliens.
Sec. 302. Employer Compliance Fund.
Sec. 303. Additional worksite enforcement and fraud detection agents.
Sec. 304. Clarification of ineligibility for misrepresentation.

TITLE IV—TEMPORARY WORKER PROGRAMS AND VISA REFORM

Subtitle A—Requirements for Participating Countries

Sec. 401. Requirements for participating countries.

Subtitle B—Nonimmigrant Temporary Worker Program

Sec. 411. Nonimmigrant temporary worker category.
Sec. 412. Temporary worker program.
Sec. 413. Statutory construction.
Sec. 414. Authorization of appropriations.

Subtitle C—Mandatory Departure and Reentry in Legal Status

Sec. 421. Mandatory departure and reentry in legal status.
Sec. 422. Statutory construction.
Sec. 423. Authorization of appropriations.

Subtitle D—Alien Employment Management System

Sec. 431. Alien employment management system.
Sec. 432. Labor investigations.

Subtitle E—Protection Against Immigration Fraud

Sec. 441. Grants to Support Public Education and Training.

Subtitle F—Circular Migration

Sec. 451. Investment accounts.

Subtitle G—Backlog Reduction

Sec. 461. Employment based immigrants.
Sec. 462. Country limits.
Sec. 463. Allocation of immigrant visas.

Subtitle H—Temporary Agricultural Workers

Sec. 471. Sense of the Senate on temporary agricultural workers.

SEC. 2. REFERENCE TO THE IMMIGRATION AND NATIONALITY ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—Except as otherwise provided, the term ''Department'' means the Department of Homeland Security.

(2) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Homeland Security.

SEC. 4. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any other person or circumstance shall not be affected by such holding.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

SEC. 101. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) PORT OF ENTRY INSPECTORS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty port of entry inspectors and provide appropriate training, equipment, and support to such additional inspectors.

(2) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking ''800'' and inserting ''1000''.

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PORT OF ENTRY INSPECTORS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out paragraph (1) of subsection (a).

(2) BORDER PATROL AGENTS.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734) is amended to read as follows:

''SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

''(a) ANNUAL INCREASES.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active-duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year), by—

''(1) 2,000 in fiscal year 2006;

''(2) 2,400 in fiscal year 2007;

''(3) 2,400 in fiscal year 2008;

''(4) 2,400 in fiscal year 2009;

''(5) 2,400 in fiscal year 2010; and

''(6) 2,400 in fiscal year 2011;

''(b) NORTHERN BORDER.—In each of the fiscal years 2006 through 2011, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.''.

SEC. 102. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a ''virtual fence'' along such international borders to provide a barrier to illegal immigration.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under such plan during the 1-year period beginning on the date of the submission of the report.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

(e) CONSTRUCTION.—Nothing in this section may be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 103. INFRASTRUCTURE.

(a) CONSTRUCTION OF BORDER CONTROL FACILITIES.—Subject to the availability of appropriations, the Secretary shall construct all-weather roads and acquire additional vehicle barriers and facilities necessary to achieve operational control of the international borders of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SEC. 104. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in border patrol sectors that are located in proximity to the international border between the United States and Mexico.

SEC. 105. PORTS OF ENTRY.

The Secretary is authorized to—

(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) and (b), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) and (b).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle B—Border Security Plans, Strategies, and Reports

SEC. 111. SURVEILLANCE PLAN.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 112. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) REQUIREMENT FOR STRATEGY.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) CONTENT.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 111.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) CONSULTATION.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) COORDINATION.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) UPDATES.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section or section 111 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 113. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.

(a) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary and the heads of other appropriate Federal agencies, shall submit to Congress a report on improving the exchange of information related to the security of North America.

(b) CONTENTS.—Each report submitted under subsection (a) shall contain a description of the following:

(1) SECURITY CLEARANCES AND DOCUMENT INTEGRITY.—The progress made toward the development of common enrollment, security,

technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—

(A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

(i) passports;

(ii) visas; and

(iii) permanent resident cards;

(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, and laws to forbid the use and manufacture of fraudulent travel documents and to promote information sharing;

(C) applying the necessary pressures and support to ensure that other countries meet proper travel document standards and are committed to travel document verification before the citizens of such countries travel internationally, including travel by such citizens to the United States; and

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents.

(2) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.

(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United States throughout the world to share information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor visa processing, including—

(i) application process;

(ii) interview policy;

(iii) general screening procedures;

(iv) visa validity;

(v) quality control measures; and

(vi) access to appeal or review;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with immigration violators;

(E) in developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter by enhancing technical assistance for programs and systems to support advance automated reporting and risk targeting of international passengers;

(F) in sharing information on lost and stolen passports on a real-time basis among immigration or law enforcement officials of Canada, Mexico, and the United States; and

(G) in collecting 10 fingerprints from each individual who applies for a visa.

(4) NORTH AMERICAN VISITOR OVERSTAY PROGRAM.—The progress made by Canada and the United States in implementing parallel entry-exit tracking systems that, while respecting the privacy laws of both countries, share information regarding third country nationals who have overstayed their period of authorized admission in either Canada or the United States.

(5) TERRORIST WATCH LISTS.—The progress made in enhancing the capacity of the United States to combat terrorism through the coordination of counterterrorism efforts, including the progress made—

(A) in developing and implementing bilateral agreements between Canada and the United States and between Mexico and the United States to govern the sharing of terrorist watch list data and to comprehensively enumerate the uses of such data by the governments of each country;

(B) in establishing appropriate linkages among Canada, Mexico, and the United States Terrorist Screening Center; and

(C) in exploring with foreign governments the establishment of a multilateral watch list mechanism that would facilitate direct coordination between the country that identifies an individual as an individual included on a watch list, and the country that owns such list, including procedures that satisfy the security concerns and are consistent with the privacy and other laws of each participating country.

(6) MONEY LAUNDERING, CURRENCY SMUGGLING, AND ALIEN SMUGGLING.—The progress made in improving information sharing and law enforcement cooperation in combating organized crime, including the progress made—

(A) in combating currency smuggling, money laundering, alien smuggling, and trafficking in alcohol, firearms, and explosives;

(B) in implementing the agreement between Canada and the United States known as the Firearms Trafficking Action Plan;

(C) in determining the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) in developing a joint threat assessment on organized crime between Canada and the United States;

(E) in determining the feasibility of formulating a joint threat assessment on organized crime between Mexico and the United States;

(F) in developing mechanisms to exchange information on findings, seizures, and capture of individuals transporting undeclared currency; and

(G) in developing and implementing a plan to combat the transnational threat of illegal drug trafficking.

(7) LAW ENFORCEMENT COOPERATION.—The progress made in enhancing law enforcement cooperation among Canada, Mexico, and the United States through enhanced technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with known and suspected criminals or terrorists, including exploring the formation of law enforcement teams that include personnel from the United States and Mexico, and appropriate procedures for such teams.

SEC. 114. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary, shall work to cooperate with the head of Foreign Affairs Canada and the appropriate officials of the Government of Mexico to establish a program—

(1) to assess the specific needs of Guatemala and Belize in maintaining the security of the international borders of such countries;

(2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(3) to provide technical assistance to Guatemala and Belize to promote issuance of secure passports and travel documents by such countries; and

(4) to encourage Guatemala and Belize—

(A) to control alien smuggling and trafficking;

(B) to prevent the use and manufacture of fraudulent travel documents; and

(C) to share relevant information with Mexico, Canada, and the United States.

(b) BORDER SECURITY FOR BELIZE, GUATEMALA, AND MEXICO.—The Secretary, in consultation with the Secretary of State, shall work to cooperate—

(1) with the appropriate officials of the Government of Guatemala and the Government of Belize to provide law enforcement assistance to Guatemala and Belize that specifically addresses immigration issues to increase the ability of the Government of Guatemala to dismantle human smuggling organizations and gain additional control over the international border between Guatemala and Belize; and

(2) with the appropriate officials of the Government of Belize, the Government of Guatemala, the Government of Mexico, and the governments of neighboring contiguous countries to establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international borders between Mexico and Guatemala and between Mexico and Belize.

(c) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary and the Director of the Federal Bureau of Investigation, shall work to cooperate with the appropriate officials of the Government of Mexico, the Government of Guatemala, the Government of Belize, and the governments of other Central American countries—

(1) to assess the direct and indirect impact on the United States and Central America of deporting violent criminal aliens;

(2) to establish a program and database to track individuals involved in Central American gang activities;

(3) to develop a mechanism that is acceptable to the governments of Belize, Guatemala, Mexico, the United States, and other appropriate countries to notify such a government if an individual suspected of gang activity will be deported to that country prior to the deportation and to provide support for the reintegration of such deportees into that country; and

(4) to develop an agreement to share all relevant information related to individuals connected with Central American gangs.

(d) LIMITATIONS ON ASSISTANCE.—Any funds made available to carry out this section shall be subject to the limitations contained in section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2006 (Public Law 109–102; 119 Stat. 2218).

SEC. 115. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

Subtitle C—Other Border Security Initiatives

SEC. 121. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2007, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 122. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 123. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 124. US-VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US-VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US-VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 125. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—Subject to the availability of appropriations, the Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) ASSESSMENT.—

(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 126. IMPROVED DOCUMENT INTEGRITY.

(a) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in the heading, by striking ''**ENTRY AND EXIT DOCUMENTS**'' and inserting ''**TRAVEL AND ENTRY DOCUMENTS AND EVIDENCE OF STATUS**'';

(3) in subsection (b)(1)—

(A) by striking ''Not later than October 26, 2004, the'' and inserting ''The''; and

(B) by striking ''visas and'' both places it appears and inserting ''visas, evidence of status, and'';

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

''(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien's status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.''.

SEC. 127. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) by inserting ''and any other nonimmigrant visa issued by the United States that is in the possession of the alien'' after ''such visa''; and

(2) in paragraph (2)(A), by striking ''(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality'' and inserting ''(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence''.

SEC. 128. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) COLLECTION OF BIOMETRIC DATA FROM ALIENS DEPARTING THE UNITED STATES.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

''(c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.''.

(b) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(d) (8 U.S.C. 1225(d)) is amended by adding at the end the following:

''(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

''(A) any applicant for admission or alien seeking to transit through the United States; or

''(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).''.

(c) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMEN.—Section 252 (8 U.S.C. 1282) is amended by adding at the end the following:

''(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.''.

(d) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

''(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 235(d) is inadmissible.''; and

(2) in subsection (d), by inserting after paragraph (1) the following:

''(2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility exists with respect to an alien described in subparagraph (C) of subsection

(a)(7) and may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.''.

(e) IMPLEMENTATION.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

''(3) IMPLEMENTATION.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register.''; and

(2) in subsection (l)—

(A) by striking ''There are authorized'' and inserting the following:

''(1) IN GENERAL.—There are authorized''; and

(B) by adding at the end the following:

''(2) IMPLEMENTATION AT ALL LAND BORDER PORTS OF ENTRY.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 and 2008 to implement the automated biometric entry and exit data system at all land border ports of entry.''.

SEC. 129. BORDER STUDY.

(a) SOUTHERN BORDER STUDY.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern international land and maritime border of the United States. The study shall include—

(1) an assessment of the necessity of constructing such a system, including the identification of areas of high priority for the construction of such a system determined after consideration of factors including the amount of narcotics trafficking and the number of illegal immigrants apprehended in such areas;

(2) an assessment of the feasibility of constructing such a system;

(3) an assessment of the international, national, and regional environmental impact of such a system, including the impact on zoning, global climate change, ozone depletion, biodiversity loss, and transboundary pollution;

(4) an assessment of the necessity for ports of entry along such a system;

(5) an assessment of the impact such a system would have on international trade, commerce, and tourism;

(6) an assessment of the effect of such a system on private property rights including issues of eminent domain and riparian rights;

(7) an estimate of the costs associated with building a barrier system, including costs associated with excavation, construction, and maintenance;

(8) an assessment of the effect of such a system on Indian reservations and units of the National Park System; and

(9) an assessment of the necessity of constructing such a system after the implementation of provisions of this Act relating to guest workers, visa reform, and interior and worksite enforcement, and the likely effect of such provisions on undocumented immigration and the flow of illegal immigrants across the international border of the United States;

(10) an assessment of the impact of such a system on diplomatic relations between the United States and Mexico, Central America, and South America, including the likely impact of such a system on existing and potential areas of bilateral and multilateral cooperative enforcement efforts;

(11) an assessment of the impact of such a system on the quality of life within border communities in the United States and Mexico, including its impact on noise and light pollution, housing, transportation, security, and environmental health;

(12) an assessment of the likelihood that such a system would lead to increased violations of the human rights, health, safety, or civil rights of individuals in the region near the southern international border of the United States, regardless of the immigration status of such individuals;

(13) an assessment of the effect such a system would have on violence near the southern international border of the United States; and

(14) an assessment of the effect of such a system on the vulnerability of the United States to infiltration by terrorists or other agents intending to inflict direct harm on the United States.

(b) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study described in subsection (a).

SEC. 130. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) IN GENERAL.—The Inspector General of the Department shall review each contract action relating to the Secure Border Initiative having a value of more than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and time lines. The Inspector General shall complete a review under this subsection with respect to each contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) INSPECTOR GENERAL.—

(1) ACTION.—If the Inspector General becomes aware of any improper conduct or wrongdoing in the course of conducting a contract review under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to the Secretary, or to another appropriate official of the Department, who shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative.

(2) REPORT.—Upon the completion of each review described in subsection (a), the Inspector General shall submit to the Secretary a report containing the findings of the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution;

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) bundling that limits the ability of small businesses to compete; or

(F) other high risk business practices.

(c) REPORTS BY THE SECRETARY.—

(1) IN GENERAL.—Not later than 30 days after the receipt of each report required under subsection (b)(2), the Secretary shall submit a report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(2) CONTRACTS WITH FOREIGN COMPANIES.—Not later than 60 days after the initiation of each contract action with a company whose headquarters is not based in the United States, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

(d) REPORTS ON UNITED STATES PORTS.—Not later that 30 days after receiving information regarding a proposed purchase of a contract to manage the operations of a United States port by a foreign entity, the Committee on Foreign Investment in the United States shall submit a report to Congress that describes—

(1) the proposed purchase;

(2) any security concerns related to the proposed purchase; and

(3) the manner in which such security concerns have been addressed.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General of the Department, there are authorized to be appropriated to the Office, to enable the Office to carry out this section—

(1) for fiscal year 2007, not less than 5 percent of the overall budget of the Office for such fiscal year;

(2) for fiscal year 2008, not less than 6 percent of the overall budget of the Office for such fiscal year; and

(3) for fiscal year 2009, not less than 7 percent of the overall budget of the Office for such fiscal year.

SEC. 131. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN PORTS OF ENTRY.

(a) IN GENERAL.—Beginning on October 1, 2007, an alien (other than a national of Mexico) who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land and maritime border of the United States shall be detained until removed or a final decision granting admission has been determined, unless the alien—

(1) is permitted to withdraw an application for admission under section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) and immediately departs from the United States pursuant to such section; or

(2) is paroled into the United States by the Secretary for urgent humanitarian reasons or significant public benefit in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(b) REQUIREMENTS DURING INTERIM PERIOD.—Beginning 60 days after the date of the enactment of this Act and before October 1, 2007, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the Secretary determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than $5,000.

(c) RULES OF CONSTRUCTION.—

(1) ASYLUM AND REMOVAL.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for relief or deferral of removal based on a fear of persecution.

(2) TREATMENT OF CERTAIN ALIENS.—The mandatory detention requirement in subsection (a) does not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

(3) DISCRETION.—Nothing in this section shall be construed as limiting the authority of the Secretary, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

SEC. 132. EVASION OF INSPECTION OR VIOLATION OF ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements

''(a) PROHIBITION.—A person shall be punished as described in subsection (b) if such person attempts to elude or eludes customs, immigration, or agriculture inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration checkpoint;

''(b) PENALTIES.—A person who commits an offense described in subsection (a) shall be—

''(1) fined under this title;

''(2)(A) imprisoned for not more than 3 years, or both;

''(B) imprisoned for not more than 10 years, or both, if in commission of this violation, attempts to inflict or inflicts bodily injury (as defined in section 1365(g) of this title); or

''(C) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death; or

''(3) both fined and imprisoned under this subsection.

''(c) CONSPIRACY.—If 2 or more persons conspire to commit an offense described in subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

''(d) PRIMA FACIE EVIDENCE.—For the purposes of seizure and forfeiture under applicable law, in the case of use of a vehicle or other conveyance in the commission of this offense, or in the case of disregarding or disobeying the lawful authority or command of any officer or employee of the United States under section 111(b) of this title, such conduct shall constitute prima facie evidence of smuggling aliens or merchandise.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by inserting at the end:

''554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements.''.

(c) FAILURE TO OBEY BORDER ENFORCEMENT OFFICERS.—Section 111 of title 18, United States Code, is amended by inserting after subsection (b) the following:

''(c) FAILURE TO OBEY LAWFUL ORDERS OF BORDER ENFORCEMENT OFFICERS.—Whoever willfully disregards or disobeys the lawful authority or commend of any officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States while engaged in, or on account of, the performance of official duties shall be fined under this title or imprisoned for not more than 5 years, or both.''.

Subtitle D—Border Tunnel Prevention Act

SEC. 141. SHORT TITLE.

This subtitle may be cited as the ''Border Tunnel Prevention Act''.

SEC. 142. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, as amended by section 132(a), is further amended by adding at the end the following:

"§ 555. Border tunnels and passages

''(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

''(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

''(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, as amended by section 132(b), is further amended by adding at the end the following:

''Sec. 555. Border tunnels and passages.''.

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting ''555,'' before ''1425,''.

SEC. 143. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by section 132.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(6) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

TITLE II—INTERIOR ENFORCEMENT

SEC. 201. REMOVAL AND DENIAL OF BENEFITS TO TERRORIST ALIENS.

(a) ASYLUM.—Section 208(b)(2)(A)(v) (8 U.S.C. 1158(b)(2)(A)(v)) is amended by striking ''or (VI)'' and inserting ''(V), (VI), (VII), or (VIII)''.

(b) CANCELLATION OF REMOVAL.—Section 240A(c)(4) (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking ''inadmissible under'' and inserting ''described in''; and

(2) by striking ''deportable under'' and inserting ''described in''.

(c) VOLUNTARY DEPARTURE.—Section 240B(b)(1)(C) (8 U.S.C. 1229c(b)(1)(C)) is amended by striking ''deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)'' and inserting ''described in paragraph (2)(A)(iii) or (4) of section 237(a)''.

(d) RESTRICTION ON REMOVAL.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) in clause (iii), by striking ''or'' at the end;

(2) in clause (iv) by striking the period at the end and inserting ''; or'';

(3) by inserting after clause (iv) the following:

''(v) the alien is described in section 237(a)(4)(B) (other than an alien described in section 212(a)(3)(B)(i)(IV) if the Secretary of Homeland Security determines that there are not reasonable grounds for regarding the alien as a danger to the security of the United States).''; and

(4) in the undesignated paragraph, by striking ''For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.''.

(e) RECORD OF ADMISSION.—Section 249 (8 U.S.C. 1259) is amended to read as follows:

"SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972.

''A record of lawful admission for permanent residence may be made, in the discretion of the Secretary of Homeland Security and under such regulations as the Secretary may prescribe, for any alien, as of the date of the approval of the alien's application or, if entry occurred before July 1, 1924, as of the date of such entry if no such record is otherwise available, if the alien establishes that the alien—

''(1) is not described in section 212(a)(3)(E) or in section 212(a) (insofar as it relates to criminals, procurers, other immoral persons, subversives, violators of the narcotics laws, or smugglers of aliens);

''(2) entered the United States before January 1, 1972;

''(3) has resided in the United States continuously since such entry;

''(4) is a person of good moral character;

''(5) is not ineligible for citizenship; and

''(6) is not described in section 237(a)(4)(B).''.

(f) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act or condition constituting a ground for inadmissibility, excludability, or removal occurring or existing on or after the date of the enactment of this Act.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—

(1) AMENDMENTS.—Section 241(a) (8 U.S.C. 1231(a)) is amended—

(A) by striking ''Attorney General'' the first place it appears and inserting ''Secretary of Homeland Security'';

(B) by striking ''Attorney General'' any other place it appears and inserting ''Secretary'';

(C) in paragraph (1)—

(i) in subparagraph (B), by amending clause (ii) to read as follows:

''(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal.''.

(ii) by amending subparagraph (C) to read as follows:

''(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

''(i) make all reasonable efforts to comply with the removal order; or

''(ii) fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien's departure, or conspiring or acting to prevent the alien's removal.''; and

(iii) by adding at the end the following:

''(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.'';

(D) in paragraph (2), by adding at the end the following: ''If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.'';

(E) in paragraph (3), by amending subparagraph (D) to read as follows:

''(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—

''(i) to prevent the alien from absconding;

''(ii) for the protection of the community; or

''(iii) for other purposes related to the enforcement of the immigration laws.'';

(F) in paragraph (6), by striking ''removal period and, if released,'' and inserting ''removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien'';

(G) by redesignating paragraph (7) as paragraph (10); and

(H) by inserting after paragraph (6) the following:

''(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

''(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

''(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY COOPERATE WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with this paragraph.

''(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—

''(i) has effected an entry into the United States;

''(ii) has made all reasonable efforts to comply with the alien's removal order;

''(iii) has cooperated fully with the Secretary's efforts to establish the alien's identity and to carry out the removal order, including making timely application in good faith for travel or other documents necessary for the alien's departure; and

''(iv) has not conspired or acted to prevent removal.

''(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

''(i) shall consider any evidence submitted by the alien;

''(ii) may consider any other evidence, including—

''(I) any information or assistance provided by the Department of State or other Federal agency; and

''(II) any other information available to the Secretary pertaining to the ability to remove the alien.

''(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)).

''(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

''(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

''(ii) certifies in writing—

''(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

''(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

''(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regardless of the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

''(IV) that—

''(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

''(bb) the alien—

''(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies for an aggregate term of imprisonment of at least 5 years; or

''(BB) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, is likely to engage in acts of violence in the future; or

''(V) that—

''(aa) the release of the alien would threaten the safety of the community or any person, notwithstanding conditions of release designed to ensure the safety of the community or any person; and

''(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)) for which the alien was sentenced to an aggregate term of imprisonment of not less than 1 year.

''(F) ADMINISTRATIVE REVIEW PROCESS.—The Secretary, without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary has initiated the administrative review process identified in subparagraph (A) not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

''(G) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(i) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien, pursuant to subparagraph (H).

''(ii) DELEGATION.—Notwithstanding any other provision of law, the Secretary may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (E)(ii) to any employee reporting to the Assistant Secretary for Immigration and Customs Enforcement.

''(iii) HEARING.—The Secretary may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV)(bb)(BB).

''(H) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary's discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

''(I) REDETENTION.—The Secretary, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who has previously been released from custody if—

''(i) the alien fails to comply with the conditions of release;

''(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or

''(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

''(J) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (I) as if the removal period terminated on the day of the redetention.

''(K) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FAIL TO COOPERATE WITH REMOVAL.—The Secretary shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts, if the alien—

''(i) has effected an entry into the United States; and

''(ii)(I) and the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not—

''(aa) failed or refused to make all reasonable efforts to comply with a removal order;

''(bb) failed or refused to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien's departure; or

''(cc) conspired or acted to prevent removal; or

''(II) the Secretary makes a certification as specified in subparagraph (E), or the renewal of a certification specified in subparagraph (G).

''(L) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the review process outlined in this paragraph.

''(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to—

(i) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(ii) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

(b) CRIMINAL DETENTION OF ALIENS.—Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by inserting ''(1)'' before ''If, after a hearing'';

(C) in subparagraphs (B) and (C), as redesignated, by striking ''paragraph (1)'' and inserting ''subparagraph (A)''; and

(D) by adding after subparagraph (C), as redesignated, the following:

''(2) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

''(A) is an alien; and

''(B)(i) has no lawful immigration status in the United States;

''(ii) is the subject of a final order of removal; or

''(iii) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1425, or 1426 of this title, chapter 75 or 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 2327, and 1328).''; and

(2) in subsection (g)(3)—

(A) in subparagraph (A), by striking ''and'' at the end; and

(B) by adding at the end the following:

''(C) the person's immigration status; and''.

SEC. 203. AGGRAVATED FELONY.

(a) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking ''The term 'aggravated felony' means—'' and inserting ''Notwithstanding any other provision of law (except for the provision providing an effective date for section 203 of the Comprehensive Reform Act of 2006), the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law and to such an offense in violation of the law of a foreign country, for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—'';

(2) in subparagraph (A), by striking ''murder, rape, or sexual abuse of a minor;'' and inserting ''murder, rape, or sexual abuse of a minor, whether or not the minority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;'';

(3) in subparagraph (N), by striking ''paragraph (1)(A) or (2) of'';

(4) in subparagraph (O), by striking ''section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph'' and inserting ''section 275 or 276 for which the term of imprisonment is at least 1 year'';

(5) in subparagraph (U), by striking ''an attempt or conspiracy to commit an offense described in this paragraph'' and inserting ''aiding or abetting an offense described in this paragraph, or soliciting, counseling, procuring, commanding, or inducing another, attempting, or conspiring to commit such an offense''; and

(6) by striking the undesignated matter following subparagraph (U).

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to any act that occurred on or after the date of the enactment of this Act.

(2) APPLICATION OF IIRAIRA AMENDMENTS.—The amendments to section 101(a)(43) of the Immigration and Nationality Act made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

SEC. 204. TERRORIST BARS.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

''(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;'';

(2) in paragraph (8), by striking ''(as defined in subsection (a)(43))'' and inserting the following: '', regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

''(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

''(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or''; and

(3) in the undesignated matter following paragraph (9), by striking ''a finding that for other reasons such person is or was not of good moral character'' and inserting the following: ''a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.''.

(b) PENDING PROCEEDINGS.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: ''A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.''.

(c) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting ''if the alien has had the conditional basis removed pursuant to this section'' before the period at the end.

(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting ''if the alien has had the conditional basis removed pursuant to this section'' before the period at the end.

(d) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(1) by inserting '', not later than 120 days after the Secretary of Homeland Security's final determination,'' after ''may''; and

(2) by adding at the end the following: ''Except that in any proceeding, other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law.''.

(e) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

''(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).''.

(f) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C. 1429) is amended by striking ''the Attorney General if'' and all that follows and inserting: ''the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.''.

(g) DISTRICT COURT JURISDICTION.—Section 336(b) (8 U.S.C. 1447(b)) is amended to read as follows:

''(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for the Secretary's determination on the application.''.

(h) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to any act that occurred on or after such date of enactment.

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE, REMOVAL, AND ALIEN SMUGGLING.

(a) CRIMINAL STREET GANGS.—

(1) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (J); and

(B) by inserting after subparagraph (E) the following:

''(F) MEMBERS OF CRIMINAL STREET GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe—

''(i) is, or has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

''(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is inadmissible.''.

(2) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(F) MEMBERS OF CRIMINAL STREET GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

''(i) is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

''(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is deportable.''.

(3) TEMPORARY PROTECTED STATUS.—Section 244 (8 U.S.C. 1254a) is amended—

(A) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(B) in subsection (b)(3)—

(i) in subparagraph (B), by striking the last sentence and inserting the following: ''Notwithstanding any other provision of this section, the Secretary of Homeland Security may, for any reason (including national security), terminate or modify any designation under this section. Such termination or modification is effective upon publication in the Federal Register, or after such time as the Secretary may designate in the Federal Register.'';

(ii) in subparagraph (C), by striking ''a period of 12 or 18 months'' and inserting ''any other period not to exceed 18 months'';

(C) in subsection (c)—

(i) in paragraph (1)(B), by striking ''The amount of any such fee shall not exceed $50.'';

(ii) in paragraph (2)(B)—

(I) in clause (i), by striking '', or'' at the end;

(II) in clause (ii), by striking the period at the end and inserting ''; or''; and

(III) by adding at the end the following:

''(iii) the alien is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code).''; and

(D) in subsection (d)—

(i) by striking paragraph (3); and

(ii) in paragraph (4), by adding at the end the following: ''The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.''.

(b) PENALTIES RELATED TO REMOVAL.—Section 243 (8 U.S.C. 1253) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by inserting ''212(a) or'' after ''section''; and

(B) in the matter following subparagraph (D)—

(i) by striking ''or imprisoned not more than four years'' and inserting ''and imprisoned for not less than 6 months or more than 5 years''; and

(ii) by striking '', or both'';

(2) in subsection (b), by striking ''not more than $1000 or imprisoned for not more than one year, or both'' and inserting ''under title 18, United States Code, and imprisoned for not less than 6 months or more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a)).''; and

(3) by amending subsection (d) to read as follows:

''(d) DENYING VISAS TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIEN.—The Secretary of Homeland Security, after making a determination that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, and after consultation with the Secretary of State, may instruct the Secretary of State to deny a visa to any citizen, subject, national, or resident of that country until the country accepts the alien that was ordered removed.''.

(c) ALIEN SMUGGLING AND RELATED OFFENSES.—

(1) IN GENERAL.—Section 274 (8 U.S.C. 1324), is amended to read as follows:

''SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

''(a) CRIMINAL OFFENSES AND PENALTIES.—

''(1) PROHIBITED ACTIVITIES.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

''(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

''(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien and regardless of whether such alien has official permission or lawful authority to be in the United States;

''(C) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from 1 country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States without official permission or legal authority;

''(D) encourages or induces a person to reside in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

''(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, if the transportation or movement will further the alien's illegal entry into or illegal presence in the United States;

''(F) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States; or

''(G) conspires or attempts to commit any of the acts described in subparagraphs (A) through (F).

''(2) CRIMINAL PENALTIES.—A person who violates any provision under paragraph (1)—

''(A) except as provided in subparagraphs (C) through (G), if the offense was not committed for commercial advantage, profit, or private financial gain, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both;

''(B) except as provided in subparagraphs (C) through (G), if the offense was committed for commercial advantage, profit, or private financial gain—

''(i) if the violation is the offender's first violation under this subparagraph, shall be fined under such title, imprisoned for not more than 20 years, or both; or

''(ii) if the violation is the offender's second or subsequent violation of this subparagraph, shall be fined under such title, imprisoned for not less than 3 years or more than 20 years, or both;

''(C) if the offense furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned for not less than 5 years or more than 20 years, or both;

''(D) shall be fined under such title, imprisoned not less than 5 years or more than 20 years, or both, if the offense created a substantial and foreseeable risk of death, a substantial and foreseeable risk of serious bodily injury (as defined in section 2119(2) of title 18, United States Code), or inhumane conditions to another person, including—

''(i) transporting the person in an engine compartment, storage compartment, or other confined space;

''(ii) transporting the person at an excessive speed or in excess of the rated capacity of the means of transportation; or

''(iii) transporting the person in, harboring the person in, or otherwise subjecting the person to crowded or dangerous conditions;

''(E) if the offense caused serious bodily injury (as defined in section 2119(2) of title 18, United States Code) to any person, shall be fined under such title, imprisoned for not less than 7 years or more than 30 years, or both;

''(F) shall be fined under such title and imprisoned for not less than 10 years or more

than 30 years if the offense involved an alien who the offender knew or had reason to believe was—

''(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

''(ii) intending to engage in terrorist activity;

''(G) if the offense caused or resulted in the death of any person, shall be punished by death or imprisoned for a term of years not less than 10 years and up to life, and fined under title 18, United States Code.

''(3) LIMITATION.—It is not a violation of subparagraph (D), (E), or (F) of paragraph (1)—

''(A) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least 1 year; or

''(B) for an individual or organization, not previously convicted of a violation of this section, to provide an alien who is present in the United States with humanitarian assistance, including medical care, housing, counseling, victim services, and food, or to transport the alien to a location where such assistance can be rendered.

''(4) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

''(b) EMPLOYMENT OF UNAUTHORIZED ALIENS.—

''(1) CRIMINAL OFFENSE AND PENALTIES.—Any person who, during any 12-month period, knowingly employs 10 or more individuals with actual knowledge or in reckless disregard of the fact that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

''(2) DEFINITION.—An alien described in this paragraph is an alien who—

''(A) is an unauthorized alien (as defined in section 274A(h)(3));

''(B) is present in the United States without lawful authority; and

''(C) has been brought into the United States in violation of this subsection.

''(c) SEIZURE AND FORFEITURE.—

''(1) IN GENERAL.—Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

''(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

''(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of subsection (a) has occurred, prima facie evidence that an alien involved in the alleged violation lacks lawful authority to come to, enter, reside in, remain in, or be in the United States or that such alien had come to, entered, resided in, remained in, or been present in the United States in violation of law shall include—

''(A) any order, finding, or determination concerning the alien's status or lack of status made by a Federal judge or administrative adjudicator (including an immigration judge or immigration officer) during any judicial or administrative proceeding authorized under Federal immigration law;

''(B) official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack of status; and

''(C) testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack of status.

''(d) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except—

''(1) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and

''(2) other officers responsible for the enforcement of Federal criminal laws.

''(e) ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if—

''(1) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony; and

''(2) the deposition otherwise complies with the Federal Rules of Evidence.

''(f) OUTREACH PROGRAM.—

''(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall—

''(A) develop and implement an outreach program to educate people in and out of the United States about the penalties for bringing in and harboring aliens in violation of this section; and

''(B) establish the American Local and Interior Enforcement Needs (ALIEN) Task Force to identify and respond to the use of Federal, State, and local transportation infrastructure to further the trafficking of unlawful aliens within the United States.

''(2) FIELD OFFICES.—The Secretary of Homeland Security, after consulting with State and local government officials, shall establish such field offices as may be necessary to carry out this subsection.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums are necessary for the fiscal years 2007 through 2011 to carry out this subsection.

''(g) DEFINITIONS.—In this section:

''(1) CROSSED THE BORDER INTO THE UNITED STATES.—An alien is deemed to have crossed the border into the United States regardless of whether the alien is free from official restraint.

''(2) LAWFUL AUTHORITY.—The term 'lawful authority' means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations. The term does not include any such authority secured by fraud or otherwise obtained in violation of law or authority sought, but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

''(3) PROCEEDS.—The term 'proceeds' includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

''(4) UNLAWFUL TRANSIT.—The term 'unlawful transit' means travel, movement, or temporary presence that violates the laws of any country in which the alien is present or any country from which the alien is traveling or moving.''.

(2) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 274 and inserting the following:

''Sec. 274. Alien smuggling and related offenses.''.

(d) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting '', alien smuggling crime,'' after ''any crime of violence'';

(B) in subparagraph (A), by inserting '', alien smuggling crime,'' after ''such crime of violence'';

(C) in subparagraph (D)(ii), by inserting '', alien smuggling crime,'' after ''crime of violence''; and

(2) by adding at the end the following:

''(6) For purposes of this subsection, the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).''.

SEC. 206. ILLEGAL ENTRY.

(a) IN GENERAL.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

''SEC. 275. ILLEGAL ENTRY.

''(a) IN GENERAL.—

''(1) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

''(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

''(B) knowingly eludes examination or inspection by an immigration officer (including failing to stop at the command of such officer), or a customs or agriculture inspection at a port of entry; or

''(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs law, immigration laws, agriculture laws, or shipping laws).

''(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

''(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

''(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

''(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

''(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

''(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

''(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the

penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(A) alleged in the indictment or information; and

''(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

''(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

''(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

''(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—

''(1) IN GENERAL.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

''(A) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

''(B) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

''(2) CROSSED THE BORDER DEFINED.—In this section, an alien is deemed to have crossed the border if the act was voluntary, regardless of whether the alien was under observation at the time of the crossing.''.

(b) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

''Sec. 275. Illegal entry.''.

SEC. 207. ILLEGAL REENTRY.

Section 276 (8 U.S.C. 1326) is amended to read as follows:

''SEC. 276. REENTRY OF REMOVED ALIEN.

''(a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

''(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

''(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

''(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

''(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

''(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, imprisoned not more than 20 years, or both; or

''(5) was convicted, before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, imprisoned not more than 20 years, or both.

''(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

''(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(1) alleged in the indictment or information; and

''(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

''(e) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

''(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

''(2) with respect to an alien previously denied admission and removed, the alien—

''(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

''(B) had complied with all other laws and regulations governing the alien's admission into the United States.

''(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

''(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order;

''(2) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

''(3) the entry of the order was fundamentally unfair.

''(g) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

''(h) LIMITATION.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered without compensation or the expectation of compensation.

''(i) DEFINITIONS.—In this section:

''(1) CROSSES THE BORDER.—The term 'crosses the border' applies if an alien acts voluntarily, regardless of whether the alien was under observation at the time of the crossing.

''(2) FELONY.—Term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

''(3) MISDEMEANOR.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

''(4) REMOVAL.—The term 'removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

''(5) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

SEC. 208. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

(a) PASSPORT, VISA, AND IMMIGRATION FRAUD.—

(1) IN GENERAL.—Chapter 75 of title 18, United States Code, is amended to read as follows:

''CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

''Sec.
''1541. Trafficking in passports.
''1542. False statement in an application for a passport.
''1543. Forgery and unlawful production of a passport.
''1544. Misuse of a passport.
''1545. Schemes to defraud aliens.
''1546. Immigration and visa fraud.
''1547. Marriage fraud.
''1548. Attempts and conspiracies.
''1549. Alternative penalties for certain offenses.
''1550. Seizure and forfeiture.
''1551. Additional jurisdiction.
''1552. Additional venue.
''1553. Definitions.
''1554. Authorized law enforcement activities.
''1555. Exception for refugees and asylees.

''§ 1541. Trafficking in passports

''(a) MULTIPLE PASSPORTS.—Any person who, during any 3-year period, knowingly–

''(1) and without lawful authority produces, issues, or transfers 10 or more passports;

''(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

''(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

''(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation), knowing the applications to contain any false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

''(b) PASSPORT MATERIALS.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make a passport shall be fined under this title, imprisoned not more than 20 years, or both.

''§ 1542. False statement in an application for a passport

''Any person who knowingly—

''(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation);

''(2) completes, mails, prepares, presents, signs, or submits an application for a United

States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

''(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation), if such production occurs or would occur at a facility authorized by the Secretary of State for the production of passports,

shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1543. Forgery and unlawful production of a passport

''(a) FORGERY.—Any person who—

''(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

''(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

''(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

''(2) produces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States; or

''(3) transfers or furnishes a passport to a person for use when such person is not the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1544. Misuse of a passport

''(a) IN GENERAL.—Any person who—

''(1) knowingly uses any passport issued or designed for the use of another;

''(2) knowingly uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

''(3) knowingly secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

''(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) ENTRY; FRAUD.—Any person who knowingly uses any passport, knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, produced or issued without lawful authority, or issued or designed for the use of another—

''(1) to enter or to attempt to enter the United States; or

''(2) to defraud the United States, a State, or a political subdivision of a State,

shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1545. Schemes to defraud aliens

''(a) IN GENERAL.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws, or any matter the offender claims or represents is authorized by or arises under Federal immigration laws—

''(1) to defraud any person, or

''(2) to obtain or receive from any person, by means of false or fraudulent pretenses, representations, promises, money or anything else of value,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) MISREPRESENTATION.—Any person who knowingly and falsely represents himself to be an attorney in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1546. Immigration and visa fraud

''(a) IN GENERAL.—Any person who knowingly—

''(1) uses any immigration document issued or designed for the use of another;

''(2) forges, counterfeits, alters, or falsely makes any immigration document;

''(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

''(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

''(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

''(6) transfers or furnishes an immigration document to a person without lawful authority for use if such person is not the person for whom the immigration document was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) MULTIPLE VIOLATIONS.—Any person who, during any 3-year period, knowingly—

''(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

''(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

''(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

''(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

''(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material, used to make an immigration document shall be fined under this title, imprisoned not more than 20 years, or both.

''§ 1547. Marriage fraud

''(a) EVASION OR MISREPRESENTATION.—Any person who—

''(1) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

''(2) knowingly misrepresents the existence or circumstances of a marriage—

''(A) in an application or document authorized by the immigration laws; or

''(B) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals),

shall be fined under this title, imprisoned not more than 10 years, or both.

''(b) MULTIPLE MARRIAGES.—Any person who—

''(1) knowingly enters into 2 or more marriages for the purpose of evading any immigration law; or

''(2) knowingly arranges, supports, or facilitates 2 or more marriages designed or intended to evade any immigration law,

shall be fined under this title, imprisoned not more than 20 years, or both.

''(c) COMMERCIAL ENTERPRISE.—Any person who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be fined under this title, imprisoned for not more than 10 years, or both.

''(d) DURATION OF OFFENSE.—

''(1) IN GENERAL.—An offense under subsection (a) or (b) continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

''(2) COMMERCIAL ENTERPRISE.—An offense under subsection (c) continues until the fraudulent nature of commercial enterprise is discovered by an immigration officer or other law enforcement officer.

''§ 1548. Attempts and conspiracies

''Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

''§ 1549. Alternative penalties for certain offenses

''(a) TERRORISM.—Any person who violates any section of this chapter—

''(1) knowing that such violation will facilitate an act of international terrorism or domestic terrorism (as those terms are defined in section 2331); or

''(2) with the intent to facilitate an act of international terrorism or domestic terrorism,

shall be fined under this title, imprisoned not more than 25 years, or both.

''(b) OFFENSE AGAINST GOVERNMENT.—Any person who violates any section of this chapter—

''(1) knowing that such violation will facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year; or

''(2) with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year,

shall be fined under this title, imprisoned not more than 20 years, or both.

''§ 1550. Seizure and forfeiture

''(a) FORFEITURE.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

''(b) APPLICABLE LAW.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

''§ 1551. Additional jurisdiction

''(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

''(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this

chapter outside the United States shall be punished as provided under this chapter if—

''(1) the offense involves a United States immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

''(2) the offense is in or affects foreign commerce;

''(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

''(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

''(5) the offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act); or

''(6) the offender is a stateless person whose habitual residence is in the United States.

''§ 1552. Additional venue

''(a) IN GENERAL.—An offense under section 1542 may be prosecuted in—

''(1) any district in which the false statement or representation was made;

''(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

''(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

''(b) SAVINGS CLAUSE.—Nothing in this section limits the venue otherwise available under sections 3237 and 3238.

''§ 1553. Definitions

''As used in this chapter:

''(1) The term 'falsely make' means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

''(A) contains a statement or representation that is false, fictitious, or fraudulent;

''(B) has no basis in fact or law; or

''(C) otherwise fails to state a fact which is material to the purpose for which the document was created, designed, or submitted.

''(2) The term a 'false statement or representation' includes a personation or an omission.

''(3) The term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

''(4) The term 'immigration document'—

''(A) means—

''(i) any passport or visa; or

''(ii) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary document, arising under or authorized by the immigration laws of the United States; and

''(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

''(5) The term 'immigration laws' includes—

''(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

''(B) the laws relating to the issuance and use of passports; and

''(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2).

''(6) The term 'immigration proceeding' includes an adjudication, interview, hearing, or review.

''(7) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

''(8) The term 'passport' means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or any instrument purporting to be the same.

''(9) The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

''(10) The term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

''§ 1554. Authorized law enforcement activities

''Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (84 Stat. 933).

''§ 1555. Exception for refugees, asylees, and other vulnerable persons

''(a) IN GENERAL.—If a person believed to have violated section 1542, 1544, 1546, or 1548 while attempting to enter the United States, without delay, indicates an intention to apply for asylum under section 208 or 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1231), or for relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (in accordance with section 208.17 of title 8, Code of Federal Regulations), or under section 101(a)(15)(T), 101(a)(15)(U), 101(a)(27)(J), 101(a)(51), 216(c)(4)(C), 240A(b)(2), or 244(a)(3) (as in effect prior to March 31, 1997) of such Act, or a credible fear of persecution or torture—

''(1) the person shall be referred to an appropriate Federal immigration official to review such claim and make a determination if such claim is warranted;

''(2) if the Federal immigration official determines that the person qualifies for the claimed relief, the person shall not be considered to have violated any such section; and

''(3) if the Federal immigration official determines that the person does not qualify for the claimed relief, the person shall be referred to an appropriate Federal official for prosecution under this chapter.

''(b) SAVINGS PROVISION.—Nothing in this section shall be construed to diminish, increase, or alter the obligations of refugees or the United States under article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).''.

(2) CLERICAL AMENDMENT.—The table of chapters in title 18, United States Code, is amended by striking the item relating to chapter 75 and inserting the following:

''75. Passport, visa, and immigration fraud ..... 1541''.

(b) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—Section 208 (8 U.S.C. 1158) is amended by adding at the end the following:

''(e) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the written terms and limitations of Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).''.

SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended–

(1) in subclause (I), by striking '', or'' at the end and inserting a semicolon;

(2) in subclause (II), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after subclause (II) the following:

''(III) a violation of (or a conspiracy or attempt to violate) any provision of chapter 75 of title 18, United States Code,''.

(b) REMOVAL.—Section 237(a)(3)(B)(iii) (8 U.S.C. 1227(a)(3)(B)(iii)) is amended to read as follows:

''(iii) of a violation of any provision of chapter 75 of title 18, United States Code,''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date of the enactment of this Act, with respect to conduct occurring on or after that date.

SEC. 210. INCARCERATION OF CRIMINAL ALIENS.

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the ''Program'') or shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of the Bureau of Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

(d) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation of States in the Program and in any other program authorized under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 2007 through 2011 to carry out the Program.

SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B (8 U.S.C. 1229c) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

''(1) INSTEAD OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Secretary of Homeland Security may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection instead of being subject to proceedings under section 240.'';

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by adding after paragraph (1) the following:

''(2) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection after the initiation of removal proceedings under section 240 and before the conclusion of such proceedings before an immigration judge.'';

(E) in paragraph (3), as redesignated—

(i) by amending subparagraph (A) to read as follows:

''(A) INSTEAD OF REMOVAL.—Subject to subparagraph (C), permission to voluntarily depart under paragraph (1) shall not be valid for any period in excess of 120 days. The Secretary may require an alien permitted to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.'';

(ii) by redesignating subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;

(iii) by adding after subparagraph (A) the following:

''(B) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to voluntarily depart under paragraph (2) shall not be valid for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will pose a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.'';

(iv) in subparagraph (C), as redesignated, by striking ''subparagraphs (C) and(D)(ii)'' and inserting ''subparagraphs (D) and (E)(ii)'';

(v) in subparagraph (D), as redesignated, by striking ''subparagraph (B)'' each place that term appears and inserting ''subparagraph (C)''; and

(vi) in subparagraph (E), as redesignated, by striking ''subparagraph (B)'' each place that term appears and inserting ''subparagraph (C)''; and

(F) in paragraph (4), by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)'';

(2) in subsection (b)(2), by striking ''a period exceeding 60 days'' and inserting ''any period in excess of 45 days'';

(3) by amending subsection (c) to read as follows:

''(c) CONDITIONS ON VOLUNTARY DEPARTURE.—

''(1) VOLUNTARY DEPARTURE AGREEMENT.—Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

''(2) CONCESSIONS BY THE SECRETARY.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

''(3) ADVISALS.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

''(4) FAILURE TO COMPLY WITH AGREEMENT.—

''(A) IN GENERAL.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

''(i) ineligible for the benefits of the agreement;

''(ii) subject to the penalties described in subsection (d); and

''(iii) subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b).

''(B) EFFECT OF FILING TIMELY APPEAL.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge's decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences of such agreement, but precludes the alien from another grant of voluntary departure while the alien remains in the United States.

''(5) VOLUNTARY DEPARTURE PERIOD NOT AFFECTED.—Except as expressly agreed to by the Secretary in writing in the exercise of the Secretary's discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart from the United States during the period agreed to by the alien and the Secretary.'';

(4) by amending subsection (d) to read as follows:

''(d) PENALTIES FOR FAILURE TO DEPART.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

''(1) CIVIL PENALTY.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

''(2) INELIGIBILITY FOR RELIEF.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

''(3) REOPENING.—The alien shall be ineligible to reopen the final order of removal that took effect upon the alien's failure to depart, or upon the alien's other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

''(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and

''(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.''; and

(5) by amending subsection (e) to read as follows:

''(e) ELIGIBILITY.—

''(1) PRIOR GRANT OF VOLUNTARY DEPARTURE.—An alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

''(2) RULEMAKING.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsections (a)(2) or (b) of this section for any class or classes of aliens.''; and

(6) in subsection (f), by adding at the end the following: ''Notwithstanding section 242(a)(2)(D) of this Act, sections 1361, 1651, and 2241 of title 28, United States Code, any other habeas corpus provision, and any other provision of law (statutory or nonstatutory), no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.''.

(b) RULEMAKING.—The Secretary shall promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.

SEC. 212. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) INADMISSIBLE ALIENS.—Section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking ''seeks admission within 5 years of the date of such removal (or within 20 years'' and inserting ''seeks admission not later than 5 years after the date of the alien's removal (or not later than 20 years after the alien's removal''; and

(2) in clause (ii), by striking ''seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of'' and inserting ''seeks admission not later than 10 years after the date of the alien's departure or removal (or not later than 20 years after''.

(b) BAR ON DISCRETIONARY RELIEF.—Section 274D (9 U.S.C. 324d) is amended—

(1) in subsection (a), by striking ''Commissioner'' and inserting ''Secretary of Homeland Security''; and

(2) by adding at the end the following:

''(c) INELIGIBILITY FOR RELIEF.—

''(1) IN GENERAL.—Unless a timely motion to reopen is granted under section 240(c)(6), an alien described in subsection (a) shall be ineligible for any discretionary relief from removal (including cancellation of removal and adjustment of status) during the time the alien remains in the United States and for a period of 10 years after the alien's departure from the United States.

''(2) SAVINGS PROVISION.—Nothing in paragraph (1) shall preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

''(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

''(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.''.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal entered on or after such date.

SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO, OR THE POSSESSION OF FIREARMS BY CERTAIN ALIENS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking ''(y)(2)'' and all that follows and inserting ''(y), is in a nonimmigrant classification; or''; and

(C) by adding at the end the following:

''(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));''; and

(2) in subsection (g)(5)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking ''(y)(2)'' and all that follows and inserting ''(y), is in a nonimmigrant classification; or''; and

(C) by adding at the end the following:

''(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));''.

(3) in subsection (y)—

(A) in the header, by striking ''ADMITTED UNDER NONIMMIGRANT VISAS'' and inserting ''IN A NONIMMIGRANT CLASSIFICATION'';

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

''(B) the term 'nonimmigrant classification' includes all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or otherwise described in the immigration laws (as defined in section 101(a)(17) of such Act).'';

(C) in paragraph (2), by striking ''has been lawfully admitted to the United States under a nonimmigrant visa'' and inserting ''is in a nonimmigrant classification''; and

(D) in paragraph (3)(A), by striking ''Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5)'' and inserting ''Any alien in a nonimmigrant classification may receive a waiver from the requirements of subsection (g)(5)(B)''.

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

(a) IN GENERAL.—Section 3291 of title 18, United States Code, is amended to read as follows:

''§ 3291. Immigration, naturalization, and peonage offenses

''No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons), for an attempt or conspiracy to violate any such section, for a violation of any criminal provision under section 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1306, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

''3291. Immigration, naturalization, and peonage offenses.''.

SEC. 215. DIPLOMATIC SECURITY SERVICE.

Section 2709(a)(1) of title 22, United States Code, is amended to read as follows:

''(1) conduct investigations concerning—

''(A) illegal passport or visa issuance or use;

''(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

''(C) violations of chapter 77 of title 18, United States Code; and

''(D) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 7(9) of title 18, United States Code);''.

SEC. 216. FIELD AGENT ALLOCATION AND BACKGROUND CHECKS.

(a) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended—

(1) by amending subsection (f) to read as follows:

''(f) MINIMUM NUMBER OF AGENTS IN STATES.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall allocate to each State—

''(A) not fewer than 40 full-time active duty agents of the Bureau of Immigration and Customs Enforcement to—

''(i) investigate immigration violations; and

''(ii) ensure the departure of all removable aliens; and

''(B) not fewer than 15 full-time active duty agents of the Bureau of Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions.

''(2) WAIVER.—The Secretary may waive the application of paragraph (1) for any State with a population of less than 2,000,000, as most recently reported by the Bureau of the Census''; and

(2) by adding at the end the following:

''(i) Notwithstanding any other provision of law, appropriate background and security checks, as determined by the Secretary of Homeland Security, shall be completed and assessed and any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act shall be investigated and resolved before the Secretary or the Attorney General may—

''(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

''(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

''(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 217. CONSTRUCTION.

(a) IN GENERAL.—Chapter 4 of title III (8 U.S.C. 1501 et seq.) is amended by adding at the end the following:

''SEC. 362. CONSTRUCTION.

''(a) IN GENERAL.—Nothing in this Act or in any other provision of law shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any Federal agency to grant any application, approve any petition, or grant or continue any status or benefit under the immigration laws by, to, or on behalf of—

''(1) any alien described in subparagraph (A)(i), (A)(iii), (B), or (F) of section 212(a)(3) or subparagraph (A)(i), (A)(iii), or (B) of section 237(a)(4);

''(2) any alien with respect to whom a criminal or other investigation or case is pending that is material to the alien's inadmissibility, deportability, or eligibility for the status or benefit sought; or

''(3) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted and resolved.

''(b) DENIAL; WITHHOLDING.—An official described in subsection (a) may deny or withhold (with respect to an alien described in subsection (a)(1)) or withhold pending resolution of the investigation, case, or law enforcement checks (with respect to an alien described in paragraph (2) or (3) of subsection (a)) any such application, petition, status, or benefit on such basis.''.

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 361 the following:

''Sec. 362. Construction.''.

SEC. 218. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) REIMBURSEMENT FOR COSTS ASSOCIATED WITH PROCESSING CRIMINAL ILLEGAL ALIENS.—The Secretary shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) courts costs.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROCESSING CRIMINAL ILLEGAL ALIENS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

(2) COMPENSATION UPON REQUEST.—Section 241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows:

''(5) There are authorized to be appropriated to carry this subsection—

''(A) such sums as may be necessary for fiscal year 2007;

''(B) $750,000,000 for fiscal year 2008;

''(C) $850,000,000 for fiscal year 2009; and

''(D) $950,000,000 for each of the fiscal years 2010 through 2012.''.

(c) TECHNICAL AMENDMENT.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

SEC. 219. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The Secretary shall provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 220. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) GRANTS AUTHORIZED.—The Secretary may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities;

(2) health care services;

(3) environmental restoration; and

(4) the preservation of cultural resources.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—

(1) describes the level of access of Border Patrol agents on tribal lands;

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

(3) contains a strategy for improving such access through cooperation with tribal authorities; and

(4) identifies grants provided by the Department for Indian tribes, either directly or through State or local grants, relating to border security expenses.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

SEC. 221. ALTERNATIVES TO DETENTION.

The Secretary shall conduct a study of—

(1) the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders;

(2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding that program to all States; and

(3) other alternatives to detention, including—

(A) release on an order of recognizance;

(B) appearance bonds; and

(C) electronic monitoring devices.

SEC. 222. CONFORMING AMENDMENT.

Section 101(a)(43)(P) (8 U.S.C. 1101(a)(43)(P)) is amended—

(1) by striking ''(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)'' and inserting ''which is described in chapter 75 of title 18, United States Code, and''; and

(2) by inserting the following: ''that is not described in section 1548 of such title (relating to increased penalties), and'' after ''first offense''.

SEC. 223. REPORTING REQUIREMENTS.

(a) CLARIFYING ADDRESS REPORTING REQUIREMENTS.—Section 265 (8 U.S.C. 1305) is amended—

(1) in subsection (a)—

(A) by striking ''notify the Attorney General in writing'' and inserting ''submit written or electronic notification to the Secretary of Homeland Security, in a manner approved by the Secretary,'';

(B) by striking ''the Attorney General may require by regulation'' and inserting ''the Secretary may require''; and

(C) by adding at the end the following: ''If the alien is involved in proceedings before an immigration judge or in an administrative appeal of such proceedings, the alien shall submit to the Attorney General the alien's current address and a telephone number, if any, at which the alien may be contacted.'';

(2) in subsection (b), by striking ''Attorney General'' each place such term appears and inserting ''Secretary'';

(3) in subsection (c), by striking ''given to such parent'' and inserting ''given by such parent''; and

(4) by adding at the end the following:

''(d) ADDRESS TO BE PROVIDED.—

''(1) IN GENERAL.—Except as otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section shall be the alien's current residential mailing address, and shall not be a post office box or other non-residential mailing address or the address of an attorney, representative, labor organization, or employer.

''(2) SPECIFIC REQUIREMENTS.—The Secretary may provide specific requirements with respect to—

''(A) designated classes of aliens and special circumstances, including aliens who are employed at a remote location; and

''(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

''(3) DETENTION.—An alien who is being detained by the Secretary under this Act is not required to report the alien's current address under this section during the time the alien remains in detention, but shall be required to notify the Secretary of the alien's address under this section at the time of the alien's release from detention.

''(e) USE OF MOST RECENT ADDRESS PROVIDED BY THE ALIEN.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cross referencing of address information provided by an alien under this section with other information relating to the alien's address under other Federal programs, including—

''(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

''(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

''(C) any information collected with respect to nonimmigrant foreign students or exchange program participants under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372); and

''(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

''(2) RELIANCE.—The Secretary may rely on the most recent address provided by the alien under this section or section 264 to send to the alien any notice, form, document, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 239(a)(1)(F) to contact the alien about pending removal proceedings.

''(3) OBLIGATION.—The alien's provision of an address for any other purpose under the Federal immigration laws does not excuse the alien's obligation to submit timely notice of the alien's address to the Secretary under this section (or to the Attorney General under section 239(a)(1)(F) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding).''.

(b) CONFORMING CHANGES WITH RESPECT TO REGISTRATION REQUIREMENTS.—Chapter 7 of title II (8 U.S.C. 1301 et seq.) is amended—

(1) in section 262(c), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(2) in section 263(a), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(3) in section 264—

(A) in subsections (a), (b), (c), and (d), by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(B) in subsection (f)—

(i) by striking ''Attorney General is authorized'' and inserting ''Secretary of Homeland Security and Attorney General are authorized''; and

(ii) by striking ''Attorney General or the Service'' and inserting ''Secretary or the Attorney General''.

(c) PENALTIES.—Section 266 (8 U.S.C. 1306) is amended—

(1) by amending subsection (b) to read as follows:

''(b) FAILURE TO PROVIDE NOTICE OF ALIEN'S CURRENT ADDRESS.—

''(1) CRIMINAL PENALTIES.—Any alien or any parent or legal guardian in the United States of any minor alien who fails to notify the Secretary of Homeland Security of the alien's current address in accordance with section 265 shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

''(2) EFFECT ON IMMIGRATION STATUS.—Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with removal of the alien. If the alien has not been inspected or admitted, or if the alien has failed on more than 1 occasion to submit notice of the alien's current address as required under section 265, the alien may be presumed to be a flight risk. The Secretary or the Attorney General, in considering any form of relief from removal which

may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien's failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien's failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.'';

(2) in subsection (c), by inserting ''or a notice of current address'' before ''containing statements''; and

(3) in subsections (c) and (d), by striking ''Attorney General'' each place it appears and inserting ''Secretary''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

SEC. 224. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.

(a) IN GENERAL.—Section 287(g) (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (2), by adding at the end the following: ''If such training is provided by a State or political subdivision of a State to an officer or employee of such State or political subdivision of a State, the cost of such training (including applicable overtime costs) shall be reimbursed by the Secretary of Homeland Security.''; and

(2) in paragraph (4), by adding at the end the following: ''The cost of any equipment required to be purchased under such written agreement and necessary to perform the functions under this subsection shall be reimbursed by the Secretary of Homeland Security.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 225. REMOVAL OF DRUNK DRIVERS.

(a) IN GENERAL.—Section 101(a)(43)(F) (8 U.S.C. 1101(a)(43)(F)) is amended by inserting '', including a third drunk driving conviction, regardless of the States in which the convictions occurred or whether the offenses are classified as misdemeanors or felonies under State law,'' after ''offense)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to convictions entered before, on, or after such date.

SEC. 226. MEDICAL SERVICES IN UNDERSERVED AREAS.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking ''and before June 1, 2006.''.

SEC. 227. EXPEDITED REMOVAL.

(a) IN GENERAL.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting ''EXPEDITED REMOVAL OF CRIMINAL ALIENS'';

(2) in subsection (a), by striking the subsection heading and inserting: ''EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.—'';

(3) in subsection (b), by striking the subsection heading and inserting: ''REMOVAL OF CRIMINAL ALIENS.—'';

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

''(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

''(A) has not been lawfully admitted to the United States for permanent residence; and

''(B) was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).'';

(5) in the subsection (c) that relates to presumption of deportability, by striking ''convicted of an aggravated felony'' and inserting ''described in subsection (b)(2)'';

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking '', who is deportable under this Act,''.

(b) APPLICATION TO CERTAIN ALIENS.—

(1) IN GENERAL.—Section 235(b)(1)(A)(iii) (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subclause (I), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' each place it appears; and

(B) by adding at the end the following new subclause:

''(III) EXCEPTION.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.''.

(2) EXCEPTIONS.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended—

(A) by striking ''and who arrives by aircraft at a port of entry'' and inserting ''and—''; and

(B) by adding at the end the following:

''(i) who arrives by aircraft at a port of entry; or

''(ii) who is present in the United States and arrived in any manner at or between a port of entry.''.

(c) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)(2) (8 U.S.C. 1252(f)(2)) is amended by inserting ''or stay, whether temporarily or otherwise,'' after ''enjoin''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 228. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A)(i), by striking ''Any'' and inserting ''Except as provided in clause (vii), any'';

(2) in subparagraph (A), by inserting after clause (vi) the following:

''(vii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed.''; and

(3) in subparagraph (B)(i)—

(A) by striking ''Any alien'' and inserting the following: ''(I) Except as provided in subclause (II), any alien''; and

(B) by adding at the end the following:

''(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.''.

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting ''(other than a citizen described in section 204(a)(1)(A)(vii))'' after ''citizen of the United States'' each place that phrase appears.

SEC. 229. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et. seq.) is amended by adding after section 240C the following new section:

''SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

''(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the criminal provisions of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

''(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

''(c) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

''(1) shall—

''(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

''(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

''(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

''(I) the conclusion of the State charging process or dismissal process; or

''(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

''(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

''(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

''(d) REIMBURSEMENT.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a

political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

''(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

''(A) the product of—

''(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

''(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

''(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

''(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

''(e) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

''(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

''(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

''(f) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

''(g) AUTHORITY FOR CONTRACTS.—

''(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

''(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.''.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

SEC. 230. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting ''section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor),'' after ''section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),''; and

(2) by inserting ''section 274(a) of the Immigration and Nationality Act (8 U.S.C.1324(a)) (relating to bringing in and harboring certain aliens),'' after ''section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),''.

SEC. 231. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) (as amended by section 211(a)(1)(C)), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and''.

SEC. 232. COOPERATIVE ENFORCEMENT PROGRAMS.

Not later than 2 years after the date of the enactment of this Act, the Secretary shall negotiate and execute, where practicable, a cooperative enforcement agreement described in section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with at least 1 law enforcement agency in each State, to train law enforcement officers in the detection and apprehension of individuals engaged in transporting, harboring, sheltering, or encouraging aliens in violation of section 274 of such Act (8 U.S.C. 1324).

SEC. 233. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 10,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States.

(2) DETERMINATION OF LOCATION.—The location of any detention facility built or acquired in accordance with this subsection shall be determined with the concurrence of the Secretary by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with paragraph (1).

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking ''may expend'' and inserting ''shall expend''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 234. DETERMINATION OF IMMIGRATION STATUS OF INDIVIDUALS CHARGED WITH FEDERAL OFFENSES.

(a) RESPONSIBILITY OF UNITED STATES ATTORNEYS.—Beginning not later than 2 years after the date of the enactment of this Act, the office of the United States Attorney that is prosecuting a criminal case in a Federal court—

(1) shall determine, not later than 30 days after filing the initial pleadings in the case, whether each defendant in the case is lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise);

(2)(A) if the defendant is determined to be an alien lawfully present in the United States, shall notify the court in writing of the determination and the current status of the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) if the defendant is determined not to be lawfully present in the United States, shall notify the court in writing of the determination, the defendant's alien status, and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in paragraph (2) is included in the case file and the criminal records system of the office of the United States attorney.

(b) GUIDELINES.—A determination made under subsection (a)(1) shall be made in accordance with guidelines of the Executive Office for Immigration Review of the Department of Justice.

(c) RESPONSIBILITIES OF FEDERAL COURTS.—

(1) MODIFICATIONS OF RECORDS AND CASE MANAGEMENTS SYSTEMS.—Not later than 2 years after the date of the enactment of this Act, all Federal courts that hear criminal cases, or appeals of criminal cases, shall modify their criminal records and case management systems, in accordance with guidelines which the Director of the Administrative Office of the United States Courts shall establish, so as to enable accurate reporting of information described in subsection (a)(2).

(2) DATA ENTRIES.—Beginning not later than 2 years after the date of the enactment of this Act, each Federal court described in paragraph (1) shall enter into its electronic records the information contained in each notification to the court under subsection (a)(2).

(d) CONSTRUCTION.—Nothing in this section may be construed to provide a basis for admitting evidence to a jury or releasing information to the public regarding an alien's immigration status.

(e) ANNUAL REPORT TO CONGRESS.—The Director of the Administrative Office of the United States Courts shall include, in the annual report filed with Congress under section 604 of title 28, United States Code—

(1) statistical information on criminal trials of aliens in the courts and criminal convictions of aliens in the lower courts and upheld on appeal, including the type of crime in each case and including information on the legal status of the aliens; and

(2) recommendations on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2007 through 2011, such sums as may be necessary to carry out this Act. Funds appropriated pursuant to this subsection in any fiscal year shall remain available until expended.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

''(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

''(1) IN GENERAL.—It is unlawful for an employer—

''(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to such employment; or

''(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

''(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing or with reason to know that the alien is (or has become) an unauthorized alien with respect to such employment.

''(3) USE OF LABOR THROUGH CONTRACT.—In this section, an employer who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, to obtain the labor of an alien in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

''(4) REBUTTABLE PRESUMPTION OF UNLAWFUL HIRING.—If the Secretary determines that an employer has hired more than 10 unauthorized aliens during a calendar year, a rebuttable presumption is created for the purpose of a civil enforcement proceeding, that the employer knew or had reason to know that such aliens were unauthorized.

''(5) DEFENSE.—

''(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

''(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) without a showing of compliance with subsection (d).

''(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

''(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

''(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the chief executive officer or similar official of the employer shall certify under penalty of perjury that—

''(A) the employer is in compliance with the requirements of subsections (c) and (d); or

''(B) that the employer has instituted a program to come into compliance with such requirements.

''(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

''(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record-keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

''(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall take all reasonable steps to verify that the individual is eligible for such employment. Such steps shall include meeting the requirements of subsection (d) and the following paragraphs:

''(1) ATTESTATION BY EMPLOYER.—

''(A) REQUIREMENTS.—

''(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining—

''(I) a document described in subparagraph (B); or

''(II) a document described in subparagraph (C) and a document described in subparagraph (D).

''(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

''(iii) STANDARDS FOR EXAMINATION.—An employer has complied with the requirement of this paragraph with respect to examination of documentation if, based on the totality of the circumstances, a reasonable person would conclude that the document examined is genuine and establishes the individual's identity and eligibility for employment in the United States.

''(iv) REQUIREMENTS FOR EMPLOYMENT ELIGIBILITY SYSTEM PARTICIPANTS.—A participant in the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employment eligibility verification requirements contained in this section.

''(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT ELIGIBILITY AND IDENTITY.—A document described in this subparagraph is an individual's—

''(i) United States passport; or

''(ii) permanent resident card or other document designated by the Secretary, if the document—

''(I) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary proscribes in regulations is sufficient for the purposes of this subparagraph;

''(II) is evidence of eligibility for employment in the United States; and

''(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

''(C) DOCUMENTS EVIDENCING EMPLOYMENT ELIGIBILITY.—A document described in this subparagraph is an individual's—

''(i) social security account number card issued by the Commissioner of Social Security (other than a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or

''(ii) any other documents evidencing eligibility of employment in the United States, if—

''(I) the Secretary has published a notice in the Federal Register stating that such document is acceptable for purposes of this subparagraph; and

''(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

''(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual's—

''(i) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that complies with the requirements of the REAL ID Act of 2005 (division B of Public Law 109–13; 119 Stat. 302);

''(ii) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that is not in compliance with the requirements of the REAL ID Act of 2005, if the license or identity card—

''(I) is not required by the Secretary to comply with such requirements; and

''(II) contains the individual's photograph or information, including the individual's name, date of birth, gender, and address; and

''(iii) identification card issued by a Federal agency or department, including a branch of the Armed Forces, or an agency, department, or entity of a State, or a Native American tribal document, provided that such card or document—

''(I) contains the individual's photograph or information including the individual's name, date of birth, gender, eye color, and address; and

''(II) contains security features to make the card resistant to tampering, counterfeiting, and fraudulent use; or

''(iv) in the case of an individual who is under 16 years of age who is unable to present a document described in clause (i), (ii), or (iii), a document of personal identity of such other type that—

''(I) the Secretary determines is a reliable means of identification; and

''(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

''(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

''(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B), (C), or (D) is not reliable to establish identity or eligibility for employment (as the case may be) or is being used fraudulently to an unacceptable degree, the Secretary is authorized to prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

''(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

''(2) ATTESTATION OF EMPLOYEE.—

''(A) REQUIREMENTS.—

''(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, recruited or referred for a fee, in the United States.

''(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

''(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

''(3) RETENTION OF ATTESTATION.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation submitted under paragraph (1) or (2) for an individual and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

''(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 7 years after the date of the recruiting or referral; or

''(B) in the case of the hiring of an individual the later of—

''(i) 7 years after the date of such hiring;

''(ii) 1 year after the date the individual's employment is terminated; or

''(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

''(4) DOCUMENT RETENTION AND RECORD KEEPING REQUIREMENTS.—

''(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

''(i) IN GENERAL.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer and the individual and the date of receipt of such documents.

''(ii) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

''(B) RETENTION OF SOCIAL SECURITY CORRESPONDENCE.—The employer shall maintain records related to an individual of any no-match notice from the Commissioner of Social Security regarding the individual's name or corresponding social security account number and the steps taken to resolve each issue described in the no-match notice.

''(C) RETENTION OF CLARIFICATION DOCUMENTS.—The employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual's identity or eligibility for employment in the United States.

''(D) RETENTION OF OTHER RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

''(5) PENALTIES.—An employer that fails to comply with the requirement of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

''(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

''(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

''(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') as described in this subsection.

''(2) MANAGEMENT OF SYSTEM.—

''(A) IN GENERAL.—The Secretary shall, through the System—

''(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual's identity and eligibility for employment in the United States;

''(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

''(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

''(B) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

''(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

''(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, a tentative nonconfirmation notice, including the appropriate codes for such nonconfirmation notice.

''(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

''(i) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(ii), not later than 10 days after the date an individual submits information to contest such notice under paragraph (7)(C)(ii)(III), the Secretary, through the System, shall issue a final confirmation notice or a final nonconfirmation notice to the employer, including the appropriate codes for such notice.

''(ii) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (i).

''(D) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

''(i) to maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and security of the information maintained in the System;

''(ii) to respond to each inquiry made by an employer; and

''(iii) to track and record any occurrence when the System is unable to receive such an inquiry;

''(iv) to include appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

''(v) to allow for monitoring of the use of the System and provide an audit capability; and

''(vi) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status.

''(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

''(i) a determination of whether the name and social security account number provided in an inquiry by an employer match such information maintained by the Commissioner in order to confirm the validity of the information provided;

''(ii) a determination of whether such social security account number was issued to the named individual;

''(iii) a determination of whether such social security account number is valid for employment in the United States; and

''(iv) a confirmation notice or a nonconfirmation notice under subparagraph (B) or (C), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

''(F) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

''(i) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer match such information maintained by the Secretary in order to confirm the validity of the information provided;

''(ii) a determination of whether such number was issued to the named individual;

''(iii) a determination of whether the individual is authorized to be employed in the United States; and

''(iv) any other related information that the Secretary may require.

''(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary shall update the information maintained in the System in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information.

''(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraphs (4) and (5), the Secretary shall require employers to participate in the System as follows:

''(A) CRITICAL EMPLOYERS.—

''(i) REQUIRED PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration

Reform Act of 2006, the Secretary shall require any employer or class of employers to participate in the System, with respect to employees hired by the employer prior to, on, or after such date of enactment, if the Secretary determines, in the Secretary's sole and unreviewable discretion, such employer or class of employer is—

''(I) part of the critical infrastructure of the United States; or

''(II) directly related to the national security or homeland security of the United States.

''(ii) DISCRETIONARY PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary may require an additional employer or class of employers to participate in the System with respect to employees hired on or after such date if the Secretary designates such employer or class of employers, in the Secretary's sole and unreviewable discretion, as a critical employer based on immigration enforcement or homeland security needs.

''(B) LARGE EMPLOYERS.—Not later than 2 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 5,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

''(C) MIDSIZED EMPLOYERS.—Not later than 3 years after the date of enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with less than 5,000 employees and with 1,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

''(D) SMALL EMPLOYERS.—Not later than 4 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers with less than 1,000 employees and with 250 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

''(E) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by an employer after the date the Secretary requires such participation.

''(F) REQUIREMENT TO PUBLISH.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in subparagraphs (A), (B), (C), (D), and (E) prior to the effective date of such requirements.

''(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary's sole and unreviewable discretion—

''(A) to permit any employer that is not required to participate in the System under paragraph (3) to participate in the System on a voluntary basis; and

''(B) to require any employer that is required to participate in the System under paragraph (3) with respect to newly hired employees to participate in the System with respect to all employees hired by the employer prior to, on, or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, if the Secretary has reasonable cause to believe that the employer has engaged in violations of the immigration laws.

''(5) WAIVER.—The Secretary is authorized to waive or delay the participation requirements of paragraph (3) with respect to any employer or class of employers if the Secretary provides notice to Congress of such waiver prior to the date such waiver is granted.

''(6) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an individual—

''(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to such individual; and

''(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) of this section, however such presumption may not apply to a prosecution under subsection (f)(1).

''(7) SYSTEM REQUIREMENTS.—

''(A) IN GENERAL.—An employer that participates in the System, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, shall—

''(i) obtain from the individual and record on the form designated by the Secretary—

''(I) the individual's social security account number; and

''(II) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such identification or authorization number that the Secretary shall require; and

''(ii) retain the original of such form and make such form available for inspection for the periods and in the manner described in subsection (c)(3).

''(B) SEEKING VERIFICATION.—The employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

''(i) not later than 3 working days (or such other reasonable time as may be specified by the Secretary of Homeland Security) after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

''(ii) in the case of an employee hired prior to the date of enactment of the Comprehensive Immigration Reform Act of 2006, at such time as the Secretary shall specify.

''(C) CONFIRMATION OR NONCONFIRMATION.—

''(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (2)(B)(i) for an individual, the employer shall record, on the form specified by the Secretary, the appropriate code provided in such notice.

''(ii) NONCONFIRMATION AND VERIFICATION.—

''(I) NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (2)(B)(ii) for an individual, the employer shall inform such individual of the issuances of such notice in writing and the individual may contest such nonconfirmation notice.

''(II) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice under subclause (I) within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form specified by the Secretary, the appropriate code provided in the nonconfirmation notice.

''(III) CONTEST.—If the individual contests the tentative nonconfirmation notice under subclause (I), the individual shall submit appropriate information to contest such notice to the System within 10 days of receiving notice from the individual's employer and shall utilize the verification process developed under paragraph (2)(C)(ii).

''(IV) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION.—A tentative nonconfirmation notice shall remain in effect until a final such notice becomes final under clause (II) or a final confirmation notice or final nonconfirmation notice is issued by the System.

''(V) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (II) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

''(VI) RECORDING OF CONCLUSION ON FORM.—If a final confirmation or nonconfirmation is provided by the System regarding an individual, the employer shall record on the form designated by the Secretary the appropriate code that is provided under the System to indicate a confirmation or nonconfirmation of the identity and employment eligibility of the individual.

''(D) CONSEQUENCES OF NONCONFIRMATION.—

''(i) TERMINATION OF CONTINUED EMPLOYMENT.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the nonconfirmed individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

''(8) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

''(9) LIMITATION ON USE OF THE SYSTEM.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States to utilize any information, database, or other records used in the System for any purpose other than as provided for under this subsection.

''(10) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including requirements with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

''(11) FEES.—The Secretary is authorized to require any employer participating in the System to pay a fee or fees for such participation. The fees may be set at a level that will recover the full cost of providing the System to all participants. The fees shall be deposited and remain available as provided in subsection (m) and (n) of section 286 and the System is providing an immigration adjudication and naturalization service for purposes of section 286(n).

''(12) REPORT.—Not later than 1 year after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall submit to Congress a report on the capacity, systems integrity, and accuracy of the System.

''(e) COMPLIANCE.—

''(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

''(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

''(B) for the investigation of those complaints that the Secretary deems it appropriate to investigate; and

''(C) for the investigation of such other violations of subsection (a), as the Secretary determines are appropriate.

''(2) AUTHORITY IN INVESTIGATIONS.—

''(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

''(i) shall have reasonable access to examine evidence of any employer being investigated; and

''(ii) if designated by the Secretary of Homeland Security, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

''(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

''(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this title, or any regulation or order issued under this title.

''(3) COMPLIANCE PROCEDURES.—

''(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

''(i) describe the violation;

''(ii) specify the laws and regulations allegedly violated;

''(iii) disclose the material facts which establish the alleged violation; and

''(iv) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

''(B) REMISSION OR MITIGATION OF PENALTIES.—

''(i) PETITION BY EMPLOYER.—Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A), the employer may file within 30 days from receipt of such notice, with the Secretary a petition for the remission or mitigation of such fine or penalty, or a petition for termination of the proceedings. The petition may include any relevant evidence or proffer of evidence the employer wishes to present, and shall be filed and considered in accordance with procedures to be established by the Secretary.

''(ii) REVIEW BY SECRETARY.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

''(iii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) or of any other requirements of this section.

''(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

''(4) CIVIL PENALTIES.—

''(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1)(A) or (2) of subsection (a) shall pay civil penalties as follows:

''(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

''(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

''(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

''(B) RECORD KEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the requirements of subsection (b), (c), or (d), shall pay a civil penalty as follows:

''(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

''(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

''(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of $6,000 for each such violation.

''(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the civil penalty described in subsection (g)(2).

''(D) REDUCTION OF PENALTIES.—Notwithstanding subparagraphs (A), (B), and (C), the Secretary is authorized to reduce or mitigate penalties imposed upon employers, based upon factors including the employer's hiring volume, compliance history, good faith implementation of a compliance program, participation in a temporary worker program, and voluntary disclosure of violations of this subsection to the Secretary.

''(E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted every 4 years to account for inflation, as provided by law.

''(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

''(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

''(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

''(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both.

''(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

''(g) PROHIBITION OF INDEMNITY BONDS.—

''(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

''(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

''(h) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

''(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

''(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 2 years.

''(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive

operation of this subsection or may limit the duration or scope of the debarment.

''(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

''(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary of Homeland Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

''(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

''(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation shall not be judicially reviewed.

''(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

''(i) MISCELLANEOUS PROVISIONS.—

''(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

''(2) PREEMPTION.—The provisions of this section preempt any State or local law—

''(A) imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens; or

''(B) requiring, as a condition of conducting, continuing, or expanding a business, that a business entity—

''(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

''(ii) take other steps that facilitate the employment of day laborers by others.

''(j) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

''(k) DEFINITIONS.—In this section:

''(1) EMPLOYER.—The term 'employer' means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

''(2) NO-MATCH NOTICE.—The term 'no-match notice' means written notice from the Commissioner of Social Security to an employer reporting earnings on a Form W–2 that an employee name or corresponding social security account number fail to match records maintained by the Commissioner.

''(3) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

''(4) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

''(A) an alien lawfully admitted for permanent residence; or

''(B) authorized to be so employed by this Act or by the Secretary.''.

(b) CONFORMING AMENDMENT.—

(1) AMENDMENT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a) are repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under such sections 401, 402, 403, 404, and 405 in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

''(w) EMPLOYER COMPLIANCE FUND.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

''(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

''(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

''(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.''.

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, and 1324a) during the 5-year period beginning on the date of the enactment of this Act.

(b) FRAUD DETECTION.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning on the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking ''citizen'' and inserting ''national''.

TITLE IV—TEMPORARY WORKER PROGRAMS AND VISA REFORM

Subtitle A—Requirements for Participating Countries

SEC. 401. REQUIREMENTS FOR PARTICIPATING COUNTRIES.

(a) IN GENERAL.—An alien is not eligible for status as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 501 of this Act, or deferred mandatory departure status under section 218B of the Immigration and Nationality Act, as added by section 601 of this Act, unless the home country of the alien has entered into a bilateral agreement with the United States that conforms to the requirements under subsection (b).

(b) REQUIREMENTS OF BILATERAL AGREEMENTS.—Each agreement under subsection (a) shall require the home country to—

(1) accept, within 3 days, the return of nationals who are ordered removed from the United States;

(2) cooperate with the United States Government in—

(A) identifying, tracking, and reducing gang membership, violence, and human trafficking and smuggling; and

(B) controlling illegal immigration;

(3) provide the United States Government with—

(A) passport information and criminal records of aliens who are seeking admission to or are present in the United States; and

(B) admission and entry data to facilitate United States entry-exit data systems;

(4) take steps to educate nationals of the home country regarding the program under title V or VI to ensure that such nationals are not exploited; and

(5) provide a minimum level of health coverage to its participants.

(c) RULEMAKING.—

(1) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Health and Human Services shall, by regulation, define the minimum level of health coverage to be provided by participating countries.

(2) RESPONSIBILITY TO OBTAIN COVERAGE.—If the health coverage provided by the home country falls below the minimum level defined pursuant to paragraph (1), the employer of the alien shall provide or the alien shall obtain coverage that meets such minimum level.

(d) HOUSING.—Participating countries shall agree to evaluate means to provide housing incentives in the alien's home country for returning workers.

Subtitle B—Nonimmigrant Temporary Worker Program

SEC. 411. NONIMMIGRANT TEMPORARY WORKER CATEGORY.

(a) NEW TEMPORARY WORKER CATEGORY.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end the following:

''(W) an alien having a residence in a foreign country which the alien has no intention of abandoning who is coming temporarily to the United States to perform temporary labor or service, other than that

which would qualify an alien for status under sections 101(a)(15)(H)(i), 101(a)(15)(H)(ii)(a), 101(a)(15)(L), 101(a)(15)(O), 101(a)(15)(P), and who meets the requirements of section 218A; or''.

(b) REPEAL OF H–2B CATEGORY.—Section 101(a)(15)(H)(ii) is amended by striking '', or (b) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform other temporary service or labor if unemployed persons capable of performing such service or labor cannot be found in this country, but this clause shall not apply to graduates of medical schools coming to the United States to perform services as members of the medical profession''.

(c) TECHNICAL AMENDMENTS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) in subparagraph (U)(iii), by striking ''or'' at the end; and

(2) in subparagraph (V)(ii)(II), by striking the period at the end and inserting a semicolon and ''or''.

SEC. 412. TEMPORARY WORKER PROGRAM.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 218 the following new section:

''SEC. 218A. TEMPORARY WORKER PROGRAM.

''(a) IN GENERAL.—The Secretary of State may grant a temporary visa to a nonimmigrant described in section 101(a)(15)(W) who demonstrates an intent to perform labor or services in the United States (other than those occupational classifications covered under the provisions of clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R)) of section 101(a)(15)).

''(b) REQUIREMENTS FOR ADMISSION.—In order to be eligible for nonimmigrant status under section 101(a)(15)(H)(W), an alien shall meet the following requirements:

''(1) ELIGIBILITY TO WORK.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation under section 101(a)(15)(W).

''(2) EVIDENCE OF EMPLOYMENT.—The alien must establish that he has a job offer from an employer authorized to hire aliens under the Alien Employment Management Program.

''(3) FEE.—The alien shall pay a $500 visa issuance fee in addition to the cost of processing and adjudicating such application. Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

''(4) MEDICAL EXAMINATION.—The alien shall undergo a medical examination (including a determination of immunization status) at the alien's expense, that conforms to generally accepted standards of medical practice.

''(5) APPLICATION CONTENT AND WAIVER.—

''(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of being admitted as a nonimmigrant under section 101(a)(15)(W).

''(B) CONTENT.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for admission as a nonimmigrant under section 101(a)(15)(W), the Secretary shall require an alien to provide information concerning the alien's physical and mental health, criminal history and gang membership, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government, voter registration history, claims to United States citizenship, and tax history.

''(C) WAIVER.—The Secretary of Homeland Security may require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of admission as a nonimmigrant under section 101(a)(15)(W), the alien agrees to waive any right—

''(i) to administrative or judicial review or appeal of an immigration officer's determination as to the alien's admissibility; or

''(ii) to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, if such removal action is initiated after the termination of the alien's period of authorized admission as a nonimmigrant under section 101(a)(15)(W).

''(D) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

''(c) GROUNDS OF INADMISSIBILITY.—

''(1) IN GENERAL.—In determining an alien's admissibility as a nonimmigrant under section 101(a)(15)(W)—

''(A) paragraphs (5), (6)(A), (7), and (9)(B) or (C) of section 212(a) may be waived for conduct that occurred on a date prior to the effective date of this Act; and

''(B) the Secretary of Homeland Security may not waive—

''(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

''(ii) section 212(a)(3) (relating to security and related grounds); or

''(iii) subparagraphs (A), (C) or (D) of section 212(a)(10) (relating to polygamists, child abductors and illegal voters);

''(C) for conduct that occurred prior to the date this Act was introduced in Congress, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or when such waiver is otherwise in the public interest; and

''(D) nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security to waive the provisions of section 212(a).

''(2) WAIVER FEE.—An alien who is granted a waiver under subparagraph (1) shall pay a $500 fee upon approval of the alien's visa application.

''(3) RENEWAL OF AUTHORIZED ADMISSION AND SUBSEQUENT ADMISSIONS.—An alien seeking renewal of authorized admission or subsequent admission as a nonimmigrant under section 101(a)(15)(W) shall establish that the alien is not inadmissible under section 212(a).

''(d) BACKGROUND CHECKS AND INTERVIEW.—The Secretary of Homeland Security shall not admit, and the Secretary of State shall not issue a visa to, an alien seeking admission under section 101(a)(15)(W) until all appropriate background checks have been completed. The Secretary of State shall ensure that an employee of the Department of State conducts a personal interview of an applicant for a visa under section 101(a)(15)(W).

''(e) INELIGIBLE TO CHANGE NONIMMIGRANT CLASSIFICATION.—An alien admitted under section 101(a)(15)(W) is ineligible to change status under section 248.

''(f) DURATION.—

''(1) GENERAL.—The period of authorized admission as a nonimmigrant under 101(a)(15)(W) shall be 2 years, and may not be extended. An alien is ineligible to reenter as an alien under 101(a)(15)(W) until the alien has resided continuously in the alien's home country for a period of 1 year. The total period of admission as a nonimmigrant under section 101(a)(15)(W) may not exceed 6 years.

''(2) SEASONAL WORKERS.—An alien who spends less than 6 months a year as a nonimmigrant described in section 101(a)(15)(W) is not subject to the time limitations under subparagraph (1).

''(3) COMMUTERS.—An alien who resides outside the United States, but who commutes to the United States to work as a nonimmigrant described in section 101(a)(15)(W), is not subject to the time limitations under paragraph (1).

''(4) DEFERRED MANDATORY DEPARTURE.—An alien granted Deferred Mandatory Departure status, who remains in the United States under such status for—

''(A) a period of 2 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 5 years;

''(B) a period of 3 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 4 years;

''(C) a period of 4 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 3 years; or

''(D) a period of 5 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 2 years.

''(g) INTENT TO RETURN HOME.—In addition to other requirements in this section, an alien is not eligible for nonimmigrant status under section 101(a)(15)(W) unless the alien—

''(1) maintains a residence in a foreign country which the alien has no intention of abandoning; and

''(2) is present in such foreign country for at least 7 consecutive days during each year that the alien is a temporary worker.

''(h) BIOMETRIC DOCUMENTATION.—Evidence of status under section 101(a)(15)(W) shall be machine-readable, tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity.

''(i) PENALTY FOR FAILURE TO DEPART.—An alien who fails to depart the United States prior to 10 days after the date that the alien's authorized period of admission as a temporary worker ends is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

''(j) PENALTY FOR ILLEGAL ENTRY OR OVERSTAY.—An alien who, after the effective date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005, enters the United States without inspection, or violates a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission, shall be ineligible for nonimmigrant status under section 101(a)(15)(W) or Deferred Mandatory Departure status under section 218B for a period of 10 years.

''(k) ESTABLISHMENT OF TEMPORARY WORKER TASK FORCE.—

''(1) IN GENERAL.—There is established a task force to be known as the Temporary Worker Task Force (referred to in this section as the 'Task Force').

''(2) PURPOSES.—The purposes of the Task Force are—

''(A) to study the impact of the admission of aliens under section 101(a)(15)(W) on the wages, working conditions, and employment of United States workers; and

''(B) to make recommendations to the Secretary of Labor regarding the need for an annual numerical limitation on the number of aliens that may be admitted in any fiscal year under section 101(a)(15)(W).

''(3) MEMBERSHIP.—The Task Force shall be composed of 10 members, of whom—

''(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

''(B) 1 shall be appointed by the leader of the minority party in the Senate, in consultation with the leader of the minority party in the House of Representatives, and shall serve as vice chairman of the Task Force;

''(C) 2 shall be appointed by the majority leader of the Senate;

''(D) 2 shall be appointed by the minority leader of the Senate;

''(E) 2 shall be appointed by the Speaker of the House of Representatives; and

''(F) 2 shall be appointed by the minority leader of the House of Representatives.

''(4) QUALIFICATIONS.—

''(A) IN GENERAL.—Members of the Task Force shall be—

''(i) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

''(ii) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.

''(B) POLITICAL AFFILIATION.—Not more than 5 members of the Task Force may be members of the same political party.

''(C) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

''(5) DEADLINE FOR APPOINTMENT.—All members of the Task Force shall be appointed not later than 6 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005.

''(6) VACANCIES.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

''(7) MEETINGS.—

''(A) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

''(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

''(8) QUORUM.—Six members of the Task Force shall constitute a quorum.

''(9) REPORT.—Not later than 18 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005, the Task Force shall submit to Congress, the Secretary of Labor, and the Secretary of Homeland Security a report that contains—

''(A) findings with respect to the duties of the Task Force;

''(B) recommendations for imposing a numerical limit.

''(10) DETERMINATION.—Not later than 6 months after the submission of the report, the Secretary of Labor may impose a numerical limitation on the number of aliens that may be admitted under section 101(a)(15)(W). Any numerical limit shall not become effective until 6 months after the Secretary of Labor submits a report to Congress regarding the imposition of a numerical limit.

''(l) FAMILY MEMBERS.—

''(1) FAMILY MEMBERS OF W NONIMMIGRANTS.—

''(A) IN GENERAL.—The spouse or child of an alien admitted as a nonimmigrant under section 101(a)(15)(W) may be admitted to the United States—

''(i) as a nonimmigrant under section 101(a)(15)(B) for a period of not more than 30 days, which may not be extended unless the Secretary of Homeland Security, in his sole and unreviewable discretion, determines that exceptional circumstances exist; or

''(ii) under any other provision of this Act, if such family member is otherwise eligible for such admission.

''(B) APPLICATION FEE.—

''(i) IN GENERAL.—The spouse or child of an alien admitted as a nonimmigrant under section 101(a)(15)(W) who is seeking to be admitted as a nonimmigrant under section 101(a)(15)(B) shall submit, in addition to any other fee authorized by law, an additional fee of $100.

''(ii) USE OF FEE.—The fees collected under clause (i) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

''(m) TRAVEL OUTSIDE THE UNITED STATES.—

''(1) IN GENERAL.—Under regulations established by the Secretary of Homeland Security, a nonimmigrant alien under section 101(a)(15)(W)—

''(A) may travel outside of the United States; and

''(B) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

''(2) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) shall not extend the period of authorized admission in the United States.

''(n) EMPLOYMENT.—

''(1) PORTABILITY.—An alien may be employed by any United States employer authorized by the Secretary of Homeland Security to hire aliens admitted under section 218C.

''(2) CONTINUOUS EMPLOYMENT.—An alien must be employed while in the United States. An alien who fails to be employed for 30 days is ineligible for hire until the alien departs the United States and reenters as a nonimmigrant under section 101(a)(15)(W). The Secretary of Homeland Security may, in its sole and unreviewable discretion, reauthorize an alien for employment, without requiring the alien's departure from the United States.

''(o) ENUMERATION OF SOCIAL SECURITY NUMBER.—The Secretary of Homeland Security, in coordination with the Commissioner of Social Security, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at time of admission of an alien under section 101(a)(15)(W).

''(p) DENIAL OF DISCRETIONARY RELIEF.—The determination of whether an alien is eligible for a grant of nonimmigrant status under section 101(a)(15)(W) is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

''(1) any judgment regarding the granting of relief under this section; or

''(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 1158(a).

''(q) JUDICIAL REVIEW.—

''(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

''(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

''(i) an order or notice denying an alien a grant of nonimmigrant status under section 101(a)(15)(W) or any other benefit arising from such status; or

''(ii) an order of removal, exclusion, or deportation entered against an alien if such order is entered after the termination of the alien's period of authorized admission as a nonimmigrant under section 101(a)(15)(W); or

''(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

''(2) CHALLENGES TO VALIDITY.—

''(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

''(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

''(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.''.

(b) PROHIBITION ON CHANGE IN NONIMMIGRANT CLASSIFICATION.—Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking ''or (S)'' and inserting ''(S), or (W)''.

SEC. 413. STATUTORY CONSTRUCTION.

Nothing in this subtitle, or any amendment made by this title, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 414. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $500,000,000 for facilities, personnel (including consular officers), training, technology and processing necessary to carry out the amendments made by this subtitle.

Subtitle C—Mandatory Departure and Reentry in Legal Status

SEC. 421. MANDATORY DEPARTURE AND REENTRY IN LEGAL STATUS.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 218A, as added by section 412, the following new section:

''SEC. 218B. MANDATORY DEPARTURE AND REENTRY.

''(a) IN GENERAL.—The Secretary of Homeland Security may grant Deferred Mandatory Departure status to aliens who are in the United States illegally to allow such aliens time to depart the United States and to seek admission as a nonimmigrant or immigrant alien.

''(b) REQUIREMENTS.—

''(1) PRESENCE.—An alien must establish that the alien was physically present in the United States 1 year prior to the date of the introduction of the Comprehensive Enforcement and Immigration Reform Act of 2005 in

Congress and has been continuously in the United States since such date, and was not legally present in the United States under any classification set forth in section 101(a)(15) on that date.

''(2) EMPLOYMENT.—An alien must establish that the alien was employed in the United States prior to the date of the introduction of the Comprehensive Enforcement and Immigration Reform Act of 2005, and has been employed in the United States since that date.

''(3) ADMISSIBILITY.—

''(A) IN GENERAL.—The alien must establish that he—

''(i) is admissible to the United States, except as provided as in (B); and

''(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

''(B) GROUNDS NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), and (7) of section 212(a) shall not apply.

''(C) WAIVER.—The Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

''(4) INELIGIBLE.—An alien is ineligible for Deferred Mandatory Departure status if the alien—

''(A) is subject to a final order or removal under section 240;

''(B) failed to depart the United States during the period of a voluntary departure order under section 240B;

''(C) has been issued a Notice to Appear under section 239, unless the sole acts of conduct alleged to be in violation of the law are that the alien is removable under section 237(a)(1)(C) or is inadmissible under section 212(a)(6)(A);

''(D) is a resident of a country for which the Secretary of State has made a determination that the government of such country has repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371); or

''(E) fails to comply with any request for information by the Secretary of Homeland Security.

''(5) MEDICAL EXAMINATION.—The alien may be required, at the alien's expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

''(6) TERMINATION.—The Secretary of Homeland Security may terminate an alien's Deferred Mandatory Departure status—

''(A) if the Secretary of Homeland Security determines that the alien was not in fact eligible for such status; or

''(B) if the alien commits an act that makes the alien removable from the United States.

''(7) APPLICATION CONTENT AND WAIVER.—

''(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Deferred Mandatory Departure status.

''(B) CONTENT.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for Deferred Mandatory Departure, the Secretary shall require an alien to answer questions concerning the alien's physical and mental health, criminal history and gang membership, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States government, voter registration history, claims to United States citizenship, and tax history.

''(C) WAIVER.—The Secretary of Homeland Security shall require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of obtaining Deferred Mandatory Departure status, the alien agrees to waive any right to administrative or judicial review or appeal of an immigration officer's determination as to the alien's eligibility, or to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

''(D) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

''(c) IMPLEMENTATION AND APPLICATION TIME PERIODS.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the application process is secure and incorporates anti-fraud protection. The Secretary of Homeland Security shall interview an alien to determine eligibility for Deferred Mandatory Departure status and shall utilize biometric authentication at time of document issuance.

''(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security shall begin accepting applications for Deferred Mandatory Departure status not later than 3 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005.

''(3) APPLICATION.—An alien must submit an initial application for Deferred Mandatory Departure status not later than 6 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005. An alien that fails to comply with this requirement is ineligible for Deferred Mandatory Departure status.

''(4) COMPLETION OF PROCESSING.—The Secretary of Homeland Security shall ensure that all applications for Deferred Mandatory Departure status are processed not later than 12 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005.

''(d) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien may not be granted Deferred Mandatory Departure status unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security. The Secretary of Homeland Security may not grant Deferred Mandatory Departure status until all appropriate background checks are completed to the satisfaction of the Secretary of Homeland Security.

''(e) ACKNOWLEDGMENT.—An alien who applies for Deferred Mandatory Departure status shall submit to the Secretary of Homeland Security—

''(1) an acknowledgment made in writing and under oath that the alien—

''(A) is unlawfully present in the United States and subject to removal or deportation, as appropriate, under this Act; and

''(B) understands the terms of the terms of Deferred Mandatory Departure;

''(2) any Social Security account number or card in the possession of the alien or relied upon by the alien;

''(3) any false or fraudulent documents in the alien's possession.

''(f) MANDATORY DEPARTURE.—

''(1) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, grant an alien Deferred Mandatory Departure status for a period not to exceed 5 years.

''(2) REGISTRATION AT TIME OF DEPARTURE.—An alien granted Deferred Mandatory Departure must depart prior to the expiration of the period of Deferred Mandatory Departure status. The alien must register with the Secretary of Homeland Security at time of departure and surrender any evidence of Deferred Mandatory Departure status at time of departure.

''(3) RETURN IN LEGAL STATUS.—An alien who complies with the terms of Deferred Mandatory Departure status and who departs prior to the expiration of such status shall not be subject to section 212(a)(9)(B) and, if otherwise eligible, may immediately seek admission as a nonimmigrant or immigrant.

''(4) FAILURE TO DEPART.—An alien who fails to depart the United States prior to the expiration of Mandatory Deferred Departure status is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

''(5) PENALTIES FOR DELAYED DEPARTURE.—An alien who fails to depart immediately shall be subject to the following fees:

''(A) No fine if the alien departs within the first year after the grant of Deferred Mandatory Departure.

''(B) $2,000 if the alien does not depart within the second year after the grant of Deferred Mandatory Departure.

''(C) $3,000 if the alien does not depart within the third year following the grant of Deferred Mandatory Departure.

''(D) $4,000 if the alien does not depart within the fourth year following the grant of Deferred Mandatory Departure.

''(E) $5,000 if the alien does not depart during the fifth year following the grant of Deferred Mandatory Departure.

''(g) EVIDENCE OF DEFERRED MANDATORY DEPARTURE STATUS.—Evidence of Deferred Mandatory Departure status shall be machine-readable, tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity. The document may be accepted by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B).

''(h) TERMS OF STATUS.—

''(1) REPORTING.—During the period of Deferred Mandatory Departure, an alien shall comply with all registration requirements under section 264.

''(2) TRAVEL.—

''(A) An alien granted Deferred Mandatory Departure is not subject to section 212(a)(9) for any unlawful presence that occurred prior to the Secretary of Homeland Security

granting the alien Deferred Mandatory Departure status.

''(B) Under regulations established by the Secretary of Homeland Security, an alien granted Deferred Mandatory Departure—

''(i) may travel outside of the United States and may be readmitted if the period of Deferred Mandatory Departure status has not expired; and

''(ii) must establish at the time of application for admission that the alien is admissible under section 212.

''(C) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (B) shall not extend the period of Deferred Mandatory Departure status.

''(3) BENEFITS.—During the period in which an alien is granted Deferred Mandatory Departure under this section—

''(A) the alien shall not be considered to be permanently residing in the United States under the color of law and shall be treated as a nonimmigrant admitted under section 214; and

''(B) the alien may be deemed ineligible for public assistance by a State (as defined in section 101(a)(36)) or any political subdivision thereof which furnishes such assistance.

''(i) PROHIBITION ON CHANGE OF STATUS OR ADJUSTMENT OF STATUS.—An alien granted Deferred Mandatory Departure status is prohibited from applying to change status under section 248 or, unless otherwise eligible under section 245(i), from applying for adjustment of status to that of a permanent resident under section 245.

''(j) APPLICATION FEE.—

''(1) IN GENERAL.—An alien seeking a grant of Deferred Mandatory Departure status shall submit, in addition to any other fees authorized by law, an application fee of $1,000.

''(2) USE OF FEE.—The fees collected under paragraph (1) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

''(k) FAMILY MEMBERS.—

''(1) FAMILY MEMBERS.—

''(A) IN GENERAL.—The spouse or child of an alien granted Deferred Mandatory Departure status is subject to the same terms and conditions as the principal alien, but is not authorized to work in the United States.

''(B) APPLICATION FEE.—

''(i) IN GENERAL.—The spouse or child of an alien seeking Deferred Mandatory Departure shall submit, in addition to any other fee authorized by law, an additional fee of $500.

''(ii) USE OF FEE.—The fees collected under clause (i) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove aliens who are removable under section 237.

''(l) EMPLOYMENT.—

''(1) IN GENERAL.—An alien may be employed by any United States employer authorized by the Secretary of Homeland Security to hire aliens under section 218C.

''(2) CONTINUOUS EMPLOYMENT.—An alien must be employed while in the United States. An alien who fails to be employed for 30 days is ineligible for hire until the alien has departed the United States and reentered. The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, reauthorize an alien for employment without requiring the alien's departure from the United States.

''(m) ENUMERATION OF SOCIAL SECURITY NUMBER.—The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security System, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at the time the Secretary of Homeland Security grants an alien Deferred Mandatory Departure status.

''(n) PENALTIES FOR FALSE STATEMENTS IN APPLICATION FOR DEFERRED MANDATORY DEPARTURE.—

''(1) CRIMINAL PENALTY.—

''(A) VIOLATION.—It shall be unlawful for any person—

''(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(ii) to create or supply a false writing or document for use in making such an application.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

''(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

''(o) RELATION TO CANCELLATION OF REMOVAL.—With respect to an alien granted Deferred Mandatory Departure status under this section, the period of such status shall not be counted as a period of physical presence in the United States for purposes of section 240A(a), unless the Secretary of Homeland Security determines that extreme hardship exists.

''(p) WAIVER OF RIGHTS.—An alien is not eligible for Deferred Mandatory Departure status, unless the alien has waived any right to contest, other than on the basis of an application for asylum or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, any action for deportation or removal of the alien that is instituted against the alien subsequent to a grant of Deferred Mandatory Departure status.

''(q) DENIAL OF DISCRETIONARY RELIEF.—The determination of whether an alien is eligible for a grant of Deferred Mandatory Departure status is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

''(1) any judgment regarding the granting of relief under this section; or

''(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 1158(a).

''(r) JUDICIAL REVIEW.—

''(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

''(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

''(i) an order or notice denying an alien a grant of Deferred Mandatory Departure status or any other benefit arising from such status; or

''(ii) an order of removal, exclusion, or deportation entered against an alien after a grant of Deferred Mandatory Departure status; or

''(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

''(2) CHALLENGES TO VALIDITY.—

''(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

''(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

''(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.''.

(b) CONFORMING AMENDMENT.—Amend section 237(a)(2)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)(i)(II)) is amended by striking the period at the end and inserting ''(or 6 months in the case of an alien granted Deferred Mandatory Departure status under section 218B),''.

SEC. 422. STATUTORY CONSTRUCTION.

Nothing in this subtitle, or any amendment made by this subtitle, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 423. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,000,000,000 for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out the amendments made by this subtitle.

Subtitle D—Alien Employment Management System

SEC. 431. ALIEN EMPLOYMENT MANAGEMENT SYSTEM.

The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 218B, as added by section 621, the following new section:

''SEC. 218C. ALIEN EMPLOYMENT MANAGEMENT SYSTEM.

''(a) ESTABLISHMENT.—

''(1) PURPOSE.—The Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of State, and the Commissioner of Social Security, shall develop and implement a program to authorize, manage and track the employment of aliens described in section 218A or 218B.

''(2) DEADLINE.—The program under subsection (a) shall commence prior to any alien being admitted under section 101(a)(15)(W) or granted Deferred Mandatory Departure under section 218B.

''(b) REQUIREMENTS.—The program shall—

''(1) enable employers who seek to hire aliens described in section 218A or 218B to apply for authorization to employ such aliens;

''(2) be interoperable with Social Security databases and must provide a means of immediately verifying the identity and employment authorization of an alien described in section 218A or 218B, for purposes of complying with title III of the Comprehensive Enforcement and Immigration Reform Act of 2005;

''(3) require an employer to utilize readers or scanners at the location of employment or at a Federal facility to transmit the biometric and biographic information contained in the alien's evidence of status to the Secretary of Homeland Security, for purposes of complying with title III of the Comprehensive Enforcement and Immigration Reform Act of 2005; and

''(4) collect sufficient information from employers to enable the Secretary of Homeland Security to identify—

''(A) whether an alien described in section 218A or 218B is employed;

''(B) any employer that has hired an alien described in section 218A or 218B;

''(C) the number of aliens described in section 218A or 218B that an employer is authorized to hire and is currently employing; and

''(D) the occupation, industry and length of time that an alien described in section 218A or 218B has been employed in the United States.

''(c) AUTHORIZATION TO HIRE ALIENS DESCRIBED IN SECTION 218A OR 218B.—

''(1) APPLICATION.—An employer must apply, through the program described in subsection (a) of this section, to obtain authorization to hire aliens described in section 218A or 218B.

''(2) PENALTIES.—An employer who employs an alien described in section 218A or 218B without authorization is subject to the same penalties and provisions as an employer who violates section 274(a)(1)(A) or (a)(2). An employer shall be subject to penalties prescribed by the Secretary of Homeland Security by regulation, which may include monetary penalties and debarment from eligibility to hire aliens described in section 218A or 218B.

''(3) ELIGIBILITY.—An employer must establish that it is a legitimate company and must attest that it will comply with the terms of the program established under subsection (a).

''(4) NUMBER OF ALIENS AUTHORIZED.—An employer may request authorization to multiple aliens described in section 218A or 218B.

''(5) ELECTRONIC FORM.—The program established under subsection (a) shall permit employers to submit applications under this subsection in an electronic form.

''(d) NOTIFICATION UPON TERMINATION OF EMPLOYMENT.—An employer, through the program established under subsection (a), must notify the Secretary of Homeland Security not more than 3 business days after the date of the termination of the alien's employment. The employer is not authorized to fill the position with another alien described in section 218A or 218B until the employer notifies the Secretary of Homeland Security that the alien is no longer employed by that employer.

''(e) PROTECTION OF UNITED STATES WORKERS.—An employer may not be authorized to hire an alien described in section 218A or 218B until the employer submits an attestation stating the following:

''(1) The employer has posted the position in a national, electronic job registry maintained by the Secretary of Labor, for not less than 30 days.

''(2) The employer has offered the position to any eligible United States worker who applies and is equally or better qualified for the job for which a temporary worker is sought and who will be available at the time and place of need. An employer shall maintain records for not less than 1 year demonstrating that why United States workers who applied were not hired.

''(3) The employer shall comply with the terms of the program established under subsection (a), including the terms of any temporary worker monitoring program established by the Secretary.

''(4) The employer shall not hire more aliens than the number authorized by the Secretary of Homeland Security has authorized it to hire.

''(5) The worker shall be paid at least the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage. All wages will be paid in a timely manner and all payroll records will be maintained accurately.

''(6) The employment of a temporary worker shall not adversely affect the working conditions of other similarly employed United States workers.

''(f) APPROVAL.—After determining that there are no United States workers who are qualified and willing to obtain the employment for which the employer is seeking temporary workers, the Secretary of Homeland Security may approve the application submitted by the employer under this paragraph for the number of temporary workers that the Secretary determines are required by the employer. Such approval shall be valid for a 2-year period.''.

SEC. 432. LABOR INVESTIGATIONS.

(a) IN GENERAL.—The Secretary of Homeland Security and the Secretary of Labor shall conduct audits, including random audits, of employers who employ aliens described under section 218A or 218B of the Immigration and Nationality Act, as added by section 412 and 421, respectively.

(b) PENALTIES.—The Secretary of Homeland Security shall establish penalties, which may include debarment from eligibility for hire also described under section 218A, as added by section 412 of this Act, 218B, as added by section 421 of this Act, for employers who fail to comply with section 218C of the Immigration and Nationality Act as added by section 431 of this Act, and shall establish protections for aliens who report employers who fail to comply with such section.

Subtitle E—Protection Against Immigration Fraud

SEC. 441. GRANTS TO SUPPORT PUBLIC EDUCATION AND TRAINING.

(a) GENERAL PROGRAM PURPOSE.—The purpose of this subtitle is to assist qualified non-profit community organizations to educate, train, and support non-profit agencies, immigrant communities, and other interested entities regarding this Act and the amendments made by this Act.

(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—The grants under this part shall be used to fund public education, training, technical assistance, government liaison, and all related costs (including personnel and equipment) incurred by non-profit community organizations in providing services related to this Act, and to educate, train and support non-profit organizations, immigrant communities, and other interested parties regarding this Act and the amendments made by this Act and on matters related to its implementation. In particular, funding shall be provided to non-profit organizations for the purposes of—

(1) educating immigrant communities and other interested entities on the individuals and organizations that can provide authorized legal representation in immigration matters under regulations prescribed by the Secretary of Homeland Security, and on the dangers of securing legal advice and assistance from those who are not authorized to provide legal representation in immigration matters;

(2) educating interested entities on the requirements for obtaining non-profit recognition and accreditation to represent immigrants under regulations prescribed by the Secretary of Homeland Security, and providing non-profit agencies with training and technical assistance on the recognition and accreditation process; and

(3) educating non-profit community organizations, immigrant communities and other interested entities on the process for obtaining benefits under this Act or an amendment made by this Act, and the availability of authorized legal representation for low-income persons who may qualify for benefits under this Act of an amendment made by this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Justice Programs at the United States Department of Justice to carry out this section—

(1) $40,000,000 for fiscal year 2006;

(2) $40,000,000 for fiscal year 2007; and

(3) $40,000,000 for fiscal year 2008.

(d) IN GENERAL.—The Office of Justice Programs shall ensure, to the extent possible, that the non-profit community organizations funded under this Section shall serve geographically diverse locations and ethnically diverse populations who may qualify for benefits under the Act.

Subtitle F—Circular Migration

SEC. 451. INVESTMENT ACCOUNTS.

(a) IN GENERAL.—Section 201 of the Social Security Act (42 U.S.C. 401) is amended by adding at the end the following:

''(o)(1) Notwithstanding any other provision of this section, the Secretary of the Treasury shall transfer at least quarterly from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund 100 percent of the temporary worker taxes to the Temporary Worker Investment Fund for deposit in a temporary worker investment account for each temporary worker as specified in section 253.

''(2) For purposes of this subsection—

''(A) the term 'temporary worker taxes' means that portion of the amounts appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund under this section and properly attributable to the wages (as defined in section 3121 of the Internal Revenue Code of 1986) and self-employment income (as defined in section 1402 of such Code) of temporary workers as determined by the Commissioner of Social Security; and

''(B) the term 'temporary worker' means an alien who is admitted to the United States as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act.''.

(b) TEMPORARY WORKER INVESTMENT ACCOUNTS.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended—

(1) by inserting before section 201 the ''**PART A—SOCIAL SECURITY**''; and

(2) by adding at the end the following:

''PART II—TEMPORARY WORKER INVESTMENT ACCOUNTS

''DEFINITIONS

''SEC. 251. For purposes of this part:

''(1) COVERED EMPLOYER.—The term 'covered employer' means, for any calendar year, any person on whom an excise tax is imposed under section 3111 of the Internal Revenue Code of 1986 with respect to having an individual in the person's employ to whom wages are paid by such person during such calendar year.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(3) TEMPORARY WORKER.—The term 'temporary worker' an alien who is admitted to the United States as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act.

''(4) TEMPORARY WORKER INVESTMENT ACCOUNT.—The term 'temporary worker investment account' means an account for a temporary worker which is administered by the Secretary through the Temporary Worker Investment Fund.

''(5) TEMPORARY WORKER INVESTMENT FUND.—The term 'Temporary Worker Investment Fund' means the fund established under section 253.

''TEMPORARY WORKER INVESTMENT ACCOUNTS

''SEC. 252. (a) IN GENERAL.—A temporary worker investment account shall be established by the Secretary in the Temporary Worker Investment Fund for each individual not later than 10 business days after the covered employer of such individual submits a W–4 form (or any successor form) identifying such individual as a temporary worker.

''(b) TIME ACCOUNT TAKES EFFECT.—A temporary worker investment account established under subsection (a) shall take effect with respect to the first pay period beginning more than 14 days after the date of such establishment.

''(c) TEMPORARY WORKER'S PROPERTY RIGHT IN TEMPORARY WORKER INVESTMENT ACCOUNT.—The temporary worker investment account established for a temporary worker is the sole property of the worker.

''TEMPORARY WORKER INVESTMENT FUND

''SEC. 253. (a) IN GENERAL.—There is created on the books of the Treasury of the United States a trust fund to be known as the 'Temporary Worker Investment Fund' to be administered by the Secretary. Such Fund shall consist of the assets transferred under section 201(o) to each temporary worker investment account established under section 252 and the income earned under subsection (e) and credited to such account.

''(b) NOTICE OF CONTRIBUTIONS.—The full amount of a temporary worker's investment account transfers shall be shown on such worker's W–2 tax statement, as provided in section 6051(a)(14) of the Internal Revenue Code of 1986.

''(c) INVESTMENT EARNINGS REPORT.—

''(1) IN GENERAL.—At least annually, the Temporary Worker Investment Fund shall provide to each temporary worker with a temporary worker investment account managed by the Fund a temporary worker investment status report. Such report may be transmitted electronically upon the agreement of the temporary worker under the terms and conditions established by the Secretary.

''(2) CONTENTS OF REPORT.—The temporary worker investment status report, with respect to a temporary worker investment account, shall provide the following information:

''(A) The total amounts transferred under section 201(o) in the last quarter, the last year, and since the account was established.

''(B) The amount and rate of income earned under subsection (e) for each period described in subparagraph (A).

''(d) MAXIMUM ADMINISTRATIVE FEE.—The Temporary Worker Investment Fund shall charge each temporary worker in the Fund a single, uniform annual administrative fee not to exceed 0.3 percent of the value of the assets invested in the worker's account.

''(e) INVESTMENT DUTIES OF SECRETARY.—The Secretary shall establish policies for the investment and management of temporary worker investment accounts, including policies that shall provide for prudent Federal Government investment instruments suitable for accumulating funds.

''TEMPORARY WORKER INVESTMENT ACCOUNT DISTRIBUTIONS

''SEC. 254. (a) DATE OF DISTRIBUTION.—Except as provided in subsections (b) and (c), a distribution of the balance in a temporary worker investment account may only be made on or after the date such worker departs the United States and abandons such worker's nonimmigrant status under section 101(a)(15)(W) of the Immigration and Nationality Act and returns to the worker's home country.

''(b) DISTRIBUTION IN THE EVENT OF DEATH.—If the temporary worker dies before the date determined under subsection (a), the balance in the worker's account shall be distributed to the worker's estate under rules established by the Secretary.''.

(c) TEMPORARY WORKER INVESTMENT ACCOUNT TRANSFERS SHOWN ON W–2S.—

(1) IN GENERAL.—Section 6051(a) of the Internal Revenue Code of 1986 (relating to receipts for employees) is amended—

(A) by striking ''and'' at the end of paragraph (12);

(B) by striking the period at the end of paragraph (13) and inserting ''; and''; and

(C) by inserting after paragraph (13) the following:

''(14) in the case of a temporary worker (as defined in section 251(1) of the Social Security Act), of the amount shown pursuant to paragraph (6), the total amount transferred to such worker's temporary worker investment account under section 201(o) of such Act.''.

(2) CONFORMING AMENDMENTS.—Section 6051 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (a)(6), by inserting ''and paid as tax under section 3111'' after ''section 3101''; and

(B) in subsection (c), by inserting ''and paid as tax under section 3111'' after ''section 3101''.

Subtitle G—Backlog Reduction

SEC. 461. EMPLOYMENT BASED IMMIGRANTS.

(a) EMPLOYMENT-BASED IMMIGRANT LIMIT.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended to read as follows:

''(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—The worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

''(1) 140,000;

''(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

''(3) the difference between—

''(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those years; and

''(B) the number of visas described in subparagraph (A) that were issued after fiscal year 2005; and

''(4) the number of visas previously made available under section 203(e).''.

(b) DIVERSITY VISA TERMINATION.—The allocation of immigrant visas to aliens under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)), and the admission of such aliens to the United States as immigrants, is terminated. This provision shall become effective on October 1st of the fiscal year following enactment of this Act.

(c) IMMIGRATION TASK FORCE.—

(1) IN GENERAL.—There is established a task force to be known as the Immigration Task Force (referred to in this section as the ''Task Force'').

(2) PURPOSES.—The purposes of the Task Force are—

(A) to study the impact of the delay between the date on which an application for immigration is submitted and the date on which a determination on such application is made;

(B) to study the impact of immigration of workers to the United States on family unity; and

(C) to provide to Congress any recommendations of the Task Force regarding increasing the number immigrant visas issued by the United States for family members and on the basis of employment.

(3) MEMBERSHIP.—The Task Force shall be composed of 10 members, of whom—

(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

(B) 1 shall be appointed by the leader of the minority party in the Senate, in consultation with the leader of the minority party in the House of Representatives, and shall serve as vice chairman of the Task Force;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 2 shall be appointed by the minority leader of the Senate;

(E) 2 shall be appointed by the Speaker of the House of Representatives; and

(F) 2 shall be appointed by the minority leader of the House of Representatives.

(4) QUALIFICATIONS.—

(A) IN GENERAL.—Members of the Task Force shall be—

(i) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

(ii) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.

(B) POLITICAL AFFILIATION.—Not more than 5 members of the Task Force may be members of the same political party.

(C) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

(5) DEADLINE FOR APPOINTMENT.—All members of the Task Force shall be appointed not later than 6 months after the date of enactment of this Act.

(6) VACANCIES.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(7) MEETINGS.—

(A) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

(8) QUORUM.—Six members of the Task Force shall constitute a quorum.

(9) REPORT.—Not later than 18 months after the date of enactment of this Act, the Task Force shall submit to Congress, the Secretary of Labor, and the Secretary of Homeland Security a report that contains—

(A) findings with respect to the duties of the Task Force; and

(B) recommendations for modifying the numerical limits on the number immigrant visas issued by the United States for family members of individuals in the United States and on the basis of employment.

SEC. 462. COUNTRY LIMITS.

Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking '', (4), and (5)'' and inserting ''and (4)''; and

(B) by striking ''7 percent (in the case of a single foreign state) or 2 percent'' and inserting ''10 percent (in the case of a single foreign state) or 5 percent''; and

(2) by striking paragraph (5).

SEC. 463. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking ''28.6 percent'' and inserting ''10 percent'';

(2) in paragraph (2)(A), by striking ''28.6 percent'' and inserting ''10 percent'';

(3) in paragraph (3)(A)—

(A) by striking ''28.6 percent'' and inserting ''35 percent''; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking ''7.1 percent'' and inserting ''4 percent'';

(7) by inserting after paragraph (4), as redesignated, the following:

''(5) OTHER WORKERS.—Visas shall be made available, in a number not to exceed 36 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States''; and

(8) by striking paragraph (6).

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF SPECIAL IMMIGRANT.—Section 101(a)(27)(M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(M)) is amended by striking ''subject to the numerical limitations of section 203(b)(4),''.

(2) REPEAL OF TEMPORARY REDUCTION IN WORKERS' VISAS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1153 note) is repealed.

Subtitle H—Temporary Agricultural Workers

SEC. 471. SENSE OF THE SENATE ON TEMPORARY AGRICULTURAL WORKERS.

It is the sense of the Senate that consideration of any comprehensive immigration reform during the 109th Congress will include agricultural workers.

SA 3544. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 283, strike line 17 and all that follows through page 285, line 9, and insert the following:

''(n)(1) For purposes of adjustment of status under subsection (a), employment-based immigrant visas shall be made available to an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) upon the filing of a petition for such a visa by the alien's employer.

''(2) An alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) may not apply for adjustment of status under this section unless the alien—

''(A) is physically present in the United States; and

''(B) the alien establishes that the alien—

''(i) meets the requirements of section 312; or

''(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

''(3) An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

''(4) Filing a petition under paragraph (1) on behalf of an alien or otherwise seeking permanent residence in the United States for such alien shall not constitute evidence of the alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(c).

''(5) The Secretary of Homeland Security shall extend, in 1-year increments, the stay of an alien for whom a labor certification petition filed under section 203(b) or an immigrant visa petition filed under section 204(b) is pending until a final decision is made on the alien's lawful permanent residence.

''(6) Nothing in this subsection shall be construed to prevent an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) from filing an application for adjustment of status under this section in accordance with any other provision of law.''.

SA 3545. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 283, strike lines 23 through 25.

SA 3546. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 283, strike line 17 and all that follows through page 285, line 9, and insert the following:

''(n) Notwithstanding any other provision of this Act, an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) is ineligible for and may not apply for adjustment of status under this section on the basis of such status.''.

SA 3547. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (a) of section 403, insert the following:

(3) LIMITATION ON GRANTING OF VISAS TO H–2C NONIMMIGRANTS.—Notwithstanding any other provision of this Act or the amendments made by this Act, the Secretary may not grant a temporary visa to an alien described in section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act, as amended by section 402(a), pursuant to section 218A of the Immigration and Nationality Act, as amended by paragraph (1), until after the date that the Secretary certifies to Congress that—

(A) the Electronic Employment Verification System described in section 274A of the Immigration and Nationality Act, as amended by section 301(a), is fully operational;

(B) the number of full-time employees who investigate compliance with immigration laws related to the hiring of aliens within the Department is increased by not less than 2,000 more than the number of such employees within the Department on the date of the enactment of this Act and that such employees have received appropriate training;

(C) the number of full-time, active-duty border patrol agents within the Department is increased by not less than 2,500 more than the number of such agents within the Department on the date of the enactment of this Act; and

(D) additional detention facilities to detain unlawful aliens apprehended in United States have been constructed or obtained and the personnel to operate such facilities have been hired, trained, and deployed so that the number of detention bed spaces available is increased by not less than 2,000 more than the number of such beds available on the date of the enactment of this Act.

SA 3548. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike titles III, IV, V, and insert the following:

TITLE III—NONPARTISAN COMMISSION ON IMMIGRATION REFORM

SEC. 301. NONPARTISAN COMMISSION ON IMMIGRATION REFORM.

(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—

(1) ESTABLISHMENT.—Not later than May 1, 2006, the President shall establish a commission to be known as the Nonpartisan Commission on Immigration Reform (in this section referred to as the ''Commission'').

(2) COMPOSITION.—The Commission shall be composed of 9 members to be appointed as follows:

(A) 1 member who shall serve as Chairman, to be appointed by the President.

(B) 2 members to be appointed by the Speaker of the House of Representatives who shall select such members from a list of nominees provided by the chairman of the Committee on the Judiciary of the House of Representatives.

(C) 2 members to be appointed by the minority leader of the House of Representatives who shall select such members from a list of nominees provided by the ranking minority member of the Committee on the Judiciary of the House of Representatives.

(D) 2 members to be appointed by the majority leader of the Senate who shall select such members from a list of nominees provided by the chairman of the Committee on the Judiciary of the Senate.

(E) 2 members to be appointed by the minority leader of the Senate who shall select such members from a list of nominees provided by the ranking minority member of the Committee on the Judiciary of the Senate.

(3) INITIAL APPOINTMENTS.—Initial appointments to the Commission shall be made during the 45-day period beginning on May 1, 2006.

(4) VACANCY.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(5) TERM OF APPOINTMENT.—Members shall be appointed to serve for the life of the Commission, except that the term of the member described in paragraph (2)(A) shall expire at noon on January 20, 2008, and the President shall appoint an individual to serve for the remaining life, if any, of the Commission.

(b) FUNCTIONS OF COMMISSION.—The Commission shall—

(1) review and evaluate the impact of this Act and the amendments made by this Act, in accordance with subsection (c);

(2) conduct a systematic and comprehensive review of this Nation's immigration laws, in accordance with subsection (c); and

(3) transmit to the Congress—

(A) not later than April 15, 2008, a first report describing the progress made in carrying out paragraphs (1) and (2); and

(B) not later than April 15, 2010, a final report setting forth the Commission's findings and recommendations, including such recommendations for additional comprehensive changes that should be made with respect to immigration laws in the United States as the Commission deems appropriate, including, when applicable, such model legislative language for the consideration of Congress.

(c) CONSIDERATIONS.—

(1) GENERAL CONSIDERATIONS.—The Commission may investigate and make recommendations upon any subject that it determines would substantially contribute to the development of an equitable, efficient, and sustainable immigration system that will facilitate border security specifically and national security generally.

(2) GUEST WORKER PROGRAM.—The Commission shall analyze and make recommendations on the advisability of modifying the requirements for admission of nonimmigrants described in section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)), including increasing the number of such nonimmigrants admitted to the United States and adopting a national guest worker program, and if, in the opinion of this Commission, such a modification or program should be adopted, then the Commission shall—

(A) set forth minimum requirements for such modification or program, including—

(i) the numerical limitations, if any, on such a program; and

(ii) the temporal limitations (in terms of participant duration), if any, on such a program;

(B) assess the impact and advisability of allowing aliens admitted under such section or participating in such a program to adjust their status from nonimmigrant to immigrant classifications; and

(C) determine whether and, if appropriate, to what degree, low-skilled enterprises should be included in a national guest worker program.

(3) PROJECT SUNSHINE.—The Commission shall analyze and make recommendations on the disposition of the unlawful alien population present in the United States, and such report shall—

(A) examine the impact of earned adjustment, amnesty, or similar programs on future illegal immigration;

(B) examine the ability, and advisability, of the United States Government to locate and deport individuals unlawfully present in the United States;

(C) assess the impact, advisability, and ability of earned adjustment, amnesty, or similar programs to locate and register individuals unlawfully present in the United States; and

(D) provide alternate solutions, if any, to the realm of options otherwise mentioned in this section.

(4) JUDICIAL REVIEW.—The Commission shall examine the operation of the relevant adjudicatory structures and mechanisms and make such recommendations as are necessary to ensure expediency of process consistent with applicable constitutional protections.

(5) INTERIOR ENFORCEMENT.—The Commission shall analyze current interior enforcement efforts and make such recommendations as are necessary to ensure viable interior enforcement, including issues surrounding worksite enforcement and the impact of inadequate interior enforcement on rural communities.

(d) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—Each member of the Commission who is not an officer or employee of the Federal Government is entitled to receive, subject to such amounts as are provided in advance in appropriations Acts, pay at the daily equivalent of the minimum annual rate of basic pay in effect for grade GS–18 of the General Schedule. Each member of the Commission who is such an officer or employee shall serve without additional pay.

(2) TRAVEL EXPENSE.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

(e) MEETINGS, STAFF, AND AUTHORITY OF COMMISSION.—The provisions of subsections (e) through (g) of section 304 of the Immigration Reform and Control Act of 1986 (Public Law 99–603; 8 U.S.C. 1160 note) shall apply to the Commission in the same manner as they apply to the Commission established under such section, except that paragraph (2) of such subsection (e) shall not apply.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section.

(2) LIMITATION ON AUTHORITY.—Notwithstanding any other provision of this section, the authority to make payments, or to enter into contracts, under this section shall be effective only to such extent, or in such amounts, as are provided in advance in appropriations Acts.

(g) TERMINATION DATE.—The Commission shall terminate on the date on which a final report is required to be transmitted under subsection (b)(3)(B), except that the Commission may continue to function until January 1, 2012, for the purpose of concluding its activities, including providing testimony to standing committees of Congress concerning its final report under this section and disseminating that report.

SA 3549. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 243, line 3, strike ''under section 248''.

SA 3550. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC._____. EFFECTIVE DATE.

Notwithstanding any other provision in this Act, or the amendments made by this Act, titles III, IV, V, and VI of this Act, or the amendments made by such titles, shall not take effect until Congress has appropriated sufficient funds to fully implement the border security and interior enforcement provisions in titles I and II of this Act.

SA 3551. Mr. ?HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. [ ]. RECAPTURE AND REALLOCATION OF UNUSED VISAS.

If the numerical limitation for visas described in 101(a)(15)(H)(i)(b) has been reached for fiscal year 2006 or a subsequent fiscal year, such numerical limitation shall be supplemented in a number equal to the number of H–2C visas, if any, not issued during the relevant fiscal year.

SA 3552. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RESIDENCY REQUIREMENTS FOR CERTAIN ALIEN SPOUSES.

Notwithstanding any other provision of law, for purposes of determining eligibility for naturalization under section 319 of the Immigration and Nationality Act with respect to an alien spouse who is married to a citizen spouse who was stationed abroad on orders from the United States Government for a period of not less than 1 year and reassigned to the United States thereafter, the following rules shall apply:

(1) The citizen spouse shall be treated as regularly scheduled abroad without regard to whether the citizen spouse is reassigned to duty in the United States.

(2) Any period of time during which the alien spouse is living abroad with his or her citizen spouse shall be treated as residency within the United States for purposes of meeting the residency requirements under section 319 of the Immigration and Nationality Act, even if the citizen spouse is reassigned to duty in the United States at the time the alien spouse files an application for naturalization.

SA 3553. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 346, line 4, insert ''(other than subparagraph (C)(i)(II) of such paragraph (9))'' after ''212(a)''.

On page 347, strike lines 9 through 12, and insert the following:

''(3) INELIGIBILITY.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section if—

''(A) a final order of removal under section 217, 235, 238, or 240 has been entered against the alien on or before the date of enactment of this Act, or a removal proceeding pursuant to section 217, 235, 238, or 240 has been commenced on or before the date of enactment of this Act;

''(B) the alien failed to depart the United States during the period of a voluntary departure order entered under section 240B;

''(C) the Secretary of Homeland Security determines that—

''(i) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

''(ii) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

''(iii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

''(D) the alien has been convicted of any felony or three or more misdemeanors; or

''(E) the alien willfully fails to comply with any request for information by the Secretary of Homeland Security.

SA 3554. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. NONIMMIGRANT STATUS FOR SPOUSES AND CHILDREN OF PERMANENT RESIDENTS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

Section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) is amended—

(1) by striking ''the date of the enactment of the Legal Immigration Family Equity Act'' and inserting ''January 1, 2011''; and

(2) by striking ''3 years'' each place it appears and inserting ''180 days''.

SA 3555. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DISCRETIONARY AUTHORITY.

Section 212(i) (8 U.S.C. 1182(i)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

''(2)(A) The Secretary of Homeland Security may waive the application of subsection (a)(6)(C)—

''(i) in the case of an immigrant who is the spouse, parent, son, or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, if the Secretary of Homeland Security determines that the refusal of admission to the United States of such immigrant alien would result in extreme hardship to the citizen or lawfully resident spouse, child, son, daughter, or parent of such an alien; or

''(ii) in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), if—

''(I) the alien demonstrates extreme hardship to the alien or the alien's parent or child; and

''(II) such parent or child is a United States citizen, a lawful permanent resident, or a qualified alien.

''(B) An alien who is granted a waiver under subparagraph (A) shall pay a $2,000 fine.''.

SA 3556. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FAMILY UNITY.

Section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended—

(1) in subparagraph (C)(ii), by striking ''between—'' and all that follows and inserting the following: ''between—

''(I) the alien having been battered or subjected to extreme cruelty; and

''(II) the alien's removal, departure from the United States, reentry or reentries into the United States, or attempted reentry into the United States.''; and

(2) by adding at the end the following:

''(D) WAIVER.—

''(i) IN GENERAL.—The Secretary may waive the application of subparagraphs (B) and (C) for an alien who is a beneficiary of a petition filed under section 201 or 203 if such petition was filed not later than the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

''(ii) FINE.—An alien who is granted a waiver under clause (i) shall pay a $2,000 fine.''.

SA 3557. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 234. DETENTION STANDARDS.

(a) CODIFICATION OF DETENTION OPERATIONS.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(b) DETENTION STANDARDS FOR NUCLEAR FAMILY UNITS AND CERTAIN NON-CRIMINAL ALIENS.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in subsection (a) shall—

(1) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(2) establish specific standards for detaining nuclear family units together and for detaining non-criminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(c) LEGAL ORIENTATION TO ENSURE EFFECTIVE REMOVAL PROCESS.—All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 3558. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 233. DETENTION OF ILLEGAL ALIENS.

(a) INCREASING DETENTION BED SPACE.—Section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking ''8,000'' and inserting ''20,000''.

(b) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a).

(2) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with subsection (a).

(4) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(c) ALTERNATIVES TO DETENTION TO ENSURE COMPLIANCE WITH THE LAW.—The Secretary shall implement demonstration programs in each State located along the international border between the United States and Canada or along the international border between the United States and Mexico, and at select sites in the interior with significant numbers of alien detainees, to study the effectiveness of alternatives to the detention of aliens, including electronic monitoring devices, to ensure that such aliens appear in immigration court proceedings and comply with immigration appointments and removal orders.

(d) LEGAL REPRESENTATION.—No alien shall be detained by the Secretary in a location that limits the alien's reasonable access to visits and telephone calls by local legal counsel and necessary legal materials. Upon active or constructive notice that a detained alien is represented by an attorney, the Secretary shall ensure that the alien is not moved from the alien's detention facility without providing that alien and the alien's attorney reasonable notice in advance of such move.

(e) FUNDING TO CONSTRUCT OR ACQUIRE DETENTION FACILITIES.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking ''may expend'' and inserting ''shall expend''.

(f) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

SA 3559. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 103. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law

108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a ''virtual fence'' along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SA 3560. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 18, strike ''500'' and insert ''1,500''.

On page 7, line 2, strike ''1000'' and insert ''2,000''.

On page 7, line 10, strike ''200'' and insert ''400''.

On page 8, strike lines 9 through 15 and insert the following:

preceding fiscal year), by 4,000 for each of fiscal years 2006 through 2011.

At the appropriate place, insert the following:

(c) DETENTION AND REMOVAL OFFICERS.—

(1) IN GENERAL.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purposes, designate a Detention and Removal officer to be placed in each Department field office whose sole responsibility will be to ensure safety and security at a detention facility and that each detention facility comply with the standards and regulations required by paragraphs (2), (3), and (4).

(2) CODIFICATION OF DETENTION OPERATIONS.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(3) DETENTION STANDARDS FOR NUCLEAR FAMILY UNITS AND CERTAIN NON-CRIMINAL ALIENS.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in paragraph (2) shall—

(A) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(B) establish specific standards for detaining nuclear family units together and for detaining non-criminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(4) LEGAL ORIENTATION TO ENSURE EFFECTIVE REMOVAL PROCESS.—All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

(d) LEGAL PERSONNEL.—During each of fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase the number of positions for attorneys in the Office of General Counsel of the Department by at least 200 to represent the Department in immigration matters for the fiscal year.

SEC. 102. DEPARTMENT OF JUSTICE PERSONNEL; DEFENSE ATTORNEYS.

(a) IN GENERAL.—During each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, add—

(1) at least 50 positions for attorneys in the Office of Immigration Litigation of the Department of Justice for the fiscal year;

(2) at least 50 United States Attorneys to litigate immigration cases in the Federal courts for the fiscal year;

(3) at least 200 Deputy United States Marshals to investigate criminal immigration matters for the fiscal year; and

(4) at least 50 immigration judges for the fiscal year.

(b) DEFENSE ATTORNEYS.—

(1) IN GENERAL.—During each of fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations, add at least 200 attorneys in the Federal Defenders Program for the fiscal year.

(2) PRO BONO REPRESENTATION.—The Attorney General shall also take all necessary and reasonable steps to ensure that alien detainees receive appropriate pro bono representation in immigration matters.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for each of fiscal years 2007 through 2011 such sums as are necessary to carry out this section, including the costs of hiring necessary support staff.

At the appropriate place, insert the following:

SEC. 234. DETENTION POLICY.

(a) DIRECTORATE OF POLICY.—The Secretary shall in consultation, with the Director of Policy of the Directorate of Policy, add at least 3 additional positions at the Directorate of Policy that—

(1) shall be a position at GS-15 of the General Schedule;

(2) are solely responsible for formulating and executing the policy and regulations pertaining to vulnerable detained populations including unaccompanied alien children, victims of torture, trafficking or other serious harms, the elderly, the mentally disabled, and the infirm; and

(3) require background and expertise working directly with such vulnerable populations.

(b) ENHANCED PROTECTIONS FOR VULNERABLE UNACCOMPANIED ALIEN CHILDREN.—

(1) MANDATORY TRAINING.—The Secretary shall mandate the training of all personnel who come into contact with unaccompanied alien children in all relevant legal authorities, policies, and procedures pertaining to this vulnerable population in consultation with the head of the Office of Refugee Resettlement of the Department of Health and Human Services and independent child welfare experts.

(2) DELEGATION TO THE OFFICE OF REFUGEE RESETTLEMENT.—Notwithstanding any other provision of law, the Secretary shall delegate the authority and responsibility granted to the Secretary by the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) for transporting unaccompanied alien children who will undergo removal proceedings from Department custody to the custody and care of the Office of Refugee Resettlement and provide sufficient reimbursement to the head of such Office to undertake this critical function. The Secretary shall immediately notify such Office of an unaccompanied alien child in the custody of the Department and ensure that the child is transferred to the custody of such Office as soon as practicable, but not later than 72 hours after the child is taken into the custody of the Department.

(3) OTHER POLICIES AND PROCEDURES.—The Secretary shall further adopt important policies and procedures—

(A) for reliable age-determinations of children which exclude the use of fallible forensic testing of children's bones and teeth in consultation with medical and child welfare experts;

(B) to ensure the privacy and confidentiality of unaccompanied alien children's records, including psychological and medical reports, so that the information is not used adversely against the child in removal proceedings or for any other immigration action; and

(C) in close consultation with the Secretary of State and the head of the Office of Refugee Resettlement, to ensure the safe and secure repatriation of unaccompanied alien children to their home countries including through arranging placements of children with their families or other sponsoring agencies and to utilize all legal authorities to defer the child's removal if the child faces a clear risk of life-threatening harm upon return.

On page 228, line 18, strike ''2,000'' and insert ''4,000''.

On page 229, line 1, strike ''1,000'' and insert ''2,000''.

SA 3561. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 103. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a ''virtual fence'' along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SA 3562. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the billl S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 233. DETENTION OF ILLEGAL ALIENS.

(a) INCREASING DETENTION BED SPACE.—Section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking ''8,000'' and inserting ''20,000''.

(b) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a).

(2) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with subsection (a).

(4) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(c) ALTERNATIVES TO DETENTION TO ENSURE COMPLIANCE WITH THE LAW.—The Secretary shall implement demonstration programs in each State located along the international border between the United States and Canada or along the international border between the United States and Mexico, and at select sites in the interior with significant numbers of alien detainees, to study the effectiveness of alternatives to the detention of aliens, including electronic monitoring devices, to ensure that such aliens appear in immigration court proceedings and comply with immigration appointments and removal orders.

(d) LEGAL REPRESENTATION.—No alien shall be detained by the Secretary in a location that limits the alien's reasonable access to visits and telephone calls by local legal counsel and necessary legal materials. Upon active or constructive notice that a detained alien is represented by an attorney, the Secretary shall ensure that the alien is not moved from the alien's detention facility without providing that alien and the alien's attorney reasonable notice in advance of such move.

(e) FUNDING TO CONSTRUCT OR ACQUIRE DETENTION FACILITIES.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking ''may expend'' and inserting ''shall expend''.

(f) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

SA 3563. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 234. DETENTION STANDARDS.

(a) CODIFICATION OF DETENTION OPERATIONS.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(b) DETENTION STANDARDS FOR NUCLEAR FAMILY UNITS AND CERTAIN NON-CRIMINAL ALIENS.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in subsection (a) shall—

(1) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(2) establish specific standards for detaining nuclear family units together and for detaining non-criminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(c) LEGAL ORIENTATION TO ENSURE EFFECTIVE REMOVAL PROCESS.—All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 3564. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 26, strike ''250'' and insert ''1,500''.

On page 5, line 24, strike ''1000'' and insert ''2,000''.

On page 6, line 8, strike ''200'' and insert ''400''.

On page 5, strike line 17 and insert ''4000.''

At the appropriate place, insert the following:

(c) DETENTION AND REMOVAL OFFICERS.—

(1) IN GENERAL.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purposes, designate a Detention and Removal officer to be placed in each Department field office whose sole responsibility will be to ensure safety and security at a detention facility and that each detention facility comply with the standards and regulations required by paragraphs (2), (3), and (4).

(2) CODIFICATION OF DETENTION OPERATIONS.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(3) DETENTION STANDARDS FOR NUCLEAR FAMILY UNITS AND CERTAIN NON-CRIMINAL ALIENS.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in paragraph (2) shall—

(A) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(B) establish specific standards for detaining nuclear family units together and for detaining non-criminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(4) LEGAL ORIENTATION TO ENSURE EFFECTIVE REMOVAL PROCESS.—All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

(d) LEGAL PERSONNEL.—During each of fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase the number of positions for attorneys in the Office of General Counsel of the Department by at least 200 to represent the Department in immigration matters for the fiscal year.

SEC. 102. DEPARTMENT OF JUSTICE PERSONNEL; DEFENSE ATTORNEYS.

(a) IN GENERAL.—During each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, add—

(1) at least 50 positions for attorneys in the Office of Immigration Litigation of the Department of Justice for the fiscal year;

(2) at least 50 United States Attorneys to litigate immigration cases in the Federal courts for the fiscal year;

(3) at least 200 Deputy United States Marshals to investigate criminal immigration matters for the fiscal year; and

(4) at least 50 immigration judges for the fiscal year.

(b) DEFENSE ATTORNEYS.—

(1) IN GENERAL.—During each of fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations, add at least 200 attorneys in the Federal Defenders Program for the fiscal year.

(2) PRO BONO REPRESENTATION.—The Attorney General shall also take all necessary and reasonable steps to ensure that alien detainees receive appropriate pro bono representation in immigration matters.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for each of fiscal years 2007 through 2011 such sums as are necessary to carry out this section, including the costs of hiring necessary support staff.

At the appropriate place, insert the follwing:

SEC. 234. DETENTION POLICY.

(a) DIRECTORATE OF POLICY.—The Secretary shall in consultation, with the Director of Policy of the Directorate of Policy, add at least 3 additional positions at the Directorate of Policy that—

(1) shall be a position at GS-15 of the General Schedule;

(2) are solely responsible for formulating and executing the policy and regulations pertaining to vulnerable detained populations including unaccompanied alien children, victims of torture, trafficking or other serious harms, the elderly, the mentally disabled, and the infirm; and

(3) require background and expertise working directly with such vulnerable populations.

(b) ENHANCED PROTECTIONS FOR VULNERABLE UNACCOMPANIED ALIEN CHILDREN.—

(1) MANDATORY TRAINING.—The Secretary shall mandate the training of all personnel who come into contact with unaccompanied alien children in all relevant legal authorities, policies, and procedures pertaining to this vulnerable population in consultation with the head of the Office of Refugee Resettlement of the Department of Health and Human Services and independent child welfare experts.

(2) DELEGATION TO THE OFFICE OF REFUGEE RESETTLEMENT.—Notwithstanding any other provision of law, the Secretary shall delegate the authority and responsibility granted to the Secretary by the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) for transporting unaccompanied alien children who will undergo removal proceedings from Department custody to the custody and care of the Office of Refugee Resettlement and provide sufficient reimbursement to the head of such Office to undertake this critical function. The Secretary shall immediately notify such Office of an unaccompanied alien child in the custody of the Department and ensure that the child is transferred to the custody of such Office as soon as practicable, but not later than 72 hours after the child is taken into the custody of the Department.

(3) OTHER POLICIES AND PROCEDURES.—The Secretary shall further adopt important policies and procedures—

(A) for reliable age-determinations of children which exclude the use of fallible forensic testing of children's bones and teeth in consultation with medical and child welfare experts;

(B) to ensure the privacy and confidentiality of unaccompanied alien children's records, including psychological and medical reports, so that the information is not used adversely against the child in removal proceedings or for any other immigration action; and

(C) in close consultation with the Secretary of State and the head of the Office of Refugee Resettlement, to ensure the safe and secure repatriation of unaccompanied alien children to their home countries including through arranging placements of children with their families or other sponsoring agencies and to utilize all legal authorities to defer the child's removal if the child faces a clear risk of life-threatening harm upon return.

On page 203, line 10, strike ''2,000'' and insert ''4,000''.

On page 203, line 18, strike ''1,000'' and insert ''2,000''.

SA 3565. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SCREENING OF MUNICIPAL SOLID WASTE.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term '' Bureau'' means the Bureau of Customs and Border Protection.

(2) COMMERCIAL MOTOR VEHICLE.—The term ''commercial motor vehicle'' has the meaning given the term in section 31101 of title 49, United States Code.

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau.

(4) MUNICIPAL SOLID WASTE.—The term ''municipal solid waste'' includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; and

(2) if the report indicates that the methodologies and technologies used to screen municipal solid waste are less effective than those used to screen other items of commerce, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste, including actions necessary to meet the need for additional screening technologies.

(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Commissioner fails to fully implement an action identified under subsection (b)(2) before the earlier of the date that is 180 days after the date on which the report under subsection (b) is required to be submitted or the date that is 180 days after the date on which the report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering into the United States through commercial motor vehicle transport.

SA 3566. Mr. LEVIN (for himself, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 42, strike lines 16 through 18 and insert the following:

(a) DENIAL OR TERMINATION OF ASYLUM.—Section 208 (8 U.S.C. 1158) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A)(v), by striking ''or (VI)'' and inserting ''(V), (VI), (VII), or (VIII)''; and

(B) by adding at the end the following:

''(4) CHANGED COUNTRY CONDITIONS.—An alien seeking asylum based on persecution or a well-founded fear of persecution shall not be denied asylum based on changed country conditions unless fundamental and lasting changes have stabilized the country of the alien's nationality.''; and

(2) in subsection (c)(2)(A), by striking ''a fundamental change in circumstances'' and inserting ''fundamental and lasting changes that have stabilized the country of the alien's nationality''.

SA 3567. Mr. LEVIN (for himself, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(a) DENIAL OR TERMINATION OF ASYLUM.—Section 208 (8 U.S.C. 1158) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A)(v), by striking ''or (VI)'' and inserting ''(V), (VI), (VII), or (VIII)''; and

(B) by adding at the end the following:

''(4) CHANGED COUNTRY CONDITIONS.—An alien seeking asylum based on persecution or a well-founded fear of persecution shall not be denied asylum based on changed country conditions unless fundamental and lasting changes have stabilized the country of the alien's nationality.''; and

(2) in subsection (c)(2)(A), by striking ''a fundamental change in circumstances'' and inserting ''fundamental and lasting changes that have stabilized the country of the alien's nationality''.

SA 3568. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SCREENING OF MUNICIPAL SOLID WASTE.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term '' Bureau'' means the Bureau of Customs and Border Protection.

(2) COMMERCIAL MOTOR VEHICLE.—The term ''commercial motor vehicle'' has the meaning given the term in section 31101 of title 49, United States Code.

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau.

(4) MUNICIPAL SOLID WASTE.—The term ''municipal solid waste'' includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; and

(2) if the report indicates that the methodologies and technologies used to screen municipal solid waste are less effective than those used to screen other items of commerce, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste, including actions necessary to meet the need for additional screening technologies.

(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Commissioner fails to fully implement an action identified under subsection (b)(2) before the earlier of the date that is 180 days after the date on which the report under subsection (b) is required to be submitted or the date that is 180 days after the date on which the report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering into the United States through commercial motor vehicle transport.

SA 3569. Mr. LEVIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 33, strike lines 1 through 15 and insert the following:

SEC. 122. SECURE COMMUNICATION.

(a) IN GENERAL.—The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

(b) COMMUNICATION SYSTEM GRANTS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''demonstration project'' means the demonstration project established under paragraph (2)(A); and

(B) the term ''emergency response provider'' has the meaning given that term in section 2(6) the Homeland Security Act of 2002 (6 U.S.C. 101(6)).

(2) IN GENERAL.—

(A) ESTABLISHMENT.—There is established in the Department an International Border Community Interoperable Communications Demonstration Project.

(B) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select not fewer than 6 communities to participate in the demonstration project.

(C) LOCATION OF COMMUNITIES.—Not fewer than 3 of the communities selected under subparagraph (B) shall be located on the northern border of the United States and not fewer than 3 of the communities selected under subparagraph (B) shall be located on the southern border of the United States.

(3) PROJECT REQUIREMENTS.—The demonstration project shall—

(A) address the interoperable communications needs of border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers;

(B) foster interoperable communications—

(i) among Federal, State, local, and tribal government agencies in the United States involved in security and response activities along the international land borders of the United States; and

(ii) with similar agencies in Canada and Mexico;

(C) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(D) foster the standardization of interoperable communications equipment;

(E) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(F) ensure that border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers can communicate with each another and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

(G) provide training and equipment to enable border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers to deal with threats and contingencies in a variety of environments; and

(H) identify and secure appropriate joint-use equipment to ensure communications access.

(4) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall distribute funds under this subsection to each community participating in the demonstration project through the State, or States, in which each community is located.

(B) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under subparagraph (A), a State receiving funds under this subsection shall make the funds available to the local governments and emergency response providers participating in the demonstration project, as selected by the Secretary.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary in each of fiscal years 2006, 2007, and 2008, to carry out this subsection.

(6) REPORTING.—Not later than December 31, 2006, and each year thereafter in which funds are appropriated for the demonstration project, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration project.

SA 3570. Mr. LEVIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 42, between lines 11 and 12, insert the following:

SEC. 131. COMMUNICATION SYSTEM GRANTS.

(a) DEFINITIONS.—In this section—

(1) the term ''demonstration project'' means the demonstration project established under subsection (b)(1); and

(2) the term ''emergency response provider'' has the meaning given that term in section 2(6) the Homeland Security Act of 2002 (6 U.S.C. 101(6)).

(b) IN GENERAL.—

(1) ESTABLISHMENT.—There is established in the Department an International Border Community Interoperable Communications Demonstration Project.

(2) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select not fewer than 6 communities to participate in the demonstration project.

(3) LOCATION OF COMMUNITIES.—Not fewer than 3 of the communities selected under paragraph (2) shall be located on the northern border of the United States and not fewer than 3 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(c) PROJECT REQUIREMENTS.—The demonstration project shall—

(1) address the interoperable communications needs of border patrol agents and other

Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers;

(2) foster interoperable communications—

(A) among Federal, State, local, and tribal government agencies in the United States involved in security and response activities along the international land borders of the United States; and

(B) with similar agencies in Canada and Mexico;

(3) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(4) foster the standardization of interoperable communications equipment;

(5) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(6) ensure that border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers can communicate with each another and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

(7) provide training and equipment to enable border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers to deal with threats and contingencies in a variety of environments; and

(8) identify and secure appropriate joint-use equipment to ensure communications access.

(d) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in the demonstration project through the State, or States, in which each community is located.

(2) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under paragraph (1), a State receiving funds under this section shall make the funds available to the local governments and emergency response providers participating in the demonstration project, as selected by the Secretary.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary in each of fiscal years 2006, 2007, and 2008, to carry out this section.

(f) REPORTING.—Not later than December 31, 2006, and each year thereafter in which funds are appropriated for the demonstration project, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration project.

SA 3571. Mr. KYL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 283, strike line 17 and all that follows through page 285, line 9, and insert the following:

''(n) Notwithstanding any other provision of this Act, an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) is ineligible for and may not apply for adjustment of status under this section on the basis of such status.''.

SA 3572. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3311 submitted by Mr. KYL (for himself and Mr. CORNYN) and intended to be proposed to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 283, strike line 17 and all that follows through page 285 and insert the following:

''(n)(1) For purposes of adjustment of status under subsection (a), employment-based immigrant visas shall be made available to an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) upon the filing of a petition for such a visa by the alien's employer.

''(2) An alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) may not apply for adjustment of status under this section unless the alien—

''(A) is physically present in the United States; and

''(B) the alien establishes that the alien—

''(i) meets the requirements of section 312; or

''(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

''(3) An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

''(4) Filing a petition under paragraph (1) on behalf of an alien or otherwise seeking permanent residence in the United States for such alien shall not constitute evidence of the alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(c).

''(5) The Secretary of Homeland Security shall extend, in 1-year increments, the stay of an alien for whom a labor certification petition filed under section 203(b) or an immigrant visa petition filed under section 204(b) is pending until a final decision is made on the alien's lawful permanent residence.

''(6) Nothing in this subsection shall be construed to prevent an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) from filing an application for adjustment of status under this section in accordance with any other provision of law.''.

SA 3573. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 347, strike line 13 and all that follows through page 350, line 3, and insert the following:

''(c) TREATMENT OF APPLICATIONS DURING REMOVAL PROCEEDINGS.—Notwithstanding any provision of this Act, an alien who is in removal proceedings shall have an opportunity to apply for a grant of status under this title unless a final administrative determination has been made.

SA 3574. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 347, strike lines 9 through 12, and insert the following:

''(6) INELIGIBILITY.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section if—

''(A) the alien is subject to a final order of removal under section 217, 235, 238, or 240;

''(B) the alien failed to depart the United States during the period of a voluntary departure order entered under section 240B;

''(C) the Secretary of Homeland Security determines that—

''(i) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

''(ii) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

''(iii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

''(D) the alien has been convicted of any felony or three or more misdemeanors; or

''(E) the alien willfully fails to comply with any request for information by the Secretary of Homeland Security.

SA 3575. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 350, strike line 4 and all that follows through page 351, line 12.

SA 3576. Mr. LAUTENBERG (for himself, Mr. REID, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—FAMILY HUMANITARIAN RELIEF

SEC ____1. SHORT TITLE.

This title may be cited as the ''September 11 Family Humanitarian Relief and Patriotism Act''.

SEC. ____02. ADJUSTMENT OF STATUS FOR CERTAIN NONIMMIGRANT VICTIMS OF TERRORISM.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The status of any alien described in subsection (b) shall be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment not later than 2 years after the date on which the Secretary promulgates final regulations to implement this section; and

(B) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) RULES IN APPLYING CERTAIN PROVISIONS.—

(A) IN GENERAL.—In the case of an alien described in subsection (b) who is applying for adjustment of status under this section—

(i) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

(ii) the Secretary of Homeland Security may grant the alien a waiver on the grounds

of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(B) STANDARDS.—In granting waivers under subparagraph (A)(ii), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(A) APPLICATION PERMITTED.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order, apply for adjustment of status under paragraph (1).

(B) MOTION NOT REQUIRED.—An alien described in subparagraph (A) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(C) EFFECT OF DECISION.—If the Secretary of Homeland Security grants a request under subparagraph (A), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the request, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien who—

(1) was lawfully present in the United States as a nonimmigrant alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on September 10, 2001;

(2) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(A) was lawfully present in the United States as a nonimmigrant alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on such date; and

(B) died as a direct result of a specified terrorist activity; and

(3) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Homeland Security shall establish, by regulation, a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security shall not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Secretary has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Secretary of Homeland Security shall authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary of Homeland Security shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

SEC. ___03. CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.

(a) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b), the Secretary of Homeland Security shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subsection (b), if the alien applies for such relief.

(b) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided by subsection (a) shall apply to any alien who—

(1) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(2) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Homeland Security shall provide by regulation for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under subsection (a).

(2) WORK AUTHORIZATION.—The Secretary of Homeland Security shall authorize an alien who has applied for cancellation of removal under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen removal proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(2) FILING PERIOD.—The Secretary of Homeland Security shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of enactment of this Act and shall extend for a period not to exceed 240 days.

SEC. ___04. EXCEPTIONS.

Notwithstanding any other provision of this title, an alien may not be provided relief under this title if the alien is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(2) a family member of an alien described in paragraph (1).

SEC. ___05. EVIDENCE OF DEATH.

For purposes of this title, the Secretary of Homeland Security shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

SEC. ___06. DEFINITIONS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this title, the definitions used in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the definitions applicable exclusively to title III of such Act, shall apply in the administration of this title.

(b) SPECIFIED TERRORIST ACTIVITY.—For purposes of this title, the term ''specified terrorist activity'' means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

SA 3577. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 347, strike lines 9 through 12, and insert the following:

''(6) INELIGIBILITY.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section if—

''(A) the alien is subject to a final order of removal under section 217, 235, 238, or 240;

''(B) the alien failed to depart the United States during the period of a voluntary departure order entered under section 240B;

''(C) the Secretary of Homeland Security determines that—

''(i) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

''(ii) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

''(iii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

''(D) the alien has been convicted of any felony or three or more misdemeanors; or

''(E) the alien has entered, the U.S. pursuant to section 217 and overstayed the period authorized admission, has been ordered removed under section 235 or 238, or is subject to a final order of removal under section 240.

SA 3578. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. ___. SOUTHWEST BORDER PROSECUTION INITIATIVE

(a) REIMBURSEMENT TO STATE AND LOCAL PROSECUTORS FOR PROSECUTING FEDERALLY-INITIATED DRUG CASES.—The Attorney General shall, subject to the availability of appropriations, reimburse Southern Border State and county prosecutors for prosecuting federally initiated and referred drug cases.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2007 through 2012 to carryout subsection (a).

SA 3579. Ms. MIKULSKI (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF RETURNING WORKER EXEMPTION.

Section 402(b)(1) of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of

division B of Public Law 109–13; 8 U.S.C. 1184 note) is amended by striking ''2006'' and inserting ''2009''.

SA 3580. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. _____. FAIRNESS IN THE STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM.

(a) REDUCED FEE FOR SHORT-TERM STUDY.—

(1) IN GENERAL.—Section 641(e)(4)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e)(4)(A)) is amended by striking the second sentence and inserting ''Except as provided in subsection (g)(2), the fee imposed on any individual may not exceed $100, except that in the case of an alien admitted under subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed $35 and that in the case of an alien admitted under subparagraph (F) of such section 101(a)(15) for a program that will not exceed 90 days, the fee shall not exceed $35.''.

(2) TECHNICAL AMENDMENTS.—Such section 641(e)(4)(A) is further amended—

(A) in the first sentence, by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) in the third sentence, by striking ''Attorney General's'' and inserting ''Secretary's''.

(b) RECREATIONAL COURSES.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of State shall issue appropriate guidance to consular officers to in order to give appropriate discretion, according to criteria developed at each post and approved by the Secretary of State, so that a course of a duration no more than 1 semester (or its equivalent), and not awarding certification, license or degree, is considered recreational in nature for purposes of determining appropriateness for visitor status.

SA 3581. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. _____. NORTH AMERICAN TRAVEL CARDS.

(a) FINDINGS.—Congress makes the following findings:

(1) United States citizens make approximately 130,000,000 land border crossings each year between the United States and Canada and the United States and Mexico, with approximately 23,000,000 individual United States citizens crossing the border annually.

(2) Approximately 27 percent of United States citizens possess United States passports.

(3) In fiscal year 2005, the Secretary of State issued an estimated 10,100,000 passports, representing an increase of 15 percent from fiscal year 2004.

(4) The Secretary of State estimates that 13,000,000 passports will be issued in fiscal year 2006, 16,000,000 passports will be issued in fiscal year 2007, and 17,000,000 passports will be issued in fiscal year 2008.

(b) NORTH AMERICAN TRAVEL CARDS.—

(1) ISSUANCE.—In accordance with the Western Hemisphere Travel Initiative carried out pursuant to section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), the Secretary of State, in consultation with the Secretary, shall, not later than December 31, 2007, issue to a citizen of the United States who submits an application in accordance with paragraph (4) a travel document that will serve as a North American travel card.

(2) APPLICABILITY.—A North American travel card shall be deemed to be a United States passport for the purpose of United States laws and regulations relating to United States passports.

(3) LIMITATION ON USE.—A North American travel card may only be used for the purpose of international travel by United States citizens through land border ports of entry, including ferries, between the United States and Canada and the United States and Mexico.

(4) APPLICATION FOR ISSUANCE.—To be issued a North American travel card, a United States citizen shall submit an application to the Secretary of State. The Secretary of State shall require that such application shall contain the same information as is required to determine citizenship, identity, and eligibility for issuance of a United States passport.

(5) TECHNOLOGY.—

(A) EXPEDITED TRAVELER PROGRAMS.—To the maximum extent practicable, a North American travel card shall be designed and produced to provide a platform on which the expedited traveler programs carried out by the Secretary, such as NEXUS, NEXUS AIR, SENTRI, FAST, and Register Traveler may be added. The Secretary of State and the Secretary shall notify Congress not later than July 1, 2007, if the technology to add expedited travel features to the North American travel card is not developed by that date.

(B) TECHNOLOGY.—The Secretary of Homeland Security and the Secretary of State shall establish a technology implementation plan that accommodates desired technology requirements of the Department of State and the Department of Homeland Security, allows for future technological innovations, and ensures maximum facilitation at the northern and southern border.

(6) SPECIFICATIONS FOR CARD.—A North American travel card shall be easily portable and durable. The Secretary of State and the Secretary of Homeland Security shall consult regarding the other technical specifications of the card, including whether the security features of the card could be combined with other existing identity documentation.

(7) FEE.—Except as in provided in paragraph (8), an applicant for a North American travel card shall submit an application under paragraph (4) together with a nonrefundable fee in an amount to be determined by the Secretary of State. Fees for a North American travel card shall be deposited as an offsetting collection to the appropriate Department of State appropriation, to remain available until expended. The fee for the North American travel card shall not exceed $20, of which not more than $2 shall be allocated to the United States Postal Service for postage and other application processing functions. Such fee shall be waived for children under 16 years of age.

(c) FOREIGN COOPERATION.—In order to maintain and encourage cross-border travel and trade, the Secretary of State and the Secretary of Homeland Security shall use all possible means to coordinate with the appropriate representatives of foreign governments to encourage their citizens and nationals to possess, not later than the date at which the certification required by subsection (j) is made, appropriate documentation to allow such citizens and nationals to cross into the United States.

(d) PUBLIC PROMOTION.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall develop and implement an outreach plan to inform United States citizens about the Western Hemisphere Travel Initiative and the North American travel card and to facilitate the acquisition of a passport or North American travel card. Such outreach plan should include—

(1) written notifications posted at or near public facilities, including border crossings, schools, libraries, and United States Post Offices located within 50 miles of the international border between the United States and Canada or the international border between the United States and Mexico;

(2) provisions to seek consent to post such notifications on commercial property, such as offices of State departments of motor vehicles, gas stations, supermarkets, convenience stores, hotels, and travel agencies;

(3) the establishment of at least 200 new passport acceptance facilities, with emphasis on facilities located near international borders;

(4) the collection and analysis of data to measure the success of the public promotion plan; and

(5) additional measures as appropriate.

(e) ACCESSIBILITY.—In order to make the North American travel card easily obtainable, an application for a North American travel card shall be accepted in the same manner and at the same locations as an application for a passport.

(f) EXPEDITED TRAVEL PROGRAMS.—To the maximum extent practicable, the Secretary of Homeland Security shall expand expedited traveler programs carried out by the Secretary to all ports of entry and should encourage citizens of the United States to participate in the preenrollment programs, as such programs assist border control officers of the United States in the fight against terrorism by increasing the number of known travelers crossing the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks to permit border control officers to focus more attention on unknown travelers, potential criminals, and terrorists.

(g) ALTERNATIVE OPTIONS.—

(1) IN GENERAL.—In order to give United States citizens as many secure, low-cost options as possible for travel within the Western Hemisphere, the Secretary of Homeland Security shall continue to pursue additional alternative options, such as NEXUS, to a passport that meet the requirements of section 7209 of the Intelligence Reform and Terrorism Prevent Act (Public Law 108–458; 8 U.S.C. 1185 note).

(2) FEASIBILITY STUDY.—Not later than 120 days after the date of enactment of this Act, the Congressional Budget Office shall submit to the Committee on Homeland Security and Government Affairs and the Committee on Foreign Relations of the Senate and the Committee on Homeland Security and the Committee on International Relations of the House of Representatives, a study on the feasibility of incorporating into a driver's license, on a voluntary basis, information about citizenship, in a manner that enables a driver's license which meets the requirements of the REAL ID Act of 2005 (division B of Public Law 109-13) to serve as an acceptable alternative document to meet the requirements of section 7209 of the Intelligence Reform and Terrorism Prevention Act. Such

study shall include a description of how such a program could be implemented, and shall consider any cost advantage of such an approach.

(h) IDENTIFICATION PROCESS .—The Secretary of Homeland Security shall have appropriate authority to develop a process to ascertain the identity of and make admissibility determinations for individuals who arrive at the border without proper documentation.

(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting, altering, modifying, or otherwise affecting the validity of a United States passport. A United States citizen may possess a United States passport and a North American travel card.

(j) CERTIFICATION.—Notwithstanding any other provision of law, the Secretary may not implement the plan described in section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) until the date that is 3 months after the Secretary of State and the Secretary of Homeland Security certify to Congress that—

(1) North American travel cards have been distributed to at least 90 percent of the eligible United States citizens who applied for such cards during the 6-month period beginning not earlier than the date the Secretary of State began accepting applications for such cards and ending not earlier than 10 days prior to the date of certification;

(2) North American travel cards are provided to applicants, on average, within 4 weeks of application;

(3) officers of the Bureau of Customs and Border Protection have received training and been provided the infrastructure necessary to accept North American travel cards at all United States border crossings;

(4) the outreach plan described in subsection (d) has been implemented and deemed to have been successful according to collected data; and

(5) a successful pilot has demonstrated the effectiveness of the North American travel card program.

(k) REPORTS.—

(1) REPORTS ON THE ISSUANCE OF NORTH AMERICAN TRAVEL CARDS.—The Secretary of State shall, on a quarterly basis during the first year of issuance of North American travel cards, submit to Congress a report containing information relating to the number of North American travel cards issued during the immediately preceding quarter or year, as appropriate, and the number of United States citizens in each State applying for such cards.

(2) REPORT ON PRIVATE COLLABORATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of State and the Secretary shall report to Congress on their efforts to solicit policy suggestions and the incorporation of such suggestions into the implementation strategy from the private sector on the implementation of section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note). The report should include the private sector's recommendations concerning how air, sea, and land travel between countries in the Western Hemisphere can be improved in a manner that establishes the proper balance between national security, economic well being, and the particular needs of border communities.

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State such sums as may be necessary to carry out this section.

SA 3582. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 32, between lines 5 and 6, insert the following:

(b) MOBILE IDENTIFICATION SYSTEM.—

(1) REQUIREMENT FOR SYSTEMS.—Not later than October 1, 2007, the Secretary shall deploy wireless, hand-held biometric identification devices, interfaced with United States Government immigration databases, at all United States ports of entry and along the international land borders of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 2007 to carry out this subsection.

(3) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (2) shall remain available until expended.

SA 3583. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 9, strike lines 2 through 9, and insert the following:

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall—

(1) procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a ''virtual fence'' along such international borders to provide a barrier to illegal immigration; and

(2) acquire and utilize real time, high-resolution, multi-spectral, precisely-rectified digital aerial imagery to detect physical changes and patterns in the landscape along the northern or southern international border of the United States to identify uncommon passage ways used by aliens to illegally enter the United States.

SA 3584. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 34, between lines 8 and 9, insert the following:

(c) NORTHERN BORDER TRAINING FACILITY.—

(1) IN GENERAL.—The Secretary shall establish a northern border training facility at Rainy River Community College in International Falls, Minnesota, to carry out the training programs described in this subsection.

(2) USE OF TRAINING FACILITY.—The training facility established under paragraph (1) shall be used to conduct various supplemental and periodic training programs for border security personnel stationed along the northern international border between the United States and Canada.

(3) TRAINING CURRICULUM.—The Secretary shall design training curriculum to be offered at the training facility through multi-day training programs involving classroom and real-world applications, which shall include training in—

(A) a variety of disciplines relating to offensive and defensive skills for personnel and vehicle safety, including—

(i) firearms and weapons;

(ii) self defense;

(iii) search and seizure;

(iv) defensive and high speed driving;

(v) mobility training;

(vi) the use of all-terrain vehicles, watercraft, aircraft and snowmobiles; and

(vii) safety issues related to biological and chemical hazards;

(B) technology upgrades and integration; and

(C) matters relating directly to terrorist threats and issues, including—

(i) profiling;

(ii) changing tactics;

(iii) language;

(iv) culture; and

(v) communications.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this subsection.

SA 3585. Mr. ENSIGN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 333, strike line 10 and all that follows through page 360, line 6 and renumber all that follows accordingly.

Beginning on page 395, strike line 10 and all that follows through page 416, line 11 and insert the following:

(c) PERIOD OF AUTHORIZED ADMISSION.—

(1) IN GENERAL.—An alien may be granted blue card status for a period not to exceed 2 years.

(2) RETURN TO COUNTRY.—At the end of the period described in paragraph (1), the alien shall return to the country of nationality or last residence of the alien.

(3) ELIGIBILITY FOR NONIMMIGRANT VISA.—Upon return to the country of nationality or last residence of the alien under paragraph (2), the alien may apply for any nonimmigrant visa.

(d) LOSS OF EMPLOYMENT.—

(1) IN GENERAL.—The blue card status of an alien shall terminate if the alien is not employed for at least 60 consecutive days.

(2) RETURN TO COUNTRY.—An alien whose period of authorized admission terminates under paragraph (1) shall return to the country of nationality or last residence of the alien.

(e) PROHIBITION OF CHANGE OR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—An alien with blue card status shall not be eligible to change or adjust status in the United States.

(2) LOSS OF ELIGIBILITY.—An alien with blue card status shall lose the status if the alien—

(A) files a petition to adjust status to legal permanent residence in the United States; or

(B) requests a consular processing for an immigrant or nonimmigrant Visa outside the United States.

SA 3586. Mr. ENSIGN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes: which was ordered to lie on the table; as follows:

Beginning on page 333, strike line 10 and all that follows through page 416, Line 11 and insert all that follows:

(c) MANDATORY DEPARTURE AND REENTRY.—

(1) IN GENERAL.—Chapter 5 of title II (8 U.S.C. 1255 et seq.), as amended by subsection (b)(1), is further amended by inserting after section 245B the following: ''

''SEC. 245C. MANDATORY DEPARTURE AND REENTRY.

''(a) IN GENERAL.—The Secretary of Homeland Security may grant Deferred Mandatory Departure status to aliens who are in the United States illegally to allow such aliens time to depart the United States and to seek admission as a nonimmigrant or immigrant alien.

''(b) REQUIREMENTS.—An alien desiring an adjustment of status under subsection (a) shall meet the following requirements:

''(1) PRESENCE.—The alien shall establish that the alien—

''(A) was physically present in the United States on January 7, 2004;

''(B) has been continuously in the United States since such date, except for brief, casual, and innocent departures; and

''(C) was not legally present in the United States on that date under any classification set forth in section 101(a)(15).

''(2) EMPLOYMENT.—

''(A) IN GENERAL.—The alien shall establish that the alien—

''(i) was employed in the United States, whether full time, part time, seasonally, or self-employed, before January 7, 2004; and

''(ii) has been continuously employed in the United States since that date, except for brief periods of unemployment lasting not longer than 60 days.

''(B) EVIDENCE OF EMPLOYMENT.—

''(i) IN GENERAL.—An alien may conclusively establish employment status in compliance with subparagraph (A) by submitting to the Secretary of Homeland Security records demonstrating such employment maintained by—

''(I) the Social Security Administration, Internal Revenue Service, or by any other Federal, State, or local government agency;

''(II) an employer; or

''(III) a labor union, day labor center, or an organization that assists workers in matters related to employment.

''(ii) OTHER DOCUMENTS.—An alien who is unable to submit a document described in subclauses (I) through (III) of clause (i) may satisfy the requirement in subparagraph (A) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

''(I) bank records;

''(II) business records;

''(III) sworn affidavits from nonrelatives who have direct knowledge of the alien's work; or

''(IV) remittance records.

''(iii) INTENT OF CONGRESS.—It is the intent of Congress that the requirement in this subsection be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

''(iv) BURDEN OF PROOF.—An alien who is applying for adjustment of status under this section has the burden of proving by a preponderance of the evidence that the alien has satisfied the requirements of this subsection. An alien may meet such burden of proof by producing sufficient evidence to demonstrate such employment as a matter of reasonable inference.

''(3) ADMISSIBILITY.—

''(A) IN GENERAL.—The alien shall establish that such alien—

''(i) is admissible to the United States, except as provided as in (B); and

''(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

''(B) GROUNDS NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), and (7) of section 212(a) shall not apply.

''(C) WAIVER.—The Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

''(4) INELIGIBLE.—The alien is ineligible for Deferred Mandatory Departure status if the alien—

''(A) has been ordered excluded, deported, removed, or to depart voluntarily from the United States; or

''(B) fails to comply with any request for information by the Secretary of Homeland Security.

''(5) MEDICAL EXAMINATION.—The alien may be required, at the alien's expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

''(6) TERMINATION.—The Secretary of Homeland Security may terminate an alien's Deferred Mandatory Departure status if—

''(A) the Secretary of Homeland Security determines that the alien was not in fact eligible for such status; or

''(B) the alien commits an act that makes the alien removable from the United States.

''(7) APPLICATION CONTENT AND WAIVER.—

''(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Deferred Mandatory Departure status.

''(B) CONTENT.—In addition to any other information that the Secretary requires to determine an alien's eligibility for Deferred Mandatory Departure, the Secretary shall require an alien to answer questions concerning the alien's physical and mental health, criminal history, gang membership, renunciation of gang affiliation, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government, voter registration history, claims to United States citizenship, and tax history.

''(C) WAIVER.—The Secretary of Homeland Security shall require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of obtaining Deferred Mandatory Departure status, the alien agrees to waive any right to administrative or judicial review or appeal of an immigration officer's determination as to the alien's eligibility, or to contest any removal action, other than on the basis of an application for asylum or restriction of removal pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, or cancellation of removal pursuant to section 240A(a).

''(D) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

''(c) IMPLEMENTATION AND APPLICATION TIME PERIODS.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the application process is secure and incorporates antifraud protection. The Secretary of Homeland Security shall interview an alien to determine eligibility for Deferred Mandatory Departure status and shall utilize biometric authentication at time of document issuance.

''(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security shall begin accepting applications for Deferred Mandatory Departure status not later than 3 months after the date on which the application form is first made available.

''(3) APPLICATION.—An alien must submit an initial application for Deferred Mandatory Departure status not later than 6 months after the date on which the application form is first made available. An alien that fails to comply with this requirement is ineligible for Deferred Mandatory Departure status.

''(4) COMPLETION OF PROCESSING.—The Secretary of Homeland Security shall ensure that all applications for Deferred Mandatory Departure status are processed not later than 12 months after the date on which the application form is first made available.

''(d) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien may not be granted Deferred Mandatory Departure status unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security. The Secretary of Homeland Security may not grant Deferred Mandatory Departure status until all appropriate background checks are completed to the satisfaction of the Secretary of Homeland Security.

''(e) ACKNOWLEDGMENT.—

''(1) IN GENERAL.—An alien who applies for Deferred Mandatory Departure status shall submit to the Secretary of Homeland Security—

''(A) an acknowledgment made in writing and under oath that the alien—

''(i) is unlawfully present in the United States and subject to removal or deportation, as appropriate, under this Act; and

''(ii) understands the terms of the terms of Deferred Mandatory Departure;

''(B) any Social Security account number or card in the possession of the alien or relied upon by the alien;

''(C) any false or fraudulent documents in the alien's possession.

''(2) USE OF INFORMATION.—None of the documents or other information provided in accordance with paragraph (1) may be used in a criminal proceeding against the alien providing such documents or information.

''(f) MANDATORY DEPARTURE.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall grant Deferred Mandatory Departure status to an alien who meets the requirements of this section for a period not to exceed 3 years.

''(2) REGISTRATION AT TIME OF DEPARTURE.—An alien granted Deferred Mandatory Departure shall—

''(A) depart from the United States before the expiration of the period of Deferred Mandatory Departure status;

''(B) register with the Secretary of Homeland Security at the time of departure; and

''(C) surrender any evidence of Deferred Mandatory Departure status at the time of departure.

''(3) APPLICATION FOR READMISSION.—

''(A) IN GENERAL.—An alien under this section may apply for admission to the United States as an immigrant or nonimmigrant while in the United States or from any location outside of the United States, but may not be granted admission until the alien has

departed from the United States in accordance with paragraph (2).

''(B) APPROVAL.—The Secretary may approve an application under subparagraph (A) during the period in which the alien is present in the United States under Deferred Mandatory Departure status.

''(C) US–VISIT.—An alien in Deferred Mandatory Departure status who is seeking admission as a nonimmigrant or immigrant alien may exit the United States and immediately reenter the United States at any land port of entry at which the US–VISIT exit and entry system can process such alien for admission into the United States.

''(D) INTERVIEW REQUIREMENTS.—Notwithstanding any other provision of law, any admission requirement involving in-person interviews at a consulate of the United States shall be waived for aliens granted Deferred Mandatory Departure status under this section.

''(E) WAIVER OF NUMERICAL LIMITATIONS.—The numerical limitations under section 214 shall not apply to any alien who is admitted as a nonimmigrant under this paragraph.

''(4) EFFECT OF READMISSION ON SPOUSE OR CHILD.—The spouse or child of an alien granted Deferred Mandatory Departure and subsequently granted an immigrant or nonimmigrant visa before departing the United States shall be—

''(A) deemed to have departed under this section upon the successful admission of the principal alien; and

''(B) eligible for the derivative benefits associated with the immigrant or nonimmigrant visa granted to the principal alien without regard to numerical caps related to such visas.

''(5) WAIVERS.—The Secretary of Homeland Security may waive the departure requirement under this subsection if the alien—

''(A) is granted an immigrant or nonimmigrant visa; and

''(B) can demonstrate that the departure of the alien would create a substantial hardship on the alien or an immediate family member of the alien.

''(6) RETURN IN LEGAL STATUS.—An alien who complies with the terms of Deferred Mandatory Departure status and who departs before the expiration of such status—

''(A) shall not be subject to section 212(a)(9)(B); and

''(B) if otherwise eligible, may immediately seek admission as a nonimmigrant or immigrant.

''(7) FAILURE TO DEPART.—An alien who fails to depart the United States prior to the expiration of Mandatory Deferred Departure status is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

''(8) PENALTIES FOR DELAYED DEPARTURE.—An alien who fails to depart immediately shall be subject to—

''(A) no fine if the alien departs not later than 1 year after the grant of Deferred Mandatory Departure;

''(B) a fine of $2,000 if the alien does not depart within 2 years after the grant of Deferred Mandatory Departure; and

''(C) a fine of $3,000 if the alien does not depart within 3 years after the grant of Deferred Mandatory Departure.

''(g) EVIDENCE OF DEFERRED MANDATORY DEPARTURE STATUS.—Evidence of Deferred Mandatory Departure status shall be machine-readable and tamper-resistant, shall allow for biometric authentication, and shall comply with the requirements under section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note). The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity. The document may be accepted by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B).

''(h) TERMS OF STATUS.—

''(1) REPORTING.—During the period of Deferred Mandatory Departure, an alien shall comply with all registration requirements under section 264.

''(2) TRAVEL.—

''(A) An alien granted Deferred Mandatory Departure is not subject to section 212(a)(9) for any unlawful presence that occurred prior to the Secretary of Homeland Security granting the alien Deferred Mandatory Departure status.

''(B) Under regulations established by the Secretary of Homeland Security, an alien granted Deferred Mandatory Departure—

''(i) may travel outside of the United States and may be readmitted if the period of Deferred Mandatory Departure status has not expired; and

''(ii) must establish at the time of application for admission that the alien is admissible under section 212.

''(C) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (B) shall not extend the period of Deferred Mandatory Departure status.

''(3) BENEFITS.—During the period in which an alien is granted Deferred Mandatory Departure under this section—

''(A) the alien shall not be considered to be permanently residing in the United States under the color of law and shall be treated as a nonimmigrant admitted under section 214; and

''(B) the alien may be deemed ineligible for public assistance by a State (as defined in section 101(a)(36)) or any political subdivision thereof which furnishes such assistance.

''(i) PROHIBITION ON CHANGE OF STATUS OR ADJUSTMENT OF STATUS.—

''(1) IN GENERAL.—Before leaving the United States, an alien granted Deferred Mandatory Departure status may not apply to change status under section 248.

''(2) ADJUSTMENT OF STATUS.—An alien may not adjust to an immigrant classification under this section until after the earlier of—

''(A) the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of this section; or

''(B) 8 years after the date of enactment of this section.

''(j) APPLICATION FEE.—

''(1) IN GENERAL.—An alien seeking a grant of Deferred Mandatory Departure status shall submit, in addition to any other fees authorized by law, an application fee of $1,000.

''(2) USE OF FEE.—The fees collected under paragraph (1) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

''(k) FAMILY MEMBERS.—

''(1) IN GENERAL.—Subject subsection (f)(4), the spouse or child of an alien granted Deferred Mandatory Departure status is subject to the same terms and conditions as the principal alien.

''(2) APPLICATION FEE.—

''(A) IN GENERAL.—The spouse or child of an alien seeking Deferred Mandatory Departure status shall submit, in addition to any other fee authorized by law, an additional fee of $500.

''(B) USE OF FEE.—The fees collected under subparagraph (A) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove aliens who are removable under section 237.

''(l) EMPLOYMENT.—

''(1) IN GENERAL.—An alien who has applied for or has been granted Deferred Mandatory Departure status may be employed in the United States.

''(2) CONTINUOUS EMPLOYMENT.—An alien granted Deferred Mandatory Departure status must be employed while in the United States. An alien who fails to be employed for 60 days is ineligible for hire until the alien has departed the United States and reentered. The Secretary of Homeland Security may reauthorize an alien for employment without requiring the alien's departure from the United States.

''(m) ENUMERATION OF SOCIAL SECURITY NUMBER.—The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security system, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at the time the Secretary of Homeland Security grants an alien Deferred Mandatory Departure status.

''(n) PENALTIES FOR FALSE STATEMENTS IN APPLICATION FOR DEFERRED MANDATORY DEPARTURE.—

''(1) CRIMINAL PENALTY.—

''(A) VIOLATION.—It shall be unlawful for any person—

''(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(ii) to create or supply a false writing or document for use in making such an application.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

''(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

''(o) RELATION TO CANCELLATION OF REMOVAL.—With respect to an alien granted Deferred Mandatory Departure status under this section, the period of such status shall not be counted as a period of physical presence in the United States for purposes of section 240A(a), unless the Secretary of Homeland Security determines that extreme hardship exists.

''(p) WAIVER OF RIGHTS.—An alien is not eligible for Deferred Mandatory Departure status, unless the alien has waived any right to contest, other than on the basis of an application for asylum, restriction of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, or cancellation of removal pursuant to section 240A(a), any action for deportation or removal of the alien that is instituted against the alien subsequent to a grant of Deferred Mandatory Departure status.

''(q) DENIAL OF DISCRETIONARY RELIEF.—The determination of whether an alien is eligible for a grant of Deferred Mandatory Departure status is solely within the discretion

of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

''(1) any judgment regarding the granting of relief under this section; or

''(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 208(a).

''(r) JUDICIAL REVIEW.—

''(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

''(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

''(i) an order or notice denying an alien a grant of Deferred Mandatory Departure status or any other benefit arising from such status; or

''(ii) an order of removal, exclusion, or deportation entered against an alien after a grant of Deferred Mandatory Departure status; or

''(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

''(2) CHALLENGES TO VALIDITY.—

''(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

''(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

''(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority of the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.''.

(2) TABLE OF CONTENTS.—The table of contents (8 U.S.C. 1101 et seq.), as amended by this subsection (b)(2), is further amended by inserting after the item relating to section 245B the following:

''245C. Mandatory Departure and Reentry.''.

(3) CONFORMING AMENDMENT.—Section 237(a)(2)(A)(i)(II) (8 U.S.C. 1227(a)(2)(A)(i)(II)) is amended by inserting ''(or 6 months in the case of an alien granted Deferred Mandatory Departure status under section 245C)'' after ''imposed''.

(4) STATUTORY CONSTRUCTION.—Nothing in this subsection, or any amendment made by this subsection, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such amounts as may be necessary for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out the amendments made by this subsection.

(d) CORRECTION OF SOCIAL SECURITY RECORDS.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking ''or'' at the end;

(2) in subparagraph (C), by inserting ''or'' at the end;

(3) by inserting after subparagraph (C) the following:

''(D) whose status is adjusted to that of lawful permanent resident under section 245B of the Immigration and Nationality Act,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred prior to the date on which the alien became lawfully admitted for temporary residence.''.

Subtitle B—Agricultural Job Opportunities, Benefits, and Security

SEC. 611. SHORT TITLE.

This subtitle may be cited as the ''Agricultural Job Opportunities, Benefits, and Security Act of 2006'' or the ''AgJOBS Act of 2006''.

SEC. 612. DEFINITIONS.

In this subtitle:

(1) AGRICULTURAL EMPLOYMENT.—The term ''agricultural employment'' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BLUE CARD STATUS.—The term ''blue card status'' means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 613(a).

(3) EMPLOYER.—The term ''employer'' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(4) JOB OPPORTUNITY.—The term ''job opportunity'' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

(5) TEMPORARY.—A worker is employed on a ''temporary'' basis where the employment is intended not to exceed 10 months.

(6) UNITED STATES WORKER.—The term ''United States worker'' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(7) WORK DAY.—The term ''work day'' means any day in which the individual is employed 1 or more hours in agriculture consistent with the definition of ''man-day'' under section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)).

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

SEC. 613. AGRICULTURAL WORKERS.

(a) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days, whichever is less, during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an ''employment authorized'' endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this subtitle that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) FINE.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $100.

(8) MAXIMUM NUMBER.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(b) RIGHTS OF ALIENS GRANTED BLUE CARD STATUS.—

(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal

Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the Secretary confers blue card status upon that alien.

(3) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) PERIOD OF AUTHORIZED ADMISSION.—

(1) IN GENERAL.—An alien may be granted blue card status for a period not to exceed 2 years.

(2) RETURN TO COUNTRY.—At the end of the period described in paragraph (1), the alien shall return to the country of nationality or last residence of the alien.

(3) ELIGIBILITY FOR NONIMMIGRANT VISA.—Upon return to the country of nationality or last residence of the alien under paragraph (2), the alien may apply for any nonimmigrant visa.

(d) LOSS OF EMPLOYMENT.—

(1) IN GENERAL.—The blue card status of an alien shall terminate if the alien is not employed for at least 60 consecutive days.

(2) RETURN TO COUNTRY.—An alien whose period of authorized admission terminates under paragraph (1) shall return to the country of nationality or last residence of the alien.

(e) PROHIBITION OF CHANGE OR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—An alien with blue card status shall not be eligible to change or adjust status in the United States.

(2) LOSS OF ELIGIBILITY.—An alien with blue card status shall lose the status if the alien—

(A) files a petition to adjust status to legal permanent residence in the United States; or

(B) requests a consular processisng for an immigrant or nonimmigrant Visa outside the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, April 6, 2006, at 10:30 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Health Care Coverage for Small Business: Challenges and Opportunities.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, April 6, 2006, at 2:30 p.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Saving for the 21st Century: Is America Saving Enough to be Competitive in the Global Marketplace?''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 6, 2006, at 2 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 6, 2006, at 10 a.m. in the Dirksen Senate Office Building Room 226.

I. Nominations

Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; Timothy Anthony Junker, to be United States Marshal for the Northern District of Iowa.

II. Bills

S. 489, Federal Consent Decree Fairness Act, Alexander, Kyl, Cornyn, Graham, Hatcher;

S. 2039, Prosecutors and Defenders Incentive Act of 2005, Durbin, Specter, DeWine, Leahy, Kennedy, Feinstein, Feingold, Schumer;

S. 2292, A bill to provide relief for the Federal judiciary from excessive rent charges, Specter, Leahy, Cornyn, Feinstein, Biden;

S. 2453, National Security Surveillance Act of 2006, Specter;

S. 2455, Terrorist Surveillance Act of 2006, DeWine, Graham;

S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, Schumer.

III. Matters

S.J. Res. 1, Marriage Protection Amendment, Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback;

S. Res. 398, A resolution relating to the censure of George W. Bush, Feingold.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Orphan Works: Proposals for a Legislative Solution'' on Thursday, April 6, 2006, at 2 p.m. in Room 226 of the Dirksen Senate Office Building.

Panel I: Jule L. Sigall, Associate Register for Policy & International Affairs, U.S. Copyright Office, Washington, DC; Victor S. Perlman, Managing Director and General Counsel, American Society of Media Photographers, Inc., Philadelphia, PA; June Cross, Documentary Filmmaker, Visiting Professor, Columbia University, New York, NY; Brad Holland, Founding Board Member, Illustrators' Partnership of America, Marshfield, MA; Maria Pallante-Hyun, Associate General Counsel and Director of Licensing, The Solomon R. Guggenheim Foundation (Guggenheim Museum), New York, NY; Thomas C. Rubin, Associate General Counsel, Microsoft Corporation, Redmond, VA; Rick Prelinger, Board President, Internet Archive, San Francisco, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, April 6, 2006, for a committee hearing to examine the VA's 5-year capital construction plan. The hearing will take place in room 418 of the Russell Senate Office Building at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 6, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. CRAIG. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, April 6, 2006, from 10 a.m.–12 p.m. in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, April 6, 2006, at 2:30 p.m. for a hearing regarding ''The Effectiveness of the Small Business Administration.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on Thursday, April 6 at 2:30 p.m.

The purpose of the hearing is to recent testimony on the following bills: S. 1510, a bill to designate as wilderness certain lands within the Rocky Mountain National Park in the State of Colorado; S. 1719 and H.R. 1492, bills to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes; S. 1957, a bill to authorize the Secretary of Interior to convey to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; S. 2024 and H.R. 394, bills to direct the Secretary of the Interior to conduct a study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and assess the suitability and feasibility of including the farm in the National Park System as part of the Minute Man National Historic Park, and for other purposes; S. 2252, a bill to designate the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, WY, as the National Museum of Wildlife Art of the United States; and S. 2403, a bill to authorize the Secretary of the Interior to include in the boundaries of the Grand Teton National Park land and interests in land of the Grand Teton Park subdivision, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Seapower be authorized to meet during the session of the Senate on April 6, 2006, at 2:30 p.m., in open session to receive testimony on Navy shipbuilding in review of the defense authorization request for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet during the session of the Senate on April 6, 2006, at 3:30 p.m., in open session to receive testimony on military space programs in review of the defense authorization request for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL OCEAN POLICY STUDY

Mr. CRAIG. Mr. President, I ask unanimous consent that the National Ocean Policy Study be authorized to meet on Thursday, April 6, 2006, at 10 a.m., on Offshore Aquaculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF BENJAMIN A. POWELL TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

NOMINATION OF GORDON ENGLAND TO BE DEPUTY SECRETARY OF DEFENSE

Mr. FRIST. Mr. President, in executive session, I ask unanimous consent that the cloture motions with respect to executive calendar Nos. 239 and 310 be vitiated; provided further that the Senate immediately proceed to their consideration en bloc.

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 return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Benjamin A. Powell, of Florida, to be General Counsel of the Office of the Director of National Intelligence.

Gordon England, of Texas, to be Deputy Secretary of Defense.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

HONORING THE ENTREPRENEURIAL SPIRIT OF AMERICAN SMALL BUSINESSES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 435, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 435) honoring the entrepreneurial spirit of American small businesses during National Small Business Week, beginning April 9, 2006.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAIG. 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. 435) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 435

Whereas America's 25,000,000 small businesses have been the driving force behind the

Nation's economy, creating more than 75 percent of all new jobs and generating more than 50 percent of the Nation's gross domestic product;

Whereas small businesses are the Nation's innovators, advancing technology and productivity;

Whereas the Small Business Administration has been a critical partner in the success of the Nation's small businesses and in the growth of the Nation's economy;

Whereas the programs and services of the Small Business Administration have time and again proven their value, having helped to create or retain over 5,300,000 jobs in the United States since 1999;

Whereas the mission of the Small Business Administration is to maintain and strengthen the Nation's economy by aiding, counseling, assisting, and protecting the interests of small businesses and by helping families and businesses recover from natural disasters;

Whereas the Small Business Administration has helped small businesses access critical lending opportunities, protected small businesses from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for Government contracts, and improved the economic environment in which small businesses compete;

Whereas, for more than 50 years, the Small Business Administration has helped more than 23,000,000 Americans start, grow, and expand their businesses and has placed almost $280,000,000,000 in loans and venture capital financing in the hands of entrepreneurs;

Whereas the Small Business Administration, established in 1953, has provided valuable service to small businesses through financial assistance, procurement assistance, business development, small business advocacy, and disaster recovery assistance;

Whereas the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business, and has played a key role in fostering economic growth in underserved communities; and

Whereas the Small Business Administration will mark National Small Business Week, beginning April 9, 2006: Now, therefore, be it

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of America's small businesses during the Small Business Administration's National Small Business Week, beginning April 9, 2006;

(2) supports the purpose and goals of National Small Business Week, and the ceremonies and events to be featured during the week;

(3) commends the Small Business Administration and the resource partners of the Small Business Administration for their work, which has been critical in helping the Nation's small businesses grow and develop; and

(4) applauds the achievements of small business owners and their employees, whose entrepreneurial spirit and commitment to excellence has been a key player in the Nation's economic vitality.

LOCAL COMMUNITY RECOVERY ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4979 received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4979) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to clarify the preference for local firms in the award of certain contracts for disaster relief activities.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the 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. 4979) was read the third time and passed.

150TH ANNIVERSARY OF THE MINNESOTA NATIONAL GUARD

Mr. FRIST. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Con. Res. 85 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 85) honoring and congratulating the Minnesota National Guard, on its 150th anniversary, for its spirit of dedication and service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the Nation's citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 85) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 85

Whereas the Minnesota National Guard traces its origins to the formation of the Pioneer Guard in the Minnesota territory in 1856, 2 years before Minnesota became the 32nd State in the Union;

Whereas the First Minnesota Infantry regiment was among the first militia regiments in the Nation to respond to President Lincoln's call for troops in April 1861 when it volunteered for 3 years of service during the Civil War;

Whereas during the Civil War the First Minnesota Infantry regiment saw battle at Bull Run, Antietam, and Gettysburg;

Whereas during a critical moment in the Battle of Gettysburg on July 3, 1863, 262 soldiers of the First Minnesota Infantry, along with other Union forces, bravely charged and stopped Confederate troops attacking the center of the Union position on Cemetery Ridge;

Whereas only 47 men answered the roll after this valiant charge, earning the First Minnesota Infantry the highest casualty rate of any unit in the Civil War;

Whereas the Minnesota National Guard was the first to volunteer for service in the Philippines and Cuba during the Spanish-American War of 1898, with enough men to form 3 regiments;

Whereas 1 of the 3 Minnesota regiments to report for duty in the War with Spain, the 13th Volunteer regiment, under the command of Major General Arthur MacArthur, saw among the heaviest fighting of the war in the battle of Manila and suffered more casualties than all other regiments combined during that key confrontation to free the Philippines;

Whereas after the cross-border raids of Pancho Villa and the attempted instigation of a war between the United States and Mexico, the border was secured in part by the Minnesota National Guard;

Whereas the Minnesota National Guard was mobilized for duty in World War I, where many Minnesotans saw duty in France, including the 151st Field Artillery, which saw duty as part of the famed 42nd ''Rainbow'' Division;

Whereas the first Air National Guard unit in the Nation was the 109th Observation Squadron of the Minnesota National Guard, which passed its muster inspection on January 17, 1921;

Whereas a tank company of the Minnesota National Guard from Brainerd, Minnesota, was shipped to the Philippines in 1941 to shore up American defenses against Japan as World War II neared;

Whereas these men from Brainerd fought hard and bravely as American forces were pushed into the Bataan Peninsula and ultimately endured the Bataan Death March;

Whereas men of the Minnesota National Guard's 175th Field Artillery, as part of the 34th ''Red Bull'' Division, became the first American Division to be deployed to Europe in January of 1942;

Whereas when the 34th Division was shipped to North Africa, it fired the first American shells against the Nazi forces;

Whereas the 34th Division participated in 6 major Army campaigns in North Africa, Sicily, and Italy, which led to the division being credited with taking the most enemy-defended hills of any division in the European Theater as well as having more combat days than any other division in Europe;

Whereas the Minnesota National Guard served with distinction on the ground and in the air during Operations Desert Shield and Desert Storm;

Whereas Minnesota National Guard troops have helped keep the peace in the former Yugoslavia, including 1,100 troops who have seen service in Bosnia, Croatia, and Kosovo;

Whereas the Minnesota National Guard has participated in keeping America safe after September 11, 2001, in numerous ways, including airport security;

Whereas the Duluth-based 148th Fighter Wing's F–16s flew patrols over cities after September 11, 2001, for a longer time than any other air defense unit;

Whereas over 11,000 members of the Minnesota National Guard have been called up for full-time service since the September 11, 2001, terrorist attacks;

Whereas as of March 20, 2006, Minnesota National Guard troops are serving in national defense missions in Afghanistan, Pakistan, Kuwait, Qatar, Oman, and Iraq;

Whereas more than 600 Minnesota National Guard troops have been deployed to Afghanistan in Operation Enduring Freedom;

Whereas members of the Minnesota National Guard, serving in the 1st Brigade Combat Team of the 34th Infantry Division, have been a part of the State's largest troop deployment since World War II, with more than 2,600 citizen soldiers called to service in support of Operation Iraqi Freedom;

Whereas the Minnesota National Guard has greatly contributed not only to battles but to the suppressing of violent riots, such as the 1947 national meat processors strike, in which they aided helpless police officers, and the fight against natural disasters such as the Red River flood in 1997 in which they organized search and rescue missions, helped shelter people who were left homeless, ran logistics, and helped sandbagging efforts; and

Whereas on April 17, 2006, the Minnesota National Guard will celebrate its 150th anniversary along with its historical and recent accomplishments: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors and congratulates the Minnesota National Guard for its spirit of dedication and service to the State of Minnesota and to the Nation on its 150th anniversary; and

(2) recognizes that the role of the National Guard, the Nation's citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation.

150TH ANNIVERSARY OF THE MINNESOTA NATIONAL GUARD

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 371, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 371) honoring and congratulating the Minnesota National Guard on its 150th anniversary, for its spirit of dedication and service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the Nation's citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent 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.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 371) was agreed to.

The preamble was agreed to.

YEAR OF THE MUSEUM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 437, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 437) supporting the goals and ideals of the Year of the Museum.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. Mr. President, I rise to support a resolution supporting the goals and ideals of the Year of the Museum. I am pleased to be joined by Senator KENNEDY and other members of the Cultural Caucus in sponsoring this resolution recognizing the vital role museums play in the fabric of our American culture.

On the occasion of the 100th anniversary of the American Association of Museums, we treasure the more than 16,000 museums in the United States that house many of our greatest treasures. Museums inspire curiosity in students of all ages and foster a greater understanding of the world around us. Museums help us connect to the past and envision the future. Today, we celebrate their contribution to the vitality of our communities and our culture over the past 100 years.

I urge my colleagues to support this resolution.

Mr. COBURN. Mr. President, today the Senate considers The Year of the Museum resolution which asks for Congress to support the goals and ideals of the Year of the Museum and asks the President to call upon Americans to observe this year with appropriate programs and activities.

I encourage citizens to utilize and support their local museums which serve as a wonderful resource for communities. There is great value for citizens in the arts, historic collections and museums. They are a reflection of our culture and people, and are important to our history and national identity. Children and young learners benefit tremendously from art programs in the schools. These activities make for well rounded citizens, tomorrow's leaders. Museums play an important role in our lives.

The Subcommittee on Federal Financial Management, which I chair, held a hearing on Federal funding of museums this week and found that Federal support of the arts and humanities, which includes museums, has increased 25 percent in the last 5 years. During a time of tremendous financial challenge, we must exercise thrift and frugality with taxpayer money.

Why not hold museum and arts funding steady at current levels? I believe that budget increases for nonessential activities during a time of great challenge to our Nation are indefensible. It is Congress that holds the purse strings and, frankly, we have been unwilling to make the tough decisions today for the future well-being of our grandchildren.

As a government we have spent over $7 billion on such programs and institutions since 2001, but where in the Constitution does it allow the Federal Government support museums and the arts by taxing citizens to pay for museums in other cities and States? Essentially taxpayers are being forced to subsidize museums they do not attend. Museums spend $21 for every visitor while only earning $5.50 in revenue per visitor according to the American Association of Museums.

I remind my colleagues that the current fiscal environment of war, Katrina and Social Security and Medicare insolvency is a very serious situation. One criticism of the President I have is that he has not asked the American people to sacrifice during wartime. We cannot, as a government, do everything we would like to do. I think the American people would be very forgiving and willing to make sacrifices if only asked. During a time of war Presidents Roosevelt and Truman slashed nondefense spending by over 20 percent. It can be done.

There are several opportunities for Federal funding of museums through competitive grants administered by the Institute for Museum and Library Services and the National Science Foundation which are peer reviewed and grantees are held accountable and must meet financial management requirements as well as other conditions.

Museum earmarks, however, proliferate, especially in the home States of members of the powerful Appropriations Committee. This year 69 percent of museum earmarks went to their home States. These museums get to cut in line and skip the competitive application. Favored projects receive money without having to compete with the other museums. These projects have not had to demonstrate their merit or worth to a community, but get a cash award nonetheless. There is something wrong with this system. What's more, several museums split their earmark requests across bills in the same year to hide the true cost. The same museums request earmarks every year, and get them. Since 2001, over 860 earmarks have been handed out to museums.

I support the ideals of the Year of the Museum, but I ask my colleagues to exercise fiscal restraint and stop focusing on political expediency and start thinking about future generations.

Given the local nature of most of the grants and earmarks, it is difficult to defend the expenditure of taxpayer dollars to benefit a small group of people in Muskogee, St. Louis, or Anchorage. If a community truly wanted such an institution or program, they would and should find a way to pay for it with local and State money, or through admission fees.

Mr. FRIST. 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. 437) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 437

Whereas museums are institutions of public service and education that foster exploration, study, observation, critical thinking, contemplation, and dialogue to advance a greater public knowledge, understanding, and appreciation of history, science, the arts, and the natural world;

Whereas, according to survey data, the people of the United States view museums as one of the most important resources for educating children;

Whereas museums have a long-standing tradition of inspiring curiosity in schoolchildren that is a result of investments of more than $1,000,000,000 and more than 18,000,000 instructional hours annually for elementary and secondary education programs in communities across the United States, creative partnerships with schools, professional development for teachers, traveling exhibits to local schools, digitization of materials for access nationwide, creation of electronic and printed educational materials that use local and State curriculum standards, and the hosting of interactive school field trips;

Whereas museums serve as community landmarks that contribute to the livability and economic vitality of communities through expanding tourism;

Whereas museums rank in the top 3 family vacation destinations, revitalize downtowns (often with signature buildings), attract relocating businesses by enhancing quality of life, provide shared community experiences and meeting places, and serve as a repository and resource for each community's unique history, culture, achievements, and values;

Whereas there are more than 16,000 museums in the United States and admission is free at more than half of these museums;

Whereas approximately 865,000,000 people visit museums annually and these people come from all ages, groups, and backgrounds;

Whereas research indicates Americans view museums as one of the most trustworthy sources of objective information and believe that authentic artifacts in history museums and historic sites are second only to their families in significance in creating a strong connection with the past;

Whereas museums enhance the public's ability to engage as citizens, through developing a deeper sense of identity and a broader judgment about the world, and by holding more than 750,000,000 objects and living specimens in the public trust to preserve and protect the cultural and natural heritage of the United States for current and future generations;

Whereas museums are increasingly entering into new partnerships with community educational institutions that include schools, universities, libraries, public broadcasting, and 21st Century Community Learning Centers, and these partnerships reach across community boundaries to provide broader impact and synergy for their community educational programs;

Whereas supporting the goals and ideals of the Year of the Museum would give Americans the opportunity to celebrate the contributions museums have made to American culture and life over the past 100 years; and

Whereas in 2006, museums of the United States are celebrating 100 years of collective contribution to our communities: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of the Year of the Museum.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 360 which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 360) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 360) was agreed to.

ORDERS FOR FRIDAY, APRIL 7, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 a.m, Friday, April 7. I further ask unanimous 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 the Senate resume consideration of S. 2454, the border security bill, with 1 hour of debate equally divided between the managers or their designees prior to the cloture vote. I further ask unanimous consent that the Senate then proceed to a vote on the motion to invoke cloture on the motion to commit, as under the previous order. Further, I ask unanimous consent that with respect to cloture motions filed yesterday on the motion to commit and the underlying bill, that the mandatory quorums under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, as in executive session with respect to the cloture motions filed yesterday on nominations, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, following the 1 hour tomorrow for closing remarks, the Democratic leader and I will make statements prior to the cloture vote on the motion to commit. The vote will therefore occur at approximately 9:45 in the morning. If cloture is not invoked, we will proceed to a cloture vote on the underlying bill. We also have two remaining cloture votes scheduled on nominations, although we are hopeful we can work out an agreement for a vote on one of those nominations. Senators can expect a busy and full day.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:18 p.m., adjourned until Friday, April 7, 2006, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 6, 2006:

DEPARTMENT OF STATE

JOHN CLINT WILLIAMSON, OF LOUISIANA, TO BE AMBASSADOR AT LARGE FOR WAR CRIMES ISSUES.

JOHN A. CLOUD, JR., 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 LITHUANIA.

GENERAL SERVICES ADMINISTRATION

LURITA ALEXIS DOAN, OF VIRGINIA, TO BE ADMINISTRATOR OF GENERAL SERVICES, VICE STEPHEN A. PERRY, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

R. DAVID PAULISON, OF FLORIDA, TO BE UNDER SECRETARY FOR FEDERAL EMERGENCY MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY, VICE MICHAEL D. BROWN, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, April 6, 2006:

EXECUTIVE OFFICE OF THE PRESIDENT

BENJAMIN A. POWELL, OF FLORIDA, TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

DEPARTMENT OF DEFENSE

GORDON ENGLAND, OF TEXAS, TO BE DEPUTY SECRETARY OF DEFENSE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AN TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on April 6, 2006 withdrawing from further Senate consideration the following nomination:

ROBERT M. DUNCAN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2009, WHICH WAS SENT TO THE SENATE ON APRIL 4, 2005.

EXTENSIONS OF REMARKS

A TRIBUTE TO THE THOMAS JEFFERSON GIRL'S BASKETBALL TEAM, BROOKLYN, NY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of the Thomas Jefferson Girls' basketball team, champions of the class B division of the Public School Athletic League of New York City. In one year, under the direction of head coach Calvin Young and assistant coach Unique Nelson, the ''Lady Orange Wave'' excelled to a regular season record of 15 wins and only 3 losses, while going undefeated with five more victories in the city playoffs.

I want to especially recognize the work of superintendent Varleton McDonald and principal Michael A. Alexander, who have worked hard to infuse excellence, respect and accountability not only in athletics programs, but in academic departments as well. In addition, coaches Young and Nelson have instilled a ''team first'' approach and a tough regimen of discipline and ''no excuses'' that has led to the team's current success.

However, academics have not taken a backseat. To the contrary, in an era when sports achievements have sometimes replaced excellence in English, math, science and other academic areas, the coaches have demanded a high level of academic performance from team members. Long after the last shot has been taken and the last ball dribbled, the members of the 2006 ''Lady Orange Wave'' will benefit from the leadership, love and guidance given to them by their coaches, teachers and administrators at Thomas Jefferson. I truly hope that in the days to come, the members of the 2006 ''Lady Orange Wave'' will build upon their experiences in basketball and their days at Thomas Jefferson.

Mr. Speaker, in this spirit, I believe that the accomplishments of the 2006 ''Lady Orange Wave,'' the work of their coaches, teachers and administrators, are truly worthy of our recognition here today.

CONGRATULATIONS TO CENTRAL MISSOURI EAGLES YOUTH HOCKEY ASSOCIATION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. SKELTON. Mr. Speaker, let me take this opportunity to congratulate Central Missouri Eagles Youth Hockey Association of Jefferson City, Missouri. The Eagles have been named a winner of the 2006 ''Honoring the Game Award,'' by the Positive Coaching Alliance at Stanford University.

The ''Honoring the Game Award'' recognizes youth sports programs that ''strive to win, but also strive to help their players develop skills that will serve them throughout their lifetimes.'' The Positive Coaching Alliance, a leading national youth sports organization, chose the Eagles as one of three national winners from among seven finalists. The Eagles are the only program in the Midwest—and the only youth hockey program in the nation—to be honored.

The Eagles were honored for their positive coaching methods and for the community service projects completed by each of their four teams. This year, the Eagles' pee wee team (11–12 year-olds) collected 500 stuffed animals and 130 backpacks for the abused and neglected children in Jefferson City's Michael Prenger Family Center and the Cole Family County Court. The mite and squirt teams (5–10 year-olds) collected more than 300 canned goods for Jefferson City's food bank, the Samaritan Center. The high school varsity team collected more than 400 stuffed animals for the sick and injured children at the University of Missouri-Columbia Children's Hospital.

Mr. Speaker, I am certain that the Members of the House will join me in congratulating the Central Missouri Eagles Youth Hockey Association on their accomplishments and thanking them for their dedication to helping others.

TRIBUTE TO BRENDA CLACK

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. KILDEE. Mr. Speaker, on Saturday, April 8th, the Flint Club of the National Association of Negro Business and Professional Women's Clubs, Incorporated will present Representative Brenda Clack with the Sojourner Truth Award at the 45th annual luncheon in my hometown of Flint, Michigan.

Founded in 1935 the National Association of Negro Business and Professional Women's Clubs, Incorporated seeks to provide a forum for the development of women in the business community and professions. The members come together to provide a place for the exchange of ideas and to encourage new entrepreneurs to succeed in their dreams. They embody the sentiments expressed by Sojourner Truth before the 1851 Women's Rights Convention, ''If the first woman God ever made was strong enough to turn the world upside down all alone, these women together ought to be able to turn it back and get it rightside up again.''

At the annual luncheon, the Flint Club honors a member of the community that has exemplified the commitment to the ideals of the association and the persevering spirit of Sojourner Truth. This year the Flint Club has chosen Michigan State Representative Brenda Clack to receive this prestigious award.

Brenda moved to Michigan after attending Tennessee State University. She quickly made her mark in the Flint community through her involvement with the NAACP, Urban League, the United Teachers of Flint, the Michigan Education Association, and as a member of Vernon Chapel AME Church. A lifelong educator, she spent 32 years teaching History and Economics in the Flint Public School System before being elected to public office.

In 1995 she was selected as Michigan's Economic Teacher of the Year, the following year she received the Flint Optimist's Outstanding Achievement in Education Award and she was inducted into Phi Beta Kappa's Hall of Fame. Elected to the Michigan House of Representatives in 2002, Brenda serves the constituents of the 34th House District. Besides serving on several House Standing Committees, she founded the ''Flint Speaks Out Against Violence'' task force and was appointed by Governor Jennifer Granholm to serve with the National Governors Association Policy Academy. Brenda's community involvement is highlighted by her work mentoring students, celebrating grandparents raising their grandchildren, and collecting blankets for the needy. Brenda is married to Floyd Clack, a former State Representative and former Genesee County Commissioner. She is mother to Michael and Mia.

Mr. Speaker, I ask the House of Representatives to rise with me and applaud the accomplishments of Representative Brenda Clack as she is honored for her kinship and inspiration to the Flint area.

HONORING THE CHAIRMAN OF THE NATIONAL PANHELLENIC CONFERENCE (NPS)

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. SESSIONS. Mr. Speaker, I rise today to recognize the work of an outstanding individual, Martha Cheely Brown, as she concludes her distinguished work as Chairman of the National Panhellenic Conference (NPC). The National Panhellenic Conference is the association of 26 women's college fraternities. NPC member organizations are found on 620 college and university campuses nationwide and more than 3.8 million women nationwide are alumnae of one of the 26 fraternities that comprise the NPC. Since 2003, Martha has led the over 3.8 million NPC members in having their voices heard through a ''Speak Up For Sororities'' program she implemented. As Chairman, Martha consistently dedicated herself to furthering the NPC's core values of ''helping women grow, give, lead and succeed.''

Martha Cheely Brown was a graduate of the University of North Texas in Denton, Texas, where she served as chapter president of her Delta Gamma Sorority. As an alumna, she has served as Delta Gamma's national convention Chairman, National Panhellenic Conference

Delegate, and a member of the Delta Gamma International Board of Directors. As NPC College Panhellenics Committee Chairman, she worked with the 630 College Panhellenics in the United States and Canada.

Martha Cheely Brown's service and leadership were recognized by her alma mater in 2004 when she was awarded the University of North Texas Outstanding Alumna Award; by Delta Gamma Sorority with an Honorary Fellowship; and by the National Panhellenic Conference with a well-deserved citation celebrating her achievements as the 2003–2005 National Panhellenic Conference Chairman.

Mr. Speaker, please join me today in honoring the exemplary service that Martha Cheely Brown has given to the over 3.8 million members of NPC. The National Panhellenic Conference is a better organization because of her dedication, commitment, and determination to improve the lives of women of the NPC.

INTRODUCTION OF THE PATENTS DEPEND ON QUALITY ACT OF 2006

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. BERMAN. Mr. Speaker, today, I join Representative BOUCHER in introducing the Patents Depend on Quality Act of 2006 (PDQ Act). Introduction of this legislation follows a series of hearings conducted by the Subcommittee on Intellectual Property which ascertained that the current patent system is flawed. Over the course of the last 4 years, there have been numerous attempts to define the challenges of the patent system today. For example, the Patent and Trademark Office developed their Twenty-First Century Strategic Plan, not much later the Federal Trade Commission released a report entitled ''To Promote Innovation: The Proper Balance of Competition and Patent Law and Policy,'' The National Research Council published a compilation of articles entitled ''A Patent System for the 21st Century,'' and two economists authored a critique of patent law in a book titled Innovation and Its Discontents. These accounts make a number of recommendations for increasing patent quality and ensuring that patent protection promotes, rather than inhibits, economic growth and scientific progress. Consistent with the goals and recommendations of those reports, the PDQ Act contains a number of provisions designed to improve patent quality, deter abusive practices by unscrupulous patent holders, and provide meaningful, low-cost alternatives to litigation for challenging the patent validity.

Past attempts at achieving more comprehensive patent reform have met with resistance and recently have resulted in a call for additional hearings. However, the call for legislative action is loud. The New York Times has noted, ''[s]omething has gone very wrong with the United States patent system.'' The Financial Times has stated, ''[i]t is time to restore the balance of power in U.S. patent law.'' Therefore, today, we are introducing a narrowly tailored bill to address some of the more urgent concerns.

I firmly believe that robust patent protection promotes innovation. However, I also believe that the patent system is strongest, and that incentives for innovation are greatest, when patents protect only those patents that are truly inventive. When functioning properly, the patent system should encourage and enable inventors to push the boundaries of knowledge and possibility. If the patent system allows questionable patents to be issued and does not provide adequate safeguards against patent abuses, the system may stifle innovation and interfere with competitive market forces.

This bill represents our latest perspectives in an ongoing discussion about legislative solutions to patent quality concerns and patent litigation abuses. We have considered the multitude of comments received on prior patent bills. We acknowledge that the problems are difficult and, as yet, without agreed-upon solutions. It is clear, however, that introduction and movement of legislation, not necessarily additional hearings, will focus and advance the discussion. It is also clear that the problems with the patent system have been exacerbated by a decrease in patent quality and an increase in litigation abuses. With or without consensus, Congress must act soon to address these problems.

Thus, we introduce this bill with the intent of propelling the debate forward in the 109th Congress.

The bill contains a number of initiatives designed to improve patent quality and limit litigation abuses, thereby ensuring that patents are positive forces in the marketplace. I will highlight a number of them below.

Section 2 creates a post-grant opposition procedure. In certain limited circumstances, opposition allows parties to challenge a granted patent through an expeditious and less costly alternative to litigation. In addition, Section 2 provides a severely needed fix for the inter-partes re-examination procedure, which provides third parties a limited opportunity to request that the PTO Director re-examine an issued patent. The current limitations on the inter-partes re-examination process restricts its utility so drastically that it has been employed only a handful of times. Section 2 increases the utility of this re-examination process by relaxing its estoppel provisions. Further, it expands the scope of the re-examination procedure to include redress for all patent applications regardless of when filed. In addition, Section 2 contains a limitation on use of inter-partes re-examination procedure as a ''second bite at the apple'' after district court litigation. Other provisions in this bill, such as the second window in the post-grant opposition proceeding, will sufficiently address the quality problem in patents which have already issued.

Sections 3 and 4 permit patent examiners to consider certain materials within a limited time frame submitted by third parties regarding a pending patent application. Allowing such third party submissions will increase the likelihood that examiners are cognizant of the most relevant ''prior art,'' thereby constituting a front-end solution for strengthening patent quality.

Section 6 addresses the unfair incentives currently existing for patent holders who indiscriminately issue licensing letters. Patent holders frequently assert that another party is using a patented invention and for a fee, offer to grant a license for such use. Current law does little to dissuade patent holders from mailing such licensing letters. Frequently these letters are vague and fail to identify the patent being infringed and the manner of infringement. In fact, the law tacitly promotes this strategy since a recipient, upon notice of the letter, may be liable for treble damages as a willful infringer. Section 6 addresses this situation by ensuring that recipients of licensing letters will not be exposed to liability for willful infringement unless the letter specifically states the acts of infringement and identifies each particular claim and each product that the patent owners believe have been infringed.

Section 8 is designed to address the negative effect on innovation created by patent ''trolls.'' We have learned of countless situations in which patent holders, making no effort to commercialize their inventions, lurk in the shadows until another party has invested substantial resources in a business or product that may infringe on the unutilized invention. The patent troll then steps out of the shadows and demands that the alleged infringer pay a significant licensing fee to avoid an infringement suit. The alleged infringer often feels compelled to pay almost any price named by the patent troll because, under current law, a permanent injunction issues automatically upon a finding of infringement. The threat of a permanent injunction would, in turn, cause the alleged infringer to lose the substantial investment made in the allegedly infringing business or product.

While we may question their motives, we do not question the right of patent trolls to sue for patent infringement, to obtain damages, and to seek a permanent injunction. However, the issuance of a permanent injunction should not be granted automatically upon a finding of infringement. Rather, when deciding whether to issue a permanent injunction, courts should have the discretion to weigh all the equities in order to prevent the violation of a patent right. That requires balancing the inventor's exclusive right designed to provide the incentive and reward for invention and those equities which may be necessary for the public interest, such as whether the patent troll has ''unclean hands,'' the failure to commercialize the patented invention, the social utility of the infringing activity, the loss of invested resources by the infringer and, of course, the quality of the patent. After weighing the equities, the court may still decide to issue a permanent injunction, but at least the court will have ensured that the injunction serves the public interest. Section 8 accomplishes this goal.

When considering these provisions together, we believe that this bill provides reform necessary for the patent system to achieve its primary goal of promoting innovation. As the New York Times has pointed out, ''[t]here is legislation in the House to address th[e] issue[s], and it needs to be taken up.'' We hope introduction of this bill will facilitate the necessary movement of patent reform legislation.

I would especially like to thank Congressman BOUCHER with whom I have been working on patent reform for the past few years even before the issue was en vogue. Also deserving of thanks are the many constitutional scholars, policy advocates, private parties, and government agencies that continue to contribute their time, thoughts, and drafting talents to this effort. I am pleased that, finally, at least a consensus has emerged among the various collaborators in support of the basic ''post-grant opposition'' approach embodied in the legislation. This bill is the latest iteration of a process we started over 5 years ago.

Though we developed this bill in a highly collaborative and deliberative manner, I do not want to suggest that it is a ''perfect'' solution. Thus, I remain open to suggestions for amending the language to improve its efficacy or rectify any unintended consequences.

As I have said previously, ''The bottom line is this: there should be no question that the U.S. patent system produces high quality patents. Since questions have been raised about whether this is the case, the responsibility of Congress is to take a close look at the functioning of the patent system.'' High patent quality is essential to continued innovation. Litigation abuses, especially those which thrive on low quality patents, impede the promotion of the progress of science and the useful arts. Thus, we must act quickly during the 109th Congress to maintain the integrity of the patent system.

HONORING GREENVILLE'S FIRST AFRICAN AMERICAN POLICE OFFICER, WILLIE CARSON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize an African American pioneer, Willie Carson, Greenville's first African-American police officer. I submit the following article by Bill Johnson of the Delta Democrat Times.

GREENVILLE—ANOTHER DELTA PIONEER HAS PASSED

Willie Carson, the first African-American police officer in Greenville, died Friday evening. He was 86 years old.

Carson forged the way for other black law enforcement officers to follow in the early 1950s, working as a beat officer on Nelson Street.

''Those were some really rough days back then,'' said his wife of 20 years, Delilah Carson. She recalled some of the many stories told by her husband of his early experiences in uniform from their Fairview Extended home.

''At that particular time, a lot of blacks were killing each other on Nelson. Back then, it was not so much with guns but knives and their fists,'' she said. ''It was a real war zone out there at the time.

''C.A. Hollinsworth was the chief at that time. And he knew that changes were coming and a new day was ahead,'' she reflected.

''Winchester Davis was very instrumental in helping Willie get on the force. Willie played guitar for Davis' band, and they traveled a lot. He knew Willie had a family with children and needed a good job with benefits, and made a way for him.''

Carson took his oath to uphold the law, and he made sure that everyone on his beat abided by the law.

He was smooth and quiet in manner but when necessary made a firm stand.

''A lot of people have come up to him over the years and thanked him for changing their lives.'' Carson said. ''If need be, he could get down and dirty right along with them. And sometimes it was necessary.''

While rumors abounded about the reasons Carson was given the Nelson Street beat, she was told by Willie that it was a matter of support.

''Hollinsworth knew that if anything went down on the Nelson Street beat, someone would speak up for Willie and give support for him. But remember, this was the early '50s still, and not many whites were going to go against another white person's word if they were arrested by a colored officer. So it was the best choice for the times,'' Carson said.

Willie Carson was also really good friends with former police chief and mayor, William Burnley. They spent a lot of time together and even called each other brother.

''They had a very unique relationship,'' Delilah recalled.

Joe Tinsley, a long-time Nelson Street business owner, also recalled Carson's tenure on the beat. ''He was a true pioneer in police work, being a black man back in those days,'' Tinsely said from his barber shop on the corner of Nelson and Edison. ''And boy what a heck of a guitar player.''

Tinsley recalled Carson as a hard-working man who always had several jobs along with playing his guitar for a variety of bands, including Ike Turner, Winchester Davis, Big Joe, and others.

''He had a rocky road those early years, with the name calling and all. But he broke through the ice and opened the door for all black law enforcement officers to follow,'' Tinsley said. ''And as time went on, Carson was very much respected. They wouldn't raise any hell or cuss around Officer Carson. It was tough on him, but he was the right man for the job and he made it work.''

Carson is remembered by his family as a good husband, father and provider who loved his family and children; a man who believed in being in line with the law.

He was the type of fellow who was known for a good joke and appreciated a better one. He was the go-to guy during the boycotts at Mississippi Valley State College in 1969, where he served as chief of campus police, telling his men, ''We are here to protect these students and the faculty. And that's what I expect you to do.''

There were no major injuries on his watch, even when meeting face to face and at odds with members of the Black Panthers organization.

Carson was also the first black housing inspector in Greenville, and served as the grand marshal of the 2003 Christmas Parade.

In later years, Carson served with the Washington County Sheriffs Department from 1989 until his retirement in 2000.

He was never a bitter man and was considered rather jolly and outgoing.

''He tried to find the best in even a bad situation,'' Delilah said, adding that he would often tell his children, ''Sometimes you can't get around a problem, but you can always make good choices.''

Officer Willie Carson's career and faithful service to the community is a testament to his character. Carson's first probably will not be noted in history books, but it is his service and men and women of similar character that has paved the way for other outstanding African Americans to outfit our public services. It is with great honor, I recognize Officer Willie Carson, a true pioneer.

A TRIBUTE TO FLOR MARINA PRIETO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Flor Marina Prieto and I hope my colleagues will join me in recognizing the accomplishments of this outstanding member of the community.

Flor Marina Prieto was born in Bogota, Colombia, into a typical middle class Colombian family. Ms. Prieto's father was Captain of the National Police and her mother worked, mainly at home, as an art decorator making very beautiful artificial and natural flower arrangements. Ms. Prieto's mother chose Flor Marina's name because of her love for flowers and her father's passion for the sea. Ms. Prieto's was comprised of school and home surrounded with plenty of love.

Ms. Prieto graduated as a secretary in Bogota, Colombia and soon after came to the United States. As a hobby, she attended ballet classes and had the opportunity to perform as an amateur ballerina. Soon after taking her marriage vows, Ms. Prieto's had her best treasure, her lovely daughter Jacqueline.

Ms. Prieto foresaw the importance and impact of computers in education. In order to learn about this and to earn some money so that she could pay for her college career, she worked as representative of a Colombian Computer Company in the United States. She traveled several times to Europe searching for specialized software to be sold in South America.

Later, she created her own small company M&B Computer Export because at the time it was a good business to sell computers and peripherals outside the United States. Several years later, she decided she was ready to start college to study Psychology. Ms. Prieto studied at St. John's University and graduated in May of 1996 with a Bachelor of Arts in Psychology. Ms. Prieto was so enthralled with this field that she decided to continue her studies in graduate school. She studied at St. John's University as well for a graduate degree in Bilingual School Counseling. Ms. Prieto graduated in June of 2000 with a Master of Science in Education. In addition, upon graduation, she was awarded with honors, the Dean's Award for Academic Excellence.

Ms. Prieto is currently working as a Bilingual Counselor at Eastwood School, P.S. 95. She is very pleased and fulfilled with her role as a counselor. She is very happy to work with children. Ms. Prieto feels her job is very rewarding because she is able to witness how a child's life can change or improve with her help. It is very satisfying to know that one can make a difference in a child's life. Ms. Prieto's main objective was to graduate as a counselor and then use this knowledge to help educate special children. This dream is now a beautiful reality.

Mr. Speaker, I believe this body, in recognition of her life and efforts, should pay tribute to Ms. Flor Marina Prieto.

RECOGNIZING MASTER SAM HYATT AS BOX TOPS FOR EDUCATION KIDS' CAUCUS ESSAY FINALIST

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. RUPPERSBERGER. Mr. Speaker, I proudly rise before you today to recognize a sixth grade boy in the Second Congressional District of Maryland, Master Sam Hyatt. He was named as a finalist in the Box Tops for Education Kids' Caucus Essay contest. Sam

wrote an essay for the General Mills sponsored organization on parental involvement in schools. His school, Baltimore Hebrew Congregation Day School in Lutherville, MD, was awarded a grant of one thousand dollars because of his achievement.

By using the topic provided, Sam carefully crafted an essay to explain how he would improve parental involvement in schools if he were principal for a day. He recommends parents volunteer their time by speaking to the students about their area of expertise. For example, he mentions how someone in the health profession came to the school and taught the students a lesson in that subject. He also suggests parents come into the classroom to relate their personal experiences to whatever subject is being taught that day.

Sam's essay is extremely motivational. It proves that school-aged children are interested in their families, and would like more opportunities to learn from them. He suggests teachers assign activities that involve parents, making learning fun for both the student and the parent. Sam provides an example of the previous year when he was given an assignment to learn about rocks. He was only able to find a small variety of rocks in his neighborhood so, as a result, his parents needed to take him to other locations to complete the task. I believe that education is one of the most important gifts we can give our children and it must begin in the home.

It is critical to arm our children with the best skills possible to ensure their success in life. They acquire these skills through practice both in the home and at school. It is very important to keep the lines of communication open between parents and school officials. Sam offers an idea of ''Principal Coffees'' where parents and administrators are given the opportunity to discuss what is happening in the school. He also recommends administrator and parent meetings via chat room discussions.

Mr. Speaker, I ask that you join with me today to recognize the achievement of essay winner Master Sam Hyatt. He should be commended for his outstanding efforts.

IN HONOR OF THE GREGORY FAMILY AS THEY RECEIVE THE TREE OF LIFE AWARD

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mrs. SCHMIDT. Mr. Speaker, I rise today to recognize the Gregory Family as they receive the Tree of Life humanitarian award on April 30th, 2006 from the Jewish National Fund.

The Jewish National Fund has bestowed its prestigious Tree of Life award annually since 1981. Recipients of this honor are chosen on the basis of outstanding community involvement, professional leadership and humanitarian service.

The Tree of Life award was named to symbolize the Jewish National Fund's efforts to reclaim and develop the land of Israel from barren and uninhabitable land into a land of lush green forests and fields, productive farmlands and varied tourism and recreation facilities.

Members of the Gregory Family receiving the award include the late Ted Gregory, his wife Matula and their children and spouses, Tom and Pam; Dean and Hedy; Evan and Terry; and Vickie. This talented and generous family is behind one of Cincinnati's most notable treasures, The Montgomery Inn Restaurants. These award-winning restaurants are known not only in our own region, but across the nation.

Ted Gregory and his wife Matula worked hard to build their business and instill a strong work ethic and sense of charity in their children. Ted often said, ''Give until it hurts, then give a little more.'' This belief, combined with a strong work ethic, is no doubt the recipe to the Gregory Family's success.

As the Gregory's success has steadily grown over the years, so too has their mission to give back to others. Some of their beneficiaries include the Bob Hope House, The Free Store Food Bank, The Down Syndrome Association, Big Brothers and Big Sisters, Cincinnati Children's Hospital, One Way Farm and countless others.

The family also established the Montgomery Inn Invitational, which has raised more than $500,000. These funds have benefited the Jewish Federation, the Uriah P. Levy Jewish Chapel at the U.S. Naval Academy, the United Negro College Fund, the Billy Barty Foundation, and scholarships benefiting many area youth.

Today, Ted and Matula's children continue to carry on the family's charitable legacy. The four Gregory children graduated from Sycamore High School, where they recently endowed a state-of-the-art fitness center bearing the name of their parents.

The Gregory Family will donate the proceeds from this year's Tree of Life dinner to the Jewish National Fund Therapeutic Riding Consortium Endowment for Israel.

In addition to four children, Ted and Matula have eight grandchildren.

All of us in the Cincinnati area congratulate the Gregory Family on receiving the Tree of Life humanitarian award.

A TRIBUTE TO BURNETTA ROSE LEE GRAVES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Burnetta Rose Lee Graves, a distinguished member of the Brooklyn community. I hope my colleagues will join me in recognizing her accomplishments.

Burnetta is a native of Brooklyn, New York and the daughter of Helena and the late Abel Lee Graves both of Wilmington, N.C. She attended the public schools in Brooklyn, N.Y. for her formative education and graduated from George W. Wingate H.S. After attending Fashion Institute of Technology in Manhattan, she embarked on an entrepreneurial career as a clothing designer for 13 years.

Burnetta is an active member of both the Brooklyn and Queens communities; her political affiliations include: Women's Caucus for Congressman EDOLPHUS ''ED'' TOWNS; Guy R. Brewer United Democratic Club of St. Albans, N.Y.; and the Thomas Jefferson Democratic Club of Kings County Inc. Additionally, while working for Philip Morris USA, the company aided Burnetta's community affiliation in various areas of New York.

Bumetta has always been an active member of her church, St. Mark's United Methodist Church in Harlem USA. While there she was president of the Young Adult Club for 4 years and served as a Trustee for 3 years. In 1997, she was drawn to St. Paul Community Baptist Church in East New, Brooklyn, N.Y. because of the interactive relationship that the church has with the community. As a member of the Baby Dedication Ministry and various activities of the church, she has numerous opportunities to reach out to the community at large.

Working for the Rochdale Village Community Center in Jamaica, N.Y. enables Burnetta to teach children ages 5–12 the art of quilt making. To this day the quilts are still displayed in the front entrance of the center.

In 2002 she joined the staff of Congressman ED TOWNS as a Special Assistant and Ecumenical Liaison. In that role she deals with all faith-based organizations in the 10th Congressional District of Brooklyn, N.Y. She also assists constituents in housing concerns and other issues. Burnetta's current project is ''Adopt A School'' working with Health-based organizations to insure better health care standards for the community.

Mr. Speaker, Burnetta Rose Lee Graves' selfless service has continuously demonstrated a level of altruistic dedication that makes her worthy of our recognition today.

HONORING DANIEL FIGUEROA FOR HIS RETIREMENT AFTER MANY YEARS OF SERVICE TO WESTERN NEW YORK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to pay tribute to Daniel Figueroa, who has set an example to all, through community involvement, selfless dedication and tireless compassion for the community.

To his community he is known as a pioneer, and as someone who never forgot his roots, to his coworkers he is known for his diligence and exemplary work ethic. Detective Sergeant Daniel Figueroa is not only an outstanding member of the department but also an outstanding member of his community.

Daniel Figueroa has been a member of the Buffalo Police Department for 35 years. It is also important to note that officer Figueroa was one of the first Hispanic-Latino officers in Buffalo, NY.

Aside from his duty in law enforcement he also served as an Army paratrooper during the Vietnam War.

Officer Figueroa has also been recognized for is service working undercover for the Federal Drug Enforcement Administration.

Stories and memories of his work while in the department have changed lives and inspired others. A prime example of officer Figueroa's dedicated service occurred in 1970 when on patrol at the Erie Basin Marina; he noticed a crowd of people and saw a man in the water. Without hesitation, he jumped in to rescue the drowning man. He learned later that the man he had rescued was trying to commit suicide, eventually the man contacted officer Figueroa to thank him

Mr. Speaker, it is with great pleasure and gratitude that I stand here today to recognize

Daniel Figueroa for his dedication, honorable service and his daily commitment to making western New York a safer place, and guaranteeing a better tomorrow.

COLLEGE ACCESS AND OPPORTUNITY ACT OF 2005

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 609) to amend and extend the Higher Education Act of 1965:

Mr. WOLF. Mr. Chairman, I rise today in support of the amendment offered by my colleagues Representatives KIRK and LARSEN. They are to be commended for drawing attention to the importance of student exchange and language education programs, particularly related to Chinese and Arabic. In the 21st century world, China and the Middle East are critically important.

I share their support for language and culture education programs to help equip today's young people for the global marketplace. I was pleased to be able to help bring Japanese and Chinese language programs to the Fairfax County Public School system in northern Virginia. During the early 1980s Japan was the primary United States competitor. In an effort to understand how to help United States businesses remain competitive in an expanding global economy, especially with Japan, I wrote to the top 500 U.S. companies asking for their feedback.

The overwhelming response was that U.S. businesses were having difficulty finding qualified people who spoke Japanese and understood that culture. It became clear that the younger generation of Americans who would be the business leaders of tomorrow needed the training to compete with Japan. To help enlarge the pool of fluent Japanese speakers and broaden understanding of the Japanese culture, I worked with the U.S. Department of Education to establish language immersion programs in northern Virginia in 1988.

As a result, Floris, Fox Mill and Great Falls Elementary schools, all in the Fairfax County Public School system, began offering Japanese immersion programs. In these programs, students spend half the school day in their subjects learning to converse in Japanese and the other half in English. I insert for the RECORD excerpts from my congressional newsletters from 1988 announcing the launch of the Japanese language immersion program.

Today, the United States' main global competitor is no longer Japan. China has assumed that position. As we did in the 1980s with Japanese language immersion, we need to replicate today with the Chinese language. The Chinese program will expand and build upon the success of the Japanese immersion program, which helped America counter the serious competition it faced from Japan. In addition to having the opportunity to improve academic performance, students also will have the chance to learn a language that will equip them to compete in the global economy. With one-quarter of the world's population living in China, it is imperative that America's rising business leaders learn the Chinese language and culture.

Studies have shown that students who participate in language immersion programs do well academically. This amendment highlights a critical area in preparing our young people—as Tom Friedman so aptly put it in his best-selling book "The World is Flat"—to develop language skills to help our country meet the challenge being posed by China and India.

I urge my colleagues to join me in supporting the Kirk/Larsen amendment and thank the gentlemen for their good work on highlighting this important issue.

FOREIGN LANGUAGE STUDY KEY TO COMPETITIVENESS

Our national trade deficit has caused deserved concern. We must not only make sure that American companies are on a level playing field with their foreign competitors, but also provide that American companies are equipped to compete in the international marketplace. The key to this is the education and training of our young people.

We must educate our young people in the languages and cultures of other nations, so that in the future American businesses are able to market products abroad and negotiate with foreign counterparts.

I have been pleased to work with our local school systems to expand the foreign language courses offered. The language of Japan, which has the largest trade surplus with the United States of any of our trading partners, is now offered at many of our area high schools. In addition, if a recently submitted grant application to the Department of Education is approved, Japanese, Spanish, and French may soon be taught to kindergarten students in some local schools.

These youngsters who are able to study the languages and cultures of other peoples of the world will be the business leaders of tomorrow, negotiating and devising strategies to sell American products all over the world.

EDUCATION GRANT FOCUSES ON FUTURE LEADERS

The U.S, Department of Education recently awarded a $175,000 grant to George Mason University to begin a foreign language immersion program in Fairfax and Arlington counties public elementary schools.

I was pleased to have worked with local school and GMU officials in support of this program which would be one of the first of its kind in the country to focus on kindergarten students for intensive training in Japanese, Spanish and French.

Under the program, six kindergarten teachers and six first grade teachers would be trained in language instruction and assigned to selected classes in participating schools.

Students participating in the program would spend up to one half of each school day being taught the target language.

I sought funding for this program because of my concern about U.S. competitiveness abroad and the need to prepare our future business leaders on how to deal with an increasingly international marketplace.

I have corresponded with leaders in the U.S. business community including the chief executive officers of many of the top U.S. companies doing business in Japan and business school deans. Most agree that American students must be exposed to the language and culture of other countries from the earliest possible age in order to remain competitive in the international marketplace.

In addition, training in foreign languages helps students to improve their verbal and intellectual capacities and encourages interest in other cultures.

While Fairfax and Arlington counties schools have expressed interest in implementing this innovative effort, a firm commitment has not been made as yet. I am hopeful, however, that the local schools will take advantage of this opportunity to assist our area's young people.

RECOGNIZING THE 20TH ANNIVERSARY OF THE CHERNOBYL NUCLEAR DISASTER

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. SMITH of New Jersey. Madam Speaker, I rise this afternoon to join Chairmen HYDE and GALLEGLY, Mr. LANTOS and others in commemorating the Chernobyl disaster, a tragic event that has left a legacy of pain and suffering felt by the people of Ukraine and Belarus to this day. I welcome this resolution and especially its emphasis on encouraging national and international health organizations to focus their research on the public health consequences of Chernobyl.

As Co-Chairman of the Helsinki Commission, I can recall the Commission hearing I chaired on the 10th anniversary of Chernobyl, at which witnesses, including then Ukrainian Ambassador Yuri Shcherbak offered compelling testimony addressing the health and demographic consequences of the world's worst nuclear disaster. I am pleased to inform colleagues that on the 25th of this month the Helsinki Commission will hold a hearing commemorating Chernobyl. I am pleased that Ukrainian Ambassador Shamshur has accepted my invitation to testify along with health experts and others.

Madam Speaker, as a strong advocate of the health of all children, including the unborn, Chernobyl is of special concern.

In Ukraine and Belarus, there is growing evidence of a steep increase in birth defects, especially an alarming 4-fold increase in spina bifida that has been documented by the Ukrainian-American Association for the Prevention of Birth Defects. Many other forms of birth defects have doubled since Chernobyl, including cataracts, deformed limbs and fingers, and cleft palates. Recent Israeli-Ukrainian studies have shown that children born to Chernobyl liquidators have a 7-fold increase in chromosome damage as compared to their siblings born prior to the Chernobyl disaster.

Last year, I authored language that was included in the State Department Authorization Act authorizing funding for assistance to improve maternal and prenatal care, especially for the purpose of helping prevent birth defects and pregnancy complications. The monies would be for individuals in the Republic of Belarus and Ukraine involved in the cleanup of the region affected by the Chernobyl disaster. We need to make sure that Chernobyl health studies and efforts to prevent birth defects through the distribution of folic acid and better prenatal care receive sufficient funding. These are funding priorities that I will continue to pursue.

Madam Speaker, the public health research community was caught off guard by the massive 80-fold increase in thyroid cancer among Chernobyl children in Belarus in 1993, and the

world community needs to remain vigilant for other forms of cancer that may begin to emerge now that the 20-year latency period has ended.

We need to remember that the half-life of radioactive cesium is 30 years. Thousands of children are still being exposed to dangerously high levels of radionuclides in contaminated areas of southern Belarus and northern Ukraine, as well as far-flung areas in Scandinavia and Eastern Europe that also suffered from radioactive fallout. There is still much that remains to be done to overcome the devastating effects of Chernobyl, and it is important for the international community—both governments and nongovernmental organizations—to remember that Chernobyl is not just a Ukrainian, Belarusian or Russian problem. The fallout will require continued international attention and commitment.

I also want to take this opportunity to commend the work of nongovernmental organizations that devote considerable time and effort in helping the victims of Chernobyl. One such organization is the Children of Chernobyl Relief and Development Fund, which has worked tirelessly to provide state-of-the-art medical technology, physician training and humanitarian aid to give Ukrainian children a fighting chance to overcome cancer and leukemia.

Finally, I welcome the resolution's support for continued U.S. assistance to the Chernobyl Shelter Fund, the Shelter Implementation Plan, and other efforts to mitigate the consequences of the Chernobyl disaster. We need to do everything possible to protect people and the environment from the large quantity of radioactive remains of the Chernobyl nuclear power plant even as we work to assist the victims of the world's worst nuclear disaster.

IN RECOGNITION OF AVONDALE CUB SCOUT PACK 67

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to the young men of Avondale Pack 67 in Alexander City, Alabama, and also to den leader Laurie Carter for their work to preserve the memory of the crew of an Air Force aircraft which was lost in their community over a decade ago.

April 17 marks the 11th anniversary of the crash of an Air Force C–21 jet which was en route from Andrews Air Force Base in Maryland to Randolph Air Force Base in Texas. The C–21 was transporting eight personnel including Air Force Assistant Secretary for Acquisition, the Honorable Clark G. Fiester, and Major General Glenn A. Profitt, II, when it suffered mechanical problems. The plane attempted to land at T.C. Russell Field in Alexander City.

Tragically, the aircraft lost altitude and went down in a wooded area south of the airport, taking the lives of all aboard. A statement released from the Secretary of the Air Force at the time noted that, ''Two of the Air Force's senior leaders were on board the plane.''

The families of the victims of that tragedy left a small memorial on the site of the crash to remember their loved ones. But the site, which is heavily wooded, was grown over until the scouts of Pack 67 intervened. On March 18 the scouts of Pack 67, hiked to the site of the memorial, cleared the brush and trimmed the trees that had covered it. They placed small U.S. flags for each of the eight Air Force personnel who lost their lives that day in 1995.

Mr. Speaker, I would like to personally salute the young men of Pack 67 and their leader, Laurie Carter, for not only doing a good deed, but for honoring the memory of these fallen heroes. We can all learn from the example of these community-spirited scouts.

TRIBUTE TO MRS. FRANCES STURGIS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. EDWARDS. Mr. Speaker, I rise to recognize a great individual and community leader, Mrs. Frances Sturgis, and to thank her for her contributions to the greater Waco Community, Texas and the country. On April 8, 2006 Mrs. Sturgis will be joined by friends and supporters to celebrate the 25th Anniversary of Keep Waco Beautiful, which Mrs. Sturgis started in 1980.

Mrs. Sturgis began alone working to clean up and beautify Waco. Her vision and work has grown the small Beautification Committee of Waco into Keep Waco Beautiful, one of the most successful beautification groups in the country. From humble beginnings Mrs. Sturgis has guided Keep Waco Beautiful to where it is today, over 11,000 volunteers in an established and well recognized institution in the Waco Community. She was also instrumental in the founding of Keep McLennan County Beautiful and has served the State of Texas as President of Keep Texas Beautiful.

One cannot travel anywhere in Waco, Texas without seeing the legacy of Frances Sturgis. From Indian Springs Park and Heritage Square to Miss Nellie's Pretty Place and University Parks Drive the impact of her contributions to our community are evident. Over the past 25 years Keep Waco Beautiful has spearheaded over one hundred environmental and beautification projects in the Greater Waco community, and established numerous programs that have become an annual part of the lives of the citizens of Waco.

Mrs. Sturgis's service has reflected her deep commitment to the community and has indeed made Waco, Texas a cleaner, healthier, safer and more beautiful place to live and raise a family.

Mr. Speaker, it is a privilege to honor Mrs. Frances Sturgis and offer my heartfelt appreciation for a life dedicated to service of the community.

TRIBUTE TO NORMAN BORLAUG

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to honor an individual whose contributions have unquestionably made the world a far better place. Through a career in scientific research that has spanned half a century, Dr. Norman Borlaug has distinguished himself and is in a class of his own.

Dr. Borlaug grew up on a farm in Cresco, Iowa, and attended the University of Minnesota in my home state where he went on to earn his doctorate in plant pathology in 1942.

In 1944 Dr. Borlaug participated in a project to boost wheat production that began in Mexico and spread as far as India and Pakistan. This project sparked the Green Revolution that literally saved hundreds of millions of lives. In recognition of these efforts, Dr. Borlaug was awarded the Nobel Peace Prize in 1970. To this day, he is the only person to have received the Award in either the agriculture or food production fields.

Since then, Dr. Borlaug continued in his work throughout Africa, where maize, sorghum and wheat yields have experienced significant increases, helping to curb starvation and malnutrition.

Mr. Speaker, on behalf of all Minnesotans, I would like to congratulate Dr. Borlaug on his distinguished career and remarkable contributions. His legacy and service will continue to benefit our society for generations to come.

I would like to thank my good friend Representative TOM LATHAM of Iowa for his leadership on this matter.

A TRIBUTE TO PENNY LYNDELLA WILLOUGHBY-PARKER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Penny Lyndella Willoughby-Parker. I hope my colleagues will join me in recognizing her accomplishments.

Penny was born in Farmville, North Carolina. However, since age 9 Penny has resided in New York City. Since childhood, Penny has been a person that has strived to live by God's golden rule of ''Do Unto Others as You Would Have Them Do Unto You.'' Penny's genuine love and concern for people as a whole, but especially those that were less fortunate than her inspired Penny to work with people living with mental illness.

Penny worked at Manhattan Psychiatric Center for 13 years, specializing in Psychiatric Rehabilitation. In this capacity, Penny helped to prepare people to successfully return to their family, friends and society to live productive lives.

Oftentimes while reading her patients' charts, Penny would learn that their problems began when they were children. As Penny sat at her desk reading the charts she would often become filled with sadness and say, ''Oh God! I wish I had met Jane or John when they were children. Perhaps I could have helped them with their various problems and prevented them from ending up in a mental institution.''

God heard Penny's sighs! God saw Penny's tears! And He has Anointed and Appointed her to teach Wisdom to his children. Penny's Mission Statement from God is ''to train up a child according to Proverbs 22:6 and to help all children to fully develop Spiritually, Academically, Socially and Culturally which is exceedingly, abundantly, above and beyond what is called ''Average''.

Penny is the proud mother of two sons, Chinyelu and Cory, but God has given her as He did Abraham and Sarah, innumerable sons and daughters that are spread throughout the world. You will never hear Penny say she did anything special or take credit for the overwhelming successful outcomes of her students' achievements whom she affectionately refers to as her ''Power Angels''. But, you will hear Penny say, ''To God Be the Glory!!!''

Mr. Speaker, Penny Lyndella Willoughby-Parker's selfless service has continuously demonstrated a level of altruistic dedication that makes her worthy of our recognition today.

PATIENT ASSISTANCE DAY: HELPING LOW INCOME AMERICANS GET THE HEALTH CARE THEY NEED

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise today to recognize Patient Assistance Day. Today, millions of Americans lack health insurance and cannot access medicines that they need to treat their illnesses. While the government looks for practical ways to help the 45 million uninsured citizens, there are private-sector programs in place that are helping millions of Americans.

One such program is the Partnership for Prescription Assistance (PPA), a national clearinghouse that links uninsured and underinsured people to patient assistance programs that offer drugs for free or nearly free. America's pharmaceutical research companies, along with 1,300 community and patient organizations, launched the PPA in April 2005. Since then, the PPA has helped more than 1.8 million patients, but millions more stand to benefit.

As the PPA commemorates its 1-year anniversary on April 5, 2006, it will celebrate the first annual Patient Assistance Day, which will include educational activities throughout the country designed to raise awareness of and help educate the public about patient assistance programs.

This private-sector program has been successful in helping uninsured Americans get the medicines they need. Mr. Speaker, I ask my colleagues to join me today in recognizing the work of the Partnership for Prescription Assistance and observing April 5th as Patient Assistance Day.

PROCLAIMING APRIL 5, 2006 PATIENT ASSISTANCE DAY

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. BOUSTANY. Mr. Speaker, I rise today to talk about a program that I have brought to my district many of times to help my constituents access affordable drugs.

The Partnership for Prescription Assistance (PPA) is a national clearinghouse that links uninsured and underinsured people to patient assistant programs that offer drugs for free or nearly free. America's pharmaceutical research companies, along with 1,300 community and patient organizations launched the PPA in April 2005 and have since helped almost 2 million patients, including over 48,000 in my home state of Louisiana.

Today, the PPA commemorates its 1-year anniversary (April 5, 2006), and with that celebration, the first annual Patient Assistance Day.

Mr. Speaker, I want to recognize this significant achievement of the PPA in addressing the uninsured issue by meeting a real need of patients everywhere. I applaud the efforts of biopharmaceutical research companies, health care providers, patient advocacy organizations, and community groups all across the United States. The PPA has visited the 7th Congressional District to provide information at many of my town hall meetings, as well as other health events. The response to their presence has been overwhelming. I am committed to helping my constituents and all Americans in need access life-saving medicines. In that spirit, I ask my colleagues to join me today in proclaiming'' April 5, Patient Assistance Day. Surely, millions more stand to benefit from this program and we should do our part in helping to connect patients in need.

I also submit for the RECORD a success story about the PPA's effort in Southwest Louisiana.

[From the Southwest Daily News, Feb. 15, 2006]

(By Mary Ann Dutton)

Help is Here Express is a traveling education center sponsored by America's Pharmaceutical Research Companies, in partnership with the Calcasieu Community Clinic and the Louisiana Partnership for Children and Families. The bright orange bus rolled into Sulphur on Tuesday to educate uninsured and underinsured patients about prescription assistance. Originally scheduled to be at Sulphur City Hall from 9:30 a.m. to 10:30 a.m., the staff said they would stay until everyone was helped.

Help is Here Express is part of the Partnership for Prescription Assistance, a growing national program that brings prescription assistance to the uninsured and underinsured. According to Partners for Prescription Assistance (PPA) Consultant Cheron Brylski, the PPA was birthed by former Louisiana Congressman Billy Tauzin. While battling cancer, Tauzin realized that he would not have survived without the drugs used in his treatment. Understanding that many cancer patients are unable to afford the drugs that could help them, Tauzin made it a personal goal to get an assistance program started.

''The Partnership for Prescription Assistance is changing thousands of lives everyday,'' said PhRMA President and CEO Tauzin. ''No one is helped by a medicine that sits on the shelf and is out of reach financially. The Partnership for Prescription Assistance is matching the people of Louisiana who are uninsured or underinsured to patient assistance programs that may help them get the medicines they need for free or nearly free. We will keep coming back to Louisiana as long as there are people who need our help.''

The Help is Here Express was developed as a way to take the Partnership for Prescription Assistance program on the road, bringing help directly to the people who need it most. In Louisiana alone there have been 26,218 searches and 16,842 matches through the use of the computer terminals and mobile telephones on the bus.

Pharmaceutical Research and Manufacturers of America spokesman Jeff Trewhitt said the Help is Here Express offers help to anyone who is having trouble affording their prescription medicine. Since its launch last April in Baton Rouge, the program has matched more than 1.3 million patients nationally, and more than 44,000 right here in Louisiana.

''There are millions of patients who qualify for assistance and don't know about the program,'' said Trewhitt. ''There are 475 patient assistance plans so we are bringing our education program to reach and inform the masses.''

If you were unable to visit the Help is Here Express yesterday, the same services are available by telephone or on the internet. ''Many prefer the privacy of their own home,'' said Trewhitt. ''This is possible by calling 1–888–4PPA–NOW (1–888–477–2669) or the user-friendly website www.pparxla.org.'' Trewhitt suggested that applicants have the names of current medicines available when calling.

An interesting tidbit shared by Trewhitt is that the Help is Here Express bus used to be the touring bus of country singers Brooks and Dunn.

The Help is Here Express is scheduled to be in Lafayette at the Acadiana Outreach Center, 2125 S. Buchanan Street on Feb. 16th at 9:30 a.m.

IN HONOR OF CALEB FOOTE LAW PROFESSOR AND PACIFIST ORGANIZER

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. McGOVERN. Mr. Speaker, I rise today to remember and honor one of America's great teachers and scholars of law and an inspirational figure for everyone who believes in the creative spirit of non-violence, Mr. Caleb Foote, who passed away on March 4, 2006.

Caleb Foote began his life journey in Massachusetts. He was born in Cambridge in 1917, graduated from Harvard in 1939, and earned his master's degree in 1941. He was raised on Quaker beliefs and held deep principles that rejected the use of violence. During the period of World War II he was sent to prison for those beliefs when he refused to serve in the military or to perform alternative service in support of war. After completing his prison sentence, he spoke out against the internment of Japanese-Americans, working with photographer Dorothy Lange to produce a pamphlet on the subject in 1943. He was forced to serve a second term in prison for continuing to refuse the draft, but he was pardoned by no one less than President Harry S. Truman.

In the 1950s, Mr. Foote went back to college and earned his law degree. For the remainder of his career, he taught law and became a leading champion for the rights of the poor, the young, minorities, and the disenfranchised within the criminal justice system. Even after he retired, he continued his research and exposed the failures of the juvenile justice system in California.

America has lost a champion of justice and a man of principle. I extend my condolences to all the members of Caleb Foote's family and his community of friends, who knew him not as a symbol, but as a husband, a father, a grandfather, a friend, and a colleague.

I submit for the RECORD the April 3, 2006 article from the New York Times describing Caleb Foote's life and achievements.

[From the New York Times, Apr. 3, 2006]

CALEB FOOTE, LAW PROFESSOR AND PACIFIST ORGANIZER, 88, DIES

(By Douglas Martin)

Caleb Foote, whose moral sense influenced him to go to prison for refusing to do even noncombatant work in World War II, then led him to become a law professor known for advocacy of criminal rights, died on March 4 at a hospital in Santa Rosa, California. He was 88.

The cause was a blood infection, said his daughter, Heather Foote.

Mr. Foote was born in Cambridge, Massachusetts, on March 26, 1917. He graduated in 1939 from Harvard, where he was managing editor of The Harvard Crimson, and earned a master's degree in economics in 1941.

The Quaker faith of his mother drew him to pacifism, and he was hired that year by the Fellowship of Reconciliation, a pacifist organization, to open its Northern California office. His draft board had denied his request for conscientious objector status in 1940, deciding that his religious argument for the status was based more on humanist principles than on theology.

Mr. Foote then refused an order to report to a camp to perform alternative service, and as a result in 1943 he was convicted for violations of the Selective Service Act.

''Only by my refusal to obey this order can I uphold my belief that evil must be opposed not by violence but by the creation of goodwill throughout the world,'' Mr. Foote said in an interview with The Associated Press.

He served six months at a federal prison camp, then resumed his work with the fellowship, spending much of his time speaking out against the internment of Japanese-Americans. In 1943, he helped produce a pamphlet on the subject, titled ''Outcasts,'' with the photographer Dorothea Lange.

In 1945, Mr. Foote was again sentenced for draft law violations and served a year at a federal penitentiary. He was pardoned by President Harry S. Truman. From 1948 to 1950, Mr. Foote was executive director of the Central Committee for Conscientious Objectors.

He then decided to go to law school, inspired by the desire to address the racial and economic inequalities he had witnessed in the criminal justice system, his daughter said. In 1953, he graduated from the University of Pennsylvania Law School, where he was managing editor of the law review.

The next year, he became a professor at the University of Nebraska College of Law. He persuaded a federal judge to reverse the conviction of an American Indian man whose lawyer had been incompetent. At a law school convention in New York in 1954, Mr. Foote called for the strengthening of civil remedies for false arrest.

In 1956, he moved to Penn's law school, where he led a student team that studied New York City's bail system and recommended changes. He became a leader in bail reform, and, in 1966, his book, ''Studies on Bail'' was published. He argued that the bail system was biased against the poor and an unfair burden on falsely accused defendants. He even argued that bail was inherently unconstitutional.

In 1965, Mr. Foote became a professor at the Boalt School of Law at the University of California, Berkeley, where he specialized in family and criminal law.

In 1968, after student protests rocked Berkeley, he was a co-chairman of an investigative committee that recommended changes that included giving the campus autonomy from the rest of California's university system.

He retired in 1987 and moved to Point Reyes Station in Marin County, California, where he became active in local conservation efforts and lived until his death.

In 1993, he did a study for the Center on Juvenile and Criminal Justice in San Francisco showing that the corrections department's share of state expenditures had grown to 8.2 percent from 3.9 percent over the past 10 years, while higher education's part had fallen to 9.3 percent from 14.4 percent.

Besides his daughter, of Washington, Mr. Foote is survived by his wife of 63 years, the former Hope Stephens; their sons, Robert Foote of Copper Hill, Virginia; Andrew Eliot Foote of Los Angeles; Ethan Foote of Santa Rosa; and David Foote of Volcano, Hawaii; and four grandchildren.

THE PRESIDENT'S BUDGET: SACRIFICING SERVICES VITAL TO WOMEN AND THEIR FAMILIES

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Ms. MATSUI. Mr. Speaker, the budget the House will debate tomorrow will keep us on the same irresponsible and unsustainable path that America has been traveling for the past 5 years. As a consequence of massive tax cuts, this budget continues to run dangerous fiscal deficits . . . while under-investing in programs vital to developing future generations of Americans.

For instance, the President's budget freezes funding for Head Start. As a result 19,000 children will have to be cut from Head Start next year. When I was home in my district, I toured the Nedra Court & Whispering Pines Head Start programs. They offer comprehensive child development programs vital to women's economic well-being and the ability of their children to succeed in school.

I understand we are in a tight fiscal situation and we need to be realistic. But we need to start making smarter spending decisions—like ensuring children succeed in school and that parents have the resources to support them.

Yes, we need to be making tough choices, but not on the backs of women and future generations.

TRIBUTE TO JEFFREY KAHANE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Jeffrey Kahane, a man who has filled the world with beautiful music and a beautiful philosophy, bringing them to young and old through both performance and education. His inspiration and motivation came as a result of one of history's most sombre times.

At age 17, Jeffrey Kahane's mother and her brother were sent by their parents from Germany to the United States to escape the growing Holocaust. Her ship docked in New Orleans, but on the same day a second ship, the *Saint Louis*, was turned away from Miami. That was the cursed "Ship of Fools," and all of its passengers were forced to return to Germany and were annihilated. As a new American, and as Lore Kahane grew older, she remained always sensitive to her good fortune, and she determined to raise her children to enrich America, its people and its culture.

For son Jeffrey, music is the means by which he fulfills his mother's mission. Soon after graduation from the San Francisco Conservatory of Music, he made his debut as a classical concert pianist at Carnegie Hall in 1983. He has become one of the best in the nation, appearing as soloist with great American, English, Austrian, and Spanish orchestras. Yo Yo Ma, Hilary Hahn and many famed performers have recorded with Jeffrey, as have many orchestras.

He made his conducting debut in 1988, and that has become a major joy to him and to his legions of admirers. A born educator, he brings to an audience not only magnificent music, but also fascinating and significant stories about the music and its composers. A particular goal for him is to educate and inspire youths who then become the audiences and the performers of tomorrow.

He has been creative director of the Los Angeles Chamber Music Orchestra for many years. For the past 10 years, he also has conducted the Santa Rosa Symphony Orchestra. During that time, he has built the orchestra into one of the outstanding regional symphonies in the nation. He also is Artistic Director of the Green Farm Music Festival in Sonoma County.

His outreach to this community has been unique. For example, he took his vision to the Fine Arts department of Santa Rosa High School and explained the meaning behind two great works—Benjamin Britten's War Requiem and Michael Tippett's Child of Our Time. Over many months, he worked with and inspired students and their teachers to create ballets, plays, art work, etc. that expressed the deep philosophies of these musical works. Then, on the nights when the two works were performed on stage, the students performed their creations and displayed their art work in the concert hall lobby.

This is just one example of his using music for messages that address great wrongs to humanity: war, poverty and, yes, the Holocaust. It has been actions such as these that have led to Maestro Kahane's being so well-loved and well-respected by his community.

Now he is leaving Santa Rosa to become Musical Director of the Colorado Symphony in Denver. He has promised to return frequently and play for Santa Rosans, many of whom he has educated to understand and love classical music. In the months and years to come, Denver will come to enjoy and respect this amazing performer and admirable human being.

We salute Jeffrey Kahane for his continuing contribution not only to entertainment but to knowledge and caring for the wonders of music as an expression of the best of humanity by young and older Americans and citizens of many countries.

And we bestow high gratitude to Lore Kahane, his mother, who brought light out of the darkness of the Holocaust by encouraging a son to make this world a better place with music.

MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. CAMP of Michigan. Madam Speaker, I would like to clarify a statement I made on the floor at one point on March 29, 2006 during debate on a motion to instruct conferees on H.R. 4297. In quoting the statistics on the percentage of taxpayers with capital gain and dividend income that have incomes below $100,000; the correct statistic is that nearly 60 percent of taxpayers receiving capital gain or dividend income have incomes of $100,000 or less. Even though I did correctly state this statistic during the debate, the statistic was initially mischaracterized.

The correct statistic can be derived from a document provided by the nonpartisan Joint Committee on Taxation. This document can be found on their web site. It is document number JCX–50–05 titled ''Present Law and Background Information on Certain Expiring Tax Provisions.'' The data on the income distribution of taxpayers who receive capital gain and dividend income can be found on pages 6 and 7.

A TRIBUTE TO MICHELE NOEL-ADOLPHE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Michele Noel-Adolphe and I hope my colleagues will join me in recognizing the accomplishments of this outstanding member of the Brooklyn community.

Michele Noel-Adolphe is founder and president of Brooklyn Institute for Children (BIC), where she has worked since 1992. BIC has developed into one of the foremost early childhood facilities in Brooklyn and Ms. Noel-Adolphe has emerged as a leader in the education and civic communities of Brooklyn.

After graduating from the State University of New York (FIT) with a degree in Management and International Trade and Long Island University with a Master's of Social Science degree, Ms. Noel-Adolphe entered the field of education as a NYC high school teacher—and later as Executive Director of The Performing Arts Teen Center. In this capacity, Ms. Noel-Adolphe was responsible for designing and implementing numerous after-school programs in Brooklyn that combined the academic needs of youths and their artistic talents.

Ms. Noel-Adolphe is a proud graduate of Erasmus Hall High School. She is a major contributor to and currently serves on the Board of Directors of Sharing Hearts Network, Inc., a nonprofit charitable organization recently founded to respond to the deterioration of the standard of living of poor children in Haiti.

Additionally, Ms. Noel-Adolphe is an active member of numerous professional and civic associations. Among them are: the National Association for the Advancement of Colored People (NAACP); The Brooklyn Chamber of Commerce; The Caribbean-American Chamber of Commerce and Industry (CACCI); the National Black Women Health Association; the National Association for Women Executive and the Association for School Supervision and Curriculum Development (ASCD). Ms. Noel-Adolphe and her family including her 2 young daughters reside in South Midwood.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Michele Noel-Adolphe, as she offers her talents for the betterment of our local and international communities.

IN HONOR AND RECOGNITION OF VASILIOS ''BILL'' KAVADIAS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Vasilios ''Bill'' Kavadias, owner and manager of the Greek Taverna Restaurant on Pennsylvania Avenue, for his 41 years of service to the Capitol Hill community. For 41 years, Bill has opened his doors to thousands of Members of Congress, Senators, Capitol Hill residents and visitors.

Bill arrived from the Greek Island of Kefalonia on the USS *Independence* on December 30, 1956, with his brother. Soon after his arrival, Bill met and married his wife, Ifigenia. Two years later in 1965 around the same time Bill was starting his new business, the couple gave birth to their one and only child, Gregory.

Starting Taverna with his brother in 1965, rocky times would soon befall on him. But being the man that Bill is, he would not allow the initial shortcomings interfere with his desire to succeed. Changing the menu 3 times in 10 years to meet customers' requests, Bill and his brother noticed that people really enjoyed Greek food, and in 1977, Taverna went all Greek. From here on, Bill turned Taverna into a culinary palace it is today. Even though he would insist that it was his customers who made it happen, we all know that it was Bill who transformed his modest establishment into the symbol it is today. Along the way, he befriended many people including former Speakers of the House Tipper O'Neil and Newt Gingrich. Among the many other Members of Congress that frequent this iconic restaurant, Bill has warmly served the President of Brazil, former presidential candidate Michael Dukakis, the Greek Ambassador during the Reagan years and Secretary of State Madeline Albright to name a few.

I had the pleasure of meeting Bill about 10 years ago shortly after I was elected to Congress. Day after day, I would make my way to his extraordinary establishment and each and every time, Bill was there to greet me. Over time, he and I forged a remarkable friendship that I am so grateful for. Taverna is like my home, but it would not be so without Bill. I am saddened by his retirement but am very thankful for the time I have had with him.

Aside from his business accomplishments, Bill always made sure that he devoted his heart, mind and time to his surrounding community, his customers and his family. This was made evident when many of his friends and long-time customers showed up on the Thursday before his retirement to pay him homage.

This man is truly one to be honored and emulated as he has touched the hearts of so many of his customers and friends during his time at Taverna. His immense kindness and overwhelming generosity is something that is not often seen in today's society. My thoughts and prayers are with him and his family as he embarks on his new path. And like everything else Bill has done, I am certain that he will be enormously successful.

Mr. Speaker and Colleagues, please join me in honor and recognition of Vasilios ''Bill'' Kavadias, whose dedication and 41 years of service to his customers and community will be missed, but never forgotten.

MORE WATER AND MORE ENERGY ACT OF 2006

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the ''More Water and More Energy Act of 2006.''

My bill deals with the issue of ''produced water,'' the saline water generated in the production of oil. For every barrel of oil produced, approximately 10 barrels of saline water is generated. This country generates over 5 billion gallons of produced water per day.

While sometimes this water can be and is used for agriculture or other purposes, most often it has been handled as a waste and reinjected. But as we expand our development of fossil energy resources to meet our increasing demand for energy, we are also increasing the volume of water produced in the development process. And given the increasing demand for fresh water supplies in many areas of the country—especially in the West—it makes sense to consider how this produced water could supplement our limited fresh water resources.

I'm glad that this issue is beginning to engage so many around the country as they realize the potential benefits of produced water. Just this week, the Colorado Water Resources Research Institute is hosting a ''Produced Water Workshop'' to discuss ''Energy & Water—How Can We Get Both for the Price of One?''

In my opinion, few topics could be more timely or important, not only for Colorado but for our country.

That's why I'm introducing the More Water and More Energy Act—to facilitate the use of produced water for irrigation and other purposes, including municipal and industrial uses. The bill would direct the Secretary of the Interior (through the Bureau of Reclamation and the U.S.G.S.) to carry out a study to identify the technical, economic, environmental, legal, and other obstacles to increasing the extent to which produced water can be used for such purposes.

In addition, it would authorize federal grants to assist in the development of facilities to demonstrate the feasibility, effectiveness, and safety of processes to increase the extent to which produce water can be recovered and made suitable for use for such purposes.

Developing beneficial uses for produced water could reduce the costs of oil and gas development, while also easing demand for water—especially in the West—by alleviating drought conditions and providing water for agriculture, industry, and other uses. Energy and water are two of our most important resources—so it makes sense to pursue ways to produce more of both. I believe my bill is a step in this direction.

Here is a brief outline of the bill's provisions:

Section One—provides a short title (''More Water and Energy Act of 2006''), sets forth findings, and states the bill's purpose, ''to facilitate the use of produced water for irrigation and other purposes and to demonstrate ways to accomplish that result.''

Section Two—provides definitions of key terms used in the legislation.

Section Three—authorizes and directs the Secretary of the Interior, acting through the Bureau of Reclamation and the U.S. Geological Survey, to conduct a study to identify the technical, economic, environmental, legal, and other obstacles to increasing the use of produced water for irrigation and other purposes and the legislative, administrative, and other actions that could reduce or eliminate these obstacles. The study is to be done in consultation with the Department of Energy, the Environmental Protection Agency, and appropriate Governors and local officials, and the Interior Department will be required to seek the advice of experts and comments and suggestions from the public. Results of the study are to be reported to Congress within a year after enactment of the legislation.

Section Four—authorizes and directs (subject to the availability of appropriated funds) the Interior Department to award grants to assist in developing facilities to demonstrate the feasibility, effectiveness, and safety of processes to increase the use of produced water for irrigation, municipal or industrial uses, or for other purposes. No more than one such project is to be in a State of the Upper Basin of the Colorado River (i.e. Colorado, New Mexico, Utah, or Wyoming), no more than one is to be in either Arizona or Nevada, and no more than one is to be in California. Grants are to be for a maximum of $1 million, and can pay for no more than half the cost of any project. Grants cannot be used for operation or maintenance of a project.

Section Five—authorizes appropriations to implement the legislation, including up to $5 million for grants authorized by section 4.

THE BUDGET THAT HURTS WOMEN

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mrs. McCARTHY. Mr. Speaker, women live longer and have more health problems associated with aging. They also tend to have less retirement income, which affects their ability to deal with rising health and energy costs. As a result of these factors, the cuts proposed by this budget will affect women especially hard.

This budget would cut Federal healthcare programs aimed at those who need them the most. The burden for covering those who would otherwise be uninsured would be pushed to State and local governments who simply do not have the resources to provide adequate healthcare coverage.

The proposed budget cuts Medicaid spending by $17.2 billion over the next 5 years, through shifting costs to beneficiaries and to State governments as well as cutting payments to healthcare providers.

This budget will force those who rely on Medicaid and the Children's Health Insurance Program (SCHIP) to accept cuts in benefits or require State and local governments to raise taxes to pay for these new responsibilities.

Medicaid is the vehicle for seniors to pay for long-term care and I fear that these proposed cuts will force many nursing homes and other facilities out of business because of their reliance on Medicaid reimbursements.

Long Island has already seen hospitals close their doors because of cuts in Medicaid reimbursements. We cannot afford to have nursing homes suffer the same fate.

The budget also proposes cutting the Medicaid reimbursements for generic drugs by $1.3 billion, school-based services by $3.6 billion, and funding for the disabled by $1.2 billion.

I am committed to fighting these cuts. This budget places the burden for the Federal Government's fiscal irresponsibility on our children, seniors, and the disabled. I will work with my colleagues to restore funding to these critical healthcare programs.

TRIBUTE TO THE UNIVERSITY OF MARYLAND WOMEN'S COLLEGE BASKETBALL TEAM FOR WILLING THE 2006 NCAA BASKETBALL CHAMPIONSHIP

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. CARDIN. Mr. Speaker, I rise to recount a story of hard work and dedication, a story of perseverance in the face of daunting odds, a story of achieving what once seemed impossible. In short, Mr. Speaker, I want to recount a story of how the University of Maryland Women's Basketball Team defied all expectations to claim the 2006 NCAA Basketball championship. Go Terps!

Mr. Speaker, this is a David and Goliath story. Duke has performed well in the NCAA tournament, having reached the Final Four in three out of the last five seasons. The team's starting line-up consists of numerous seniors, including 6-foot-7 center Alison Bales. The Terps, by contrast, have never competed in a national title game. The Terps' starting line-up has no seniors and two freshmen, including 5-foot-7 guard Kristi Toliver.

Mr. Speaker, last night's game was the stuff of legends. The more experienced Duke took immediate control of the game, and built a 13-point lead with less than 15 minutes left in the game. Rather than succumb to frustration, the Terps patiently chipped away at the lead, with tough baskets from forward Laura Harper and freshman Marissa Coleman. With just seconds left in regulation, the Terps managed to cut the deficit to three points, setting the stage for the game's electrifying conclusion.

Mr. Speaker, with 6.1 seconds left, Toliver dribbled around two screens and then nailed an audacious 3-pointer right over Bales. The shot capped the Terps' 13-point comeback and sent the game into overtime, where the team sealed its stunning 78–75 victory with confident free throws from Kristi Toliver and Marissa Coleman.

Mr. Speaker, I want to extend my congratulations to each of the members of the Terps Women's Basketball Team for their outstanding performance last night and all season long. The members of the 2005–2006 Maryland Terps championship team are: Charmaine Carr, Marissa Coleman, Shay Doron, Kalika France, Laura Harper, Crystal Langhorne, Christie Marrone, Ashleigh Newman, Aurelie Noirez, Jade Perry, Angel Ross, Kristi Toliver, and Sa'de Wiley-Gatewood.

The fact that 5 players on the team averaged more than 10 points per game this season exemplifies the Terps' selfless and team-oriented approach to the game. Last night's performance exemplifies their ability to play with grace under pressure.

Mr. Speaker, I want to extend my congratulations to Coach Brenda Frese who, in only her fourth season as head coach, guided this splendid team to last night's remarkable victory. I also want to extend my congratulations to Assistant Coaches Jeff Walz, Erica Floyd, and Joanna Bernabei, as well as to Director of Basketball Operations, Mark Pearson.

Finally Mr. Speaker, I would be remiss if I did not put other collegiate sports teams on notice for the future: Fear the turtle!

IN HONOR AND REMEMBRANCE OF REVEREND RALPH EMERSON LEACH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Reverend Ralph Emerson Leach, devoted husband, father, grandfather, United States Veteran, prolific journalist, spiritual leader, social activist, and friend and mentor to countless people, across the southwest and far beyond.

Reverend Leach was born and raised in Massachusetts. He attended the University of Texas School of Journalism until WWII interrupted his studies. In 1943, he joined the U.S. Army and was stationed in the Yunnan Province of China. After 3 years of decorated service, he was honorably discharged. In 1947, Reverend Leach and his wife, Gloria, were married. He began his editorial and reporting career, working at a series of newspapers throughout Texas and Arkansas. As News Editor of the Arkansas Gazette in the mid-50s, Reverend Leach was a frontrunner in exposing the injustice of racism by working on a series of articles that highlighted the historic Central High School integration crisis. The Gazette was later awarded the Pulitzer Prize for its coverage of this benchmark event in the civil rights movement.

Personally moved by the racial intolerance that he witnessed overseas and at home, Reverend Leach ended his career in journalism and began building a spiritual ministry that existed to raise the poor and struggling out of the shadows of poverty and hopelessness, and to free the soul of our Nation from the chains of human injustice. He graduated with a Master of Divinity degree from the Episcopal Seminary of the Southwest, was ordained into the Episcopal ministry, and became firmly entrenched in the civil rights movement. Reverend Leach's work led him to collaborate with

our Nation's foremost heroes in the civil rights crusade, including the Reverend Martin Luther King, Jr. Reverend Leach also served as the Manpower Director with Total Action Against Poverty (TAP). Even in his later years, Reverend Leach's dedication as a grassroots activist was as energized and focused as ever, and is reflected in his contribution and leadership within grassroots political campaigns, including my own.

Mr. Speaker and colleagues, please join me in honor, remembrance and gratitude to Reverend Ralph Emerson Leach, whose life was defined by his steadfast commitment to his family and by his limitless passion to make his community, our Nation and our world, a better place. I extend my deepest condolences to his daughters and their spouses: Laura and Don, Rebecca and William, Naomi and Paul; to his son and his fiancee, Stephen and Sally; to his grandchildren, extended family members and many friends. His kindness, integrity, gentle guidance and service to others has made a difference in my life and in the lives of countless families and individuals, and he will be remembered always.

INTRODUCTION OF ROYALTY-IN-KIND FOR ENERGY ASSISTANCE IMPROVEMENT ACT OF 2006

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Royalty-in-Kind for Energy Assistance Improvement Act. This bill is intended to make it possible for the Department of the Interior to implement a provision in the Energy Policy Act of 2005 that was intended to provide a new way to assist low-income people to heat or cool their homes.

For several years before 2005, the Department of the Interior had authority to develop "royalty-in-kind" arrangements under which companies developing federal oil could meet their required royalty payments by providing oil instead of cash. The Energy Policy Act expanded this provision to apply to natural-gas developers as well, and also added new authority for Interior to grant a preference to low-income consumers when disposing of natural gas it obtained under such an arrangement.

While this Energy Policy Act provision does not specifically reference the federal Low-Income Home Energy Assistance Program (LIHEAP), its implementation could benefit that program.

LIHEAP is intended to help low-income Americans pay for their heating and cooling costs. However, at current funding levels this critically important program serves less than 15 percent of those who qualify for it. Implementing the Energy Policy Act provision to grant a preference to low-income consumers would supplement LIHEAP funding and expand the amount of energy assistance available to the poor.

Last September, I joined my colleagues from Colorado in writing a letter to Interior Secretary Gail Norton asking her to consider beginning implementation of the new provision through a pilot program in Colorado. In the letter, we emphasized the importance of helping this country's most vulnerable citizens, who are increasingly hard hit by rising energy costs.

In a reply to my office, the Interior Department responded that the Interior Department's lawyers had reviewed the Energy Policy Act provision and had concluded that as it now stands it could not be implemented because the current law "does not provide the Department with the authority or discretion to receive less than fair market value for the royalty gas or oil."

My bill is intended to correct the legal deficiencies in the provision as enacted to make it possible for the Interior Department to implement the program. In developing the legislation, my staff has reviewed the Interior Department's legal opinion and has consulted with the Interior Department's lawyers and with other legal experts. Based on that review, I think enactment of my bill will resolve the legal problems cited by the Interior Department and will enable the program to go forward.

Spring may be upon us, but hot summer temperatures and another winter are just months away. I believe the Energy Policy Act provision to help low-income consumers is an innovative tool that must be allowed to work. The Royalty-in-Kind for Energy Assistance Improvement Act would make this possible. I urge my colleagues to support this legislation and to support energy assistance for this nation's most vulnerable residents.

Here is a brief outline of the bill:

Section One—provides a short title ("Royalty-in-Kind for Energy Assistance Improvement Act of 2006").

Section Two—sets forth findings regarding the importance of LIHEAP and the intent of the relevant provisions of law regarding payment of royalties-in-kind and the conclusion of the Interior Department that the provision of the 2005 Energy Policy Act intended to allow use of royalties-in-kind to benefit low-income consumers cannot be implemented. This section also states the bill's purpose, which is to amend that part of the Energy Policy Act in order to make it possible for it to be implemented in order to assist low-income people to meet their energy needs.

Section Three—amends the relevant provision (Section 342(j)) of the Energy Policy Act by—

(1) adding explicit authority for the Interior Department to sell royalty-in-kind oil or gas for as little as half its fair market value in implementing that part of the Energy Policy Act under an agreement that the purchaser will be required to provide an appropriate amount of resources to a Federal low-income energy assistance program;

(2) clarifying that such a sale at a discounted price will be deemed to comply with the Anti-deficiency Act; and

(3) authorizing the Interior Department to issue rules and enter into agreements that are considered appropriate in order to implement that part of the Energy Policy Act.

These changes are specifically designed to correct the legal deficiencies that the Interior Department has determined currently make it impossible for it to implement this part of the Energy Policy Act.

MCKEESPORT TIGERS WIN STATE CHAMPIONSHIP

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. DOYLE. Mr. Speaker, I rise today to congratulate the McKeesport Tigers on their 2005 PIAA Class AAAA state football championship.

The Tigers' 49–10 victory over the Bethlehem Liberty Hurricanes was one of the most outstanding performances ever in a state title game. I want my colleagues to know just how proud I am of their talent, hard work, and determination. They are an outstanding example of the many admirable qualities possessed by the people of Pennsylvania's 14th Congressional District.

McKeesport's second-ever state title capped off one of the greatest and most memorable postseason runs in Western Pennsylvania sports history. Their victory was indeed a team effort under the superb direction of coach George Smith, but there were several individuals who rose to the challenge and pulled through in the crunch. Quarterback Dan Kopolovich ran for three touchdowns and passed for a fourth. His teammate, running back Warren Waite, was able to gain over 100 yards and added yet another score. On the Tigers' defensive team, Travis McBride earned great distinction by returning an interception for a score. These athletes' outstanding performances, ably supported by those of their teammates, resulted in one of the largest margins of victory in the state title game's history.

I applaud the Tigers for their impressive display of teamwork and perseverance. They have truly demonstrated the quintessential characteristics of Western Pennsylvanians in their run to the championship.

I want to extend my warmest congratulations to the Tigers, Coach Smith, and the entire McKeesport School District and wish them all the best of luck in the future and hope for much continued success.

COLLEGE ACCESS AND OPPORTUNITY ACT OF 2005

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 609) to amend and extend the Higher Education Act of 1965:

Mr. MOORE of Kansas. Mr. Chairman, I rise today in opposition to H.R. 609, the College Access and Opportunity Act. H.R. 609 reauthorizes the Higher Education Act (HEA), including all discretionary programs under the HEA, such as Federal student financial aid programs, teacher training programs, and programs that provide aid to institutions of higher education serving minority populations. Reauthorizing the HEA provided the House with an excellent opportunity to invest in our Nation's future by making college more accessible and affordable. Unfortunately, H.R. 609 does not provide the investment in higher education

necessary to make college more affordable and to ensure our Nation's future economic competitiveness and prosperity.

HEA reauthorization bills typically include all mandatory and discretionary programs in the HEA, and H.R. 609, as reported by the House Education and Workforce Committee, included both mandatory and discretionary programs. The recently enacted Deficit Reduction Act (P.L. 109–171) reauthorized the mandatory Federal student loan programs, but cut Federal student aid programs by $12.7 billion—the largest cut ever in the Federal student loan program.

Specifically, P.L. 109–171 doubles the origination fee for students getting Direct Loans from an effective 1.5 percent to 3 percent in 2006. Additionally, P.L. 109–171 requires lenders to collect a 1 percent fee on Federal Family Education Loans (FFEL) that may come directly from students' pockets or the lenders' own operating expenses. P.L. 109–171 also increases the fixed rate on parent loans to 8.5 percent (Under current law, beginning in July 2006 parent loans would have a fixed rate of 7.9 percent). Finally, P.L. 109–171 eliminates all mandatory spending for administration of all higher education programs, which shows a savings of $2.2 billion; however, the only way these savings can occur is if Congress chooses not to appropriate this money—which could jeopardize not only student loan programs, but also programs like Pell Grants, TRIO, and Work Study programs.

H.R. 609 presented the House with an opportunity to correct these misguided increases in fees and rates on students and their families. Unfortunately, the House approved a rule for consideration of H.R. 609, which prohibited amendments from being offered addressing the fee and rate increases for students and their families.

Additionally, while H.R. 609 authorizes a maximum Pell Grant scholarship award of $6,000, the bill does not include any mandatory spending increases for Pell Grant funding, which will ensure that the amount actually appropriated remains frozen. For instance, the Bush Administration's FY 2007 budget proposes to freeze maximum Pell Grant scholarship award at $4,050, where it has been held since 2003. This is troubling because, during this same period, the average tuition and fees at a four-year public college have risen by $1,393. Further, when adjusted for inflation, the maximum Pell Grant award is actually worth $900 less than the maximum scholarship 30 years ago.

I instead supported the Miller-Kildee-Scott-Davis-Grijalva substitute amendment that boosts college opportunities and makes college more affordable. Specifically, this legislation would offer the 3.4 percent fixed interest rate to students who take out subsidized loans between July 1, 2006, and June 30, 2007, which would lower the cost of college by $2.4 billion for students and their families. This amendment would have also repealed the single holder rule, which requires student borrowers to consolidate their loans with their existing lender. Under the substitute amendment, the borrower could choose which lender he or she wished to use to consolidate loans. Additionally, this substitute amendment would have provided loan forgiveness for nurses, highly qualified teachers in bilingual and low-income communities, librarians, first responders, and other public servants.

With our Nation is facing increasing competition from rising economic powers, such as China and India, it is more important that ever that Congress work to improve the accessibility and affordability of a college education. Funding for higher education is an investment, not a cost, which will produce an educated, talented workforce to ensure our nation's future economic competitiveness and prosperity.

TRIBUTE TO STAFF SERGEANT RICHARD A. BOETTCHER

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to the patriotism and self sacrifice of Staff Sergeant Richard A. Boettcher of Greeley, Colorado because of his service to our country during World War II.

Boettcher was drafted into the U.S. Army his senior year of high school in 1945 and sent to Ft. Joseph T. Robinson, Arkansas for basic training. At first, his training focused on fighting the Germans in Europe, but when the European war ended, he was transferred to Camp Maxey, Texas. This camp trained soldiers to fight the Japanese in house-to-house combat in anticipation of a ground invasion of Japan.

After his training was completed, he was shipped to the Pacific with the intent to join up in Okinawa with an infantry division known as ''Timber Wolf.'' This group had fought in Europe and had been sent to Okinawa to invade Japan. Yet shortly before Boettcher arrived, President Harry Truman ordered the dropping of two atomic bombs, and Japan surrendered shortly thereafter.

Instead of fighting his way into Japan, Boettcher became part of the occupation force. He worked in an office position and was responsible for preparing payroll for over 500 military personnel using a small Royal typewriter. In rank he started as a Private 1st Class and rose to Staff Sergeant in less than one year. He returned home to Lincoln, Nebraska in October of 1946.

Boettcher attended the University of Nebraska for two years and then transferred to the University of Northern Colorado to complete his education. He continued to serve his country as a member of the Colorado Nation Guard and received a commission in 1953.

After owning a business for 46 years, Boettcher retired in Greeley, Colorado with his wife Irene of 58 years. Boettcher has three children, seven grandchildren and one great grandchild.

Mr. Speaker, I am honored to represent Mr. Boettcher and the other men and women who have given so much for our freedom. Like so many other members of his generation, Mr. Boettcher set aside his ambitions in service to our nation. I urge my colleagues to join me in expressing my heartfelt gratitude, sincere appreciation, and utmost respect for the patriotic service of Mr. Richard A. Boettcher.

IN HONOR AND REMEMBRANCE OF ERMA ORA JAMES BYRD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Erma Ora Byrd, loving wife, mother, grandmother, great-grandmother, and dear friend and mentor to many. Her passing marks a great loss for her family and friends, and also for the people of West Virginia, whom she served with the highest level of commitment, concern, integrity and honor.

The daughter of a coal miner, Mrs. Byrd remained deeply connected to the foundation of her childhood—one based on family, faith and community. Whether greeting kings at state dinners or meeting with neighbors at the town hall, Mrs. Byrd reflected a certain grace, kindness and warmth. She shied away from the harsh glare of politics, preferring instead to focus on family and close friends, gently inspiring and teaching by example. Mrs. Byrd and Senator ROBERT BYRD were married for 68 years. They met in grade school and married at the tender age of 19.

Together, they raised two daughters, Mona and Marjorie. Mrs. Byrd's limitless love for her daughters, grandchildren and great-children extended to every child in West Virginia, upon whose behalf she advocated. Though awards and accolades held no significance to her, Mrs. Byrd's outreach and advocacy work has been honored numerous times. Both West Virginia University and Marshall University have established academic scholarship programs in her name.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Mrs. Erma Ora James Byrd. I extend my deepest condolences to her husband, United States Senator ROBERT BYRD; to her daughters, Mona Carole Byrd Fatemi and Marjorie Ellen Byrd Moore; to her sons-in-law, Mohammed Fatemi and Jon Moore; and to her grandchildren, great-grandchildren and extended family members and many friends. Mrs. Byrd's boundless love for her family, friends and for the people of West Virginia will be remembered always.

TRIBUTE TO JUDGE DENNIS REYNOLDS

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to pay tribute to a great American, dedicated family man, proud Oregonian, outdoorsman, and a good friend of mine, Judge Dennis Reynolds. Over the last decade, Judge Reynolds has played a significant role in shaping the future of Grant County. Today, as the Judge approaches retirement from elected public service, we thank him for his years of dedication and recognize the numerous contributions he has made during his 12 years in office.

Mr. Speaker, people in my part of the country have a long and rich heritage of being caring stewards of the land and responsible managers of the environment. This is a way of life

that Judge Reynolds has embraced, from his days working in the lumber industry through his many years of unselfish public service. Judge Reynolds has never given up on his belief that to be an Oregonian is to love the land and to treat it with great respect.

The Judge has worked tirelessly at the local level to promote and support good stewardship and sound policies that protect our communities and our precious forests from the threats of catastrophic wildfire, windstorms, and bug infestation. In a county where the majority of its land is in public ownership, it is imperative that county officials and local leaders have a strong working relationship with State and Federal Government. People in all levels of government have appreciated Dennis' polite and straightforward approach. During his tenure, Judge Reynolds has been an effective leader, steadfastly advocating for the wellbeing of all rural communities by promoting an effective use of natural resources that recognizes not only the economic value, but also the social value of a productive environment.

Mr. Speaker, as Grant County's chief executive, he has led the county through tough financial times, overseeing essential projects that have improved the way of life for those who reside in this beautiful Blue Mountain region of Oregon. These projects include the construction of a new county health services center, a new criminal justice center, a remodel of the Grant County Courthouse, a new facility to house the Grant County Road Department, and a new building for the fairgrounds.

Mr. Speaker, although these projects of bricks and mortar and concrete and steel will benefit Grant County for many years to come, Judge Reynolds' real impact has been how he has treated his fellow man and the heart with which he has approached every task. Dennis has cared deeply about the people he has so ably served.

Mr. Speaker, Judge Reynolds' distinguished accomplishments are well known throughout Oregon. However, those who know Dennis know that he would list his most rewarding accomplishments as marrying his wife Julie and together raising their three sons, Percy, Beau, and Jake. Mr. Speaker and colleagues, please join me in honoring Judge Dennis Reynolds, a man of vision, a man of heart, and a man of service.

RECOGNIZING COACH GENO AURIEMMA UPON HIS SELECTION TO THE NAISMITH MEMORIAL BASKETBALL HALL OF FAME

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. SIMMONS. Mr. Speaker, I come to the floor to recognize a man who has long been one of Connecticut's, and America's, great sports treasures.

For 21 seasons Geno Auriemma has coached the University of Connecticut's Lady Huskies Basketball team. During that time he has led the Huskies to 5 national championships. His teams have compiled an incredible record of 589 wins with only 116 losses. In his tenure as head coach the team has gone to the Final Four eight times and achieved two perfect seasons—that is an NCAA record for consecutive wins. He is the only coach to take a team to 5 straight Final Fours. For the 2002–03 season Coach Auriemma was named the Big East Coach of the Year as well as the United States Basketball Writer's Association Women's Basketball Coach of the Year; he was also named Coach of the Year by the Associated Press.

His leadership, his personal integrity and his deep commitment to his players, both on and off the court, has now earned him the ultimate recognition that his sport can bestow. This year Coach Geno Auriemma will be inducted into the Naismith Memorial Basketball Hall of Fame in Springfield, Massachusetts. He is a first-time candidate, which makes this honor all the more a special.

The personal story of Coach Auriemma is inspirational. It is truly an American story. Born in Naples, Italy, his family was poor. At the age of 7 Geno arrived in this country unable to speak English. But he grew up to achieve the American Dream.

His rise from poor Italian immigrant to one of the most successful coaches in college history stands as an example of what happens when hard work coupled with an indomitable spirit meets opportunity.

In 1985, while assistant coach at Virginia, Coach Auriemma was offered the head coach position with the University of Connecticut Lady Huskies. He had long desired such an opportunity. Now, at that time UConn's Lady Huskies had no great tradition of winning and no significant fan base. In their 11 year history, the Lady Huskies had compiled only 1 winning season. But the coach had a vision and he took the job. He set goals for himself and for his team and within a few years the Lady Huskies were a rising force.

Through hard work, a profound understanding of his sport and the ability to motivate his players in such a way that they draw the best that is within them, Coach Auriemma has transformed the Lady Huskies into a force to be reckoned with on the court. UConn fans across Connecticut and the United States look forward every year to cheering on the Huskies and they know they're going to see a top team that is prepared and ready for Showtime.

But the real lesson to be learned from the Huskies is that winning does not begin on the court. Winning begins in the preparation, both mental and physical. That is a lesson all great coaches teach their players and it is a lesson all great athletes understand. And it is something that all winners throughout our society know. To prepare for a game or a test, to get ready for a challenge or a certain moment—that is what winning is about.

For more than 20 seasons Coach Auriemma has been a winner and he has communicated what it takes to achieve to the athletes that have gone through his program. The fact that those players have all gone on to attain success long after they left UConn is a testament to their mentor—Coach Geno Auriemma.

Congratulations, coach, and thanks for 21 wonderful seasons. We look forward to the next 21.

AVASTIN, A PHARMACEUTICAL USED ON CANCER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. KUCINICH. Mr. Speaker, I sent the attached letter in support of compulsory licensing for Avastin on February 21, 2006.

FEBRUARY 21, 2006.

MIKE LEAVITT,
Secretary; Department of Health and Human Services, Washington, DC.

DEAR SECRETARY LEAVITT: I request that you issue a compulsory license for Avastin in order to bring the price under control and to send a clear signal to the pharmaceutical industry that price gouging will not be tolerated.

As you know, the New York Times reported on February 15, 2006 that Roche and Genentech plan to charge $100,000 for a year's supply of Avastin to late stage lung and breast cancer victims. This represents a price increase over the already astronomical $50,000 price tag for its current use for colon cancer. These exorbitant prices bear little on the cost of production, which is ''a fraction of what Genentech charges for it.''

Roche and Genentech's pricing decisions will force many cancer victims to choose between extending their lives and leaving their family a burden of irreconcilable debt. In fact, the Times reports that some are already opting for less life for cost reasons. Furthermore, the poorest and sickest among us will be the most likely to refuse the treatment. Even those patients with insurance are not protected because the copays are likely to approximate $1000 per month for Avastin alone, to say nothing of the cost of chemotherapy pharmaceuticals that often accompany it.

Pricing schemes like these will have ripple effects. They will make it easier for other companies with similar drugs to charge higher prices. Insurance companies will pass on much of the cost, accelerating already out of control health care costs. If the trend of this legal price gouging proceeds unchecked, Medicare's own future is imperiled, especially in the absence of the ability to negotiate prices with drug manufacturers.

In the past, the pharmaceutical industry's excuse for charging substantially higher prices for their drugs as compared to the cost of generics in the U.S. has been that they needed to recover their research and development costs. But Roche and Genentech cited a different reason: it is what they can get away with charging. '''As we look at Avastin and Herceptin pricing, right now the health economics hold up, and therefore I don't see any reason to be touching them,' said William M. Burns, the chief executive of Roche's pharmaceutical division and a member of Genentech's board.''

Roche and Genentech have the legal latitude to act in this way through the patent system, which gives pharmaceutical companies a monopoly on drugs they bring to market. But it is not an absolute, unchecked right to extort.

You have the authority to issue a compulsory license. Doing so would allow other manufacturers to compete with Roche/Genentech and therefore drastically lower the price of Avastin. Roche and Genentech would be guaranteed ''reasonable and entire compensation'' as required by law (28 USC 1498). A compulsory license would also send a clear signal to the pharmaceutical industry that abuse of the patent system, especially when at the expense of health, will not be tolerated.

I look forward to your immediate response.

Sincerely,

DENNIS J. KUCINICH,
Member of Congress.

IN HONOR OF LOVIS CLARISA HOWELL DOWNING

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to Lovis Clarisa Howell Downing of Hoxie, AR, a fine businesswoman, a friend, a devoted family member, and someone who spent her entire life trying to make others happy.

Lovis was born in Imboden on September 12, 1912. She grew up during World War I and the Great Depression, accepted a job as a school teacher, and eventually became the longtime owner of the Flower Basket in Walnut Ridge, AR, until she retired at the age of 79. Lovis also helped her father-in-law, Terrell Henry Downing, run the Downing's Ice Cream Parlor and Grocery from the mid 1930s until the 1950s.

In addition to being a hard worker, Lovis was an active member of the Hoxie Methodist Church and the Hoxie Hooking Club. She was known for her service to the community, and was a frequent volunteer in church and civic activities.

Lovis and her husband Brooks Downing have one son, Terrell Henry Downing, II, of Hoxie, and two daughters, Dr. Suzanne Gibbard and Dr. Frances Hunter of Jonesboro. They also have nine grandchildren, Kyle Downing of Fayetteville, Amy West of Jonesboro, Jason Willett of Jonesboro, Felicia Willett of Memphis, Mike Deloache and Scott Hunter, Jr., of Jonesboro, Lisa Melton of Houston, TX, Kelley Pillizzi of Libertyville, IL, and David Gibbard of Memphis, and six great grandchildren.

I ask my colleagues to join me in recognizing Lovis Clarisa Howell for 93 years of achievement and contributions to her community. She opened her home to so many during her life, and will be remembered as a wonderful mother, grandmother, great grandmother, friend, and a fine American.

WOMEN AND THE BUSH BUDGET

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Ms. ZOE LOFGREN of California. Mr. Speaker, as in previous years, President Bush has proposed a budget that would harm women and girls across the country.

At a time when over two-thirds of low-income elderly people are women and 56 percent of Medicare beneficiaries are women, the President has proposed substantial cuts in Medicare, food stamps, and food delivery programs.

On top of the $22 billion cut in Medicare that was passed by this Republican-led Congress and the President in February, the Bush budget calls for $105 billion more in cuts over the next ten years.

The President's budget also would eliminate the Commodity Supplemental Food Program which serves 420,000 seniors and 50,000 women and children with nutritious food packages, often delivered to their homes.

Replacing this home delivery food program with food stamps is not the solution, as most people on the program are elderly and in need of home delivered food to survive and maintain their health. Moreover, many people now on the food delivery program do not qualify for food stamps for various reasons. That does not mean they are not in need of home delivered food.

Even if we assumed food stamps were the answer for this group of seniors, women, and children, the Bush budget could cause 300,000 Americans to lose their food stamp benefits.

The problems with the Bush budget do not end with cuts in Medicare, food stamps, and food delivery programs. Bush also intends to cut programs that have helped women and girls succeed in education and the workforce.

In 1973, the Women's Educational Equity Act (WEEA) was introduced by a champion for women, the late Representative Patsy Mink. For more than 30 years, WEEA has funded hundreds of programs to expose girls to careers traditionally dominated by men, develop teaching strategies for math and science that engage girls, and to help schools comply with Title IX.

At a time when the President is touting the need for a greater emphasis on science and math education, his budget would eliminate WEEA, along with $664 million in Federal Perkins Loan funds, just 2 months after Congressional Republicans cut college aid by $12 billion.

This comes at a time when only 21 percent of master's degrees in engineering are awarded to women. The statistics are even worse for women of color. Of engineering master's degrees awarded to women, only 11 percent go to Asian-American women, 4 percent go to African-American women, and less than 4 percent go to Latinas. It seems that the President's ''competitiveness agenda'' does not apply to women.

Furthermore, instead of closing the wage gap, the Bush budget would increase the gap by eliminating Women in Apprenticeship and Nontraditional Occupations program (WANO), which provides grants to employers to help recruit, train and retrain women in non-traditional, well-paying jobs.

Statistics show that women in WANO were 47 percent more likely to enter a high-paying, technical occupation than women who were not a part of the program.

Bush would eliminate this program at a time when women still earn less than men—on average 76 cents to every dollar that a man earns. Moreover, in high-paying, high-technology jobs, women who hold Ph.D.s in computer science and engineering earn $9,000 less than men.

Women in the workforce faced with a wage gap and great need for child-care assistance would be turned away by the Bush budget.

Since the beginning of the Bush Administration, 250,000 children have lost their child-care assistance. Bush would continue that trend by freezing funding for the Child Care Development Block Grant for the fifth year in a row. At this rate, 400,000 more children will lose their child-care assistance in the next 5 years, creating a situation where 25 percent less children receive this assistance than did in 2000.

The Bush budget would also leave behind women who end up in violent situations, cutting $19.5 million in Violence Against Women programs and completely zeroing-out funding for new programs authorized by this Congress last year in the Violence Against Women Reauthorization Act of 2005.

From birth to old age and in their most vulnerable periods in life, the Bush budget would leave women and girls behind. I join my fellow members of the Women's Caucus today to call on Congress to reverse the harmful effects of the Bush's proposed budget on women and girls.

PROCLAIMING APRIL 5, 2006 PATIENT ASSISTANCE DAY

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Ms. FOXX. Mr. Speaker, I rise today to talk about an issue that affects millions of Americans-affordable medications. Millions of Americans lack health insurance and cannot access these vital innovations. While the government looks for sensible ways to help the 45 million uninsured citizens there are private-sector programs in place that are helping millions of Americans no matter where you live.

One program I have shared with my constituents is the Partnership for Prescription Assistance (PPA). The PPA is a national clearinghouse that links uninsured and underinsured people to patient assistant programs that offer drugs for free or nearly free. America's pharmaceutical research companies, along with 1,300 community and patient organizations launched the PPA in April 2005 and have since helped more than 1.9 million patients. Given the rising cost of prescription drugs, any attempts made by the private sector to alleviate the burdensome costs should be applauded.

It is refreshing that this private-sector program has been so successful and committed to helping Americans in need access life-saving medicines. Mr. Speaker, I ask my colleagues to join me today in proclaiming April 5 ''Patient Assistance Day'' and do their part on this day to inform their constituents about the great service the PPA provides to Americans in need.

I have also included a statement from the Partnership for Prescription Assistance about ''Patient Assistance Day'' and an article from the Charlotte Observer that discusses the PPA's many successes in North Carolina.

[From the Charlotte Observer, Mar. 21, 2006]

PARTNERSHIP FOR PRESCRIPTION ASSISTANCE LAUNCHES NATIONAL ''PATIENT ASSISTANCE DAY'' CELEBRATION ON APRIL 5, 2006

WASHINGTON, D.C.—The Partnership for Prescription Assistance (PPA), a national program sponsored by America's pharmaceutical research companies to help patients in need access prescription medicines will commemorate its one-year anniversary by launching the first annual ''Patient Assistance Day'' on April 5, 2006 and announcing a major enhancement to the program. The celebration will consist of educational activities across the country to raise awareness of and help educate the public about patient assistance programs. The PPA has

helped nearly 2 million patients to date, but millions more can benefit.

''The PPA is an overwhelming success'' said Billy Tauzin, President and CEO of the Pharmaceutical Research and Manufacturers of America. ''But our job isn't done. We are declaring April 5 'Patient Assistance Day'—a day when all Americans can join with us to help patients in need.''

Through a toll-free number (1–888–4PPA–NOW) and user-friendly Web site (*www.pparx.org*), the PPA provides a single point of access to more than 475 public and private patient assistance programs that could provide help on more than 2,500 medicines, including a wide range of generic medicines.

''We are calling on all Americans to help us spread the word,'' said Montel Williams. Emmy award-winning TV talk show host and National PPA Spokesman. ''All of us know someone who needs assistance. Help could be as close as a single phone call to our toll free number.''

More than 1,300 national and local organizations, including the American Academy of Family Physicians, the National Urban League, United Way of America, Easter Seals and the National Alliance for Hispanic Health, have partnered with America's pharmaceutical companies to make the PPA a success.

For additional information on patient assistance programs that may meet their needs, patients should call toll-free 1–888–4PP A–NOW (1–888–477–2669) to speak with a trained specialist or visit www.pparx.org.

NEW PROGRAM WILL HELP UNINSURED GET CHEAPER PRESCRIPTIONS

(By Valerie Bauman)

AUG. 2, 2005.—North Carolina residents who must struggle with the decision of whether to pay their rent, feed their families or buy much-needed medications now have a new option.

A partnership of doctors, pharmaceutical companies, patient advocates and other health-care providers launched a program Tuesday designed to help the uninsured and underinsured obtain medicine at a lower cost.

Members of the group assess patients' eligibility for public and private prescription assistance and gives them options from among more than 475 programs around the country. Sorting through the information can be daunting and time-consuming for many sick or disabled people.

The North Carolina chapter of the Partnership for Prescription Assistance will help doctors and patients access the programs and figure out which will provide the most financial relief.

''It's wonderful. It's like a single place to go to,'' said Linda Woodall, an advocate for the National Multiple Sclerosis Society of North Carolina. ''Before you would have to apply to the different drug companies (for financial assistance), and for people with MS especially, it's important that you stay on the medicine.''

People seeking help can either call a toll-free number or go to a Web site for assistance. After patients answer a few questions a list of programs will be provided to them with a minimum of effort or paperwork.

A TRIBUTE AND COMMEMORATIVE STAMP TO HONOR SUGAR RAY ROBINSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD a tribute to the legendary six-time world champion boxer Sugar Ray Robinson and to recognize the issuance of the Sugar Ray Robinson commemorative stamp.

Although this charismatic boxer was born Walker Smith, Jr., he is best remembered as ''Sugar'' Ray Robinson. Born on May 3, 1921 in Ailey, GA, his parents moved the family to New York when Sugar Ray was a teenager to escape the prevalent prejudice in the South. It was there, in a Harlem gym, that he was first introduced to boxing. Sugar Ray visited the gym frequently, using a borrowed Amateur Athletic Union boxing card of a friend. The friend's name, incidentally, was Ray Robinson.

His natural talent in the ring began to draw attention, and soon crowds gathered to watch Sugar Ray perform. When future coach George Gainford watched him box for the first time, Gainford commented that the young boxer's style and fluid motions were ''sweet as sugar.'' Others agreed, and the nickname stuck. After winning the New York Golden Gloves championship in 1940, 19–year-old Sugar Ray turned pro and never looked back. By 1946, Sugar Ray was the world welterweight champion. His reign included a 91 fight winning-streak. He held the title for 5 years, and then moved onto acquiring the world middleweight title, which he held five times between the years 1951–1960. A dominant force in the boxing ring for two decades, Sugar Ray was 38 when he won his last middleweight title.

In the mid–1960s, Sugar Ray exited the ring gracefully.

Sugar Ray's record was 128–1–2 with 84 knockouts at the pinnacle of his career. Amazingly, in over 200 fights, Sugar Ray was never physically knocked out; though he did receive one technical KO. Altogether, he amassed 109 KOs, and finished with a record of 175–19–6 with two no-decisions. World champion Muhammad Ali called him ''the king, the master, my idol'' In 1997, The Ring magazine named Sugar Ray ''pound for pound, the best boxer of all time.'' In 1999, the Associated Press named him both the greatest welterweight and middleweight boxer of the century.

Sugar Ray Robinson passed away on April 12, 1989.

Mr. Speaker, Sugar Ray Robinson is a true legend. I am very pleased to pay tribute to his legacy and also pleased to acknowledge the issuance of a commemorative stamp in his honor scheduled to be unveiled on April 7, 2006.

IN APPRECIATION OF DR. GLEN FENTER

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to one of my great friends, Dr. Glen Fenter, President of Mid-South Community College, and the vision behind the economic renaissance converging in Arkansas' Delta. Glen is a true leader, who has accomplished more over the past decade than most will accomplish in a lifetime.

As a graduate of Hendrix College with an Ed.D. from the University of Arkansas, Glen is committed to bringing educational opportunities to some of Arkansas' poorest counties. A former principal of West Memphis High School, Glen accepted the challenge in 1992 to establish a new community college in Crittenden County. After securing local funding, and working with architects and board members to develop a master plan for $40 million of renovations, construction, and equipment, Glen led MidSouth Community College toward accreditation in 1998.

Glen's vision has not only enhanced the quality of education in Arkansas' Delta, but made a considerable impact on the surrounding business community. Since Glen accepted the position of President at Mid-South Community College, automobile companies have begun to notice the great possibilities in the region. They watched Glen secure millions of dollars for workforce training programs at the college, and they are excited at the possibility of working with highly skilled graduates prepared for careers in the automobile industry.

Thanks to the tireless commitment of Glen and his staff at Mid-South Community College, the Arkansas Delta has transformed into a place full of economic opportunity. I ask my colleagues in the U.S. House of Representatives to join me in thanking Glen for his selfless work on behalf of all the residents in our community. We are fortunate to have such a strong leader, a true friend, and a great American working to improve the quality of life in Arkansas.

IN HONOR OF JEAN BURNS SLATER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. FARR. Mr. Speaker, I rise today to honor the incredible career of one of my constituents, Jean Burns Slater, of Hollister. Jean is retiring as superintendent of San Benito High School after a 34-year career in education. I believe that education is critical to the strength of our Nation. The children who are in our schools now will be leading our country before we know it. I am grateful to Jean for her hard work in this department.

In Jean's 3½ years as superintendent of San Benito High School, she has made great improvements to the district and kept a strong focus on the well-being of her students. She has improved the lines of communication between the district, staff, students and the community. She has brought about the introduction of a leadership team and a superintendent's advisory council for parents who choose to take an active role in their children's education. She understands that the people in the community need to have a voice in the education of their youth, and she is confident that this has been achieved in her district.

In addition to this, Jean has worked with the board of trustees to improve the health of her

students through the introduction of a new wellness policy which includes strict dietary reform. Reform such as this throughout the district will not only help to curb the growing childhood obesity rate, but will also help to improve the performance of students in the classroom. I believe the central coast is an ideal area for the implementation of a policy of this type. We produce an abundance of fresh produce within our district and if students are eating what we are growing right here at home, complying with these new regulations will be a simple, healthy undertaking.

I commend Jean on her contributions to her district and her tireless efforts to improve the quality of life for the children who are the future of our country.

IMMIGRATION REFORM

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Ms. SOLIS. Mr. Speaker, I rise today in strong support of tolerant, effective, comprehensive immigration reform.

Half a million people, if not a million people, marched peacefully in Los Angeles to let the Senate know that enforcement and border protection-only approach will not solve our broken immigration system. 300,000 people in Chicago, 40,000 in Washington, DC, and 20,000 in Milwaukee and Phoenix marched to defend the hopes and dreams of immigrant families. Nearly 40,000 students across Southern California, including students at several schools in my district, marched for the rights of immigrants.

I urge my colleagues in this body and in the Senate to listen to the message which reverberated across the country and support a tolerant and effective immigration policy. We need effective legislation that strikes the right balance between national security and reforming our current immigration system.

This should include a path to permanency for the millions of law-abiding and taxpaying immigrants who call the United States home. It should reduce the long lines in the family immigration system to promote family unity and include measures to control the future flow of immigrants by providing them with legal avenues to live and work in the United States.

Several proposals under consideration by Congress have a different approach. Rather than fixing the broken immigration system, they worsen the myriad of enforcement only measures which have already been tried and which have failed.

For example, between 1990 and 2000 the size of the border patrol tripled, yet the number of undocumented immigrants increased. Between 1999 and 2004, the number of border agents in the Tucson, Arizona sector of the border increased by 56 percent, while the number of arrests increased by only 4 percent.

This enforcement only approach has done nothing to protect our Nation's security. It merely encourages immigrants to cross in remote areas where it is more difficult to be caught and where they are more likely to die. We must secure our borders. We need to know who is crossing our borders and living and working in our country for our national security. But, enforcement alone will not accomplish this goal.

I hope the U.S. Senate follows the lead of its Judiciary Committee and adopts legislation that will truly reform the system and enhance our Nation's security.

I am pleased that the bill approved by the Committee includes the DREAM Act. As a member of the California Assembly, I authored the first bill to allow in-state tuition for outstanding California students.

Immigrant families are an important part of our social fabric and our economy. Undocumented workers contribute as much as $7 billion a year into the Social Security system yet do not collect benefits. They fill an increasing share of jobs in labor-scarce regions and fill the types of jobs native workers often shun.

Immigrants and their families serve and sacrifice as members of our Nation's Armed Forces. There are more than 35,000 people defending our Nation who are not U.S. citizens, and another 28,806 members of the military who have become U.S. citizens since the events of 9–11. Since September 11, 73 servicemembers have been granted posthumous citizenship. One of them, Francisco Martinez Flores of Duarte, was a constituent of mine. Their sacrifice is no less important to our country because of their immigration status. Undocumented immigrants are our neighbors, co-workers, fellow worshipers, and friends. Many of them want to stay in America and become full-fledged members of our society.

President Bush said "Immigration is an important topic. . . . We need to maintain our perspective. . . . At its core, immigration is a sign of a confident and successful nation." I hope the Senate keeps this in mind and does not let itself be influenced by the demagogues in our media and in Congress.

As the proud daughter of immigrants, I value America's history of treasuring the contributions that immigrants have made to America. For generations, immigrants all over the World have been welcomed by the Statue of Liberty's message: "Give me your tired, your poor, your huddled masses yearning to breathe free, . . ." We should not forget that our ancestors struggled and yearned for the American dream as much as immigrants do today.

Today, I was pleased to join the Progressive Caucus in sending a letter to the Senate asking for real and comprehensive immigration reform. I urge my colleagues to adopt legislation which provides a real solution for our broken immigration system and reject enforcement-only proposals.

A TRIBUTE TO THE LIFE OF GEORGE EDWIN 'JETTY' STEEL

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. ROSS. Mr. Speaker, I rise today to honor the life and legacy of George Edwin 'Jetty' Steel, a dedicated lawyer and longstanding pillar of the Nashville, Arkansas, legal community and Howard County. He passed away on March 3, 2006, at the age of 89. I wish to recognize his life and achievements.

Jetty was born in Ashdown, Arkansas, on August 16, 1916. After graduating from Nashville High School, he attended Hendrix College and received a law degree from the University of Arkansas at Fayetteville. Jetty then began an impressive 67-year legal career in Nashville, where he served as the City Attorney of Nashville, Prosecuting Attorney of the Ninth Judicial Circuit of Arkansas, and a partner of Steel and Steel Law Firm.

Jetty's commitment went far beyond the legal community; he led a life of public service by offering unwavering support for institutions throughout Nashville. He served on the Arkansas State Police Commission for 19 years, Board of Directors of First National Bank in Nashville for 20 years, Board of Directors of Diamond State Bank, Board of Directors of Nashville Federal Savings and Loan Association for 33 years, Board of Directors of the Bank of Glenwood and Board of Directors of the University of Arkansas Alumni Association. He was also a member of the Arkansas State Racing Commission and a member of First United Methodist Church in Nashville.

Jetty will be remembered for his lifetime of dedication to his community. While he may no longer be with us, his spirit and legacy will live on in the hearts he touched throughout Nashville. My deepest sympathies and heartfelt condolences are with his son, George Steel; his daughter, Donna Kay Steel Yeargan; his grandchildren, George, Linsley, Ashley, and Nate; his great-grandchildren; and to all those who knew and counted him as a friend.

IN HONOR OF NEWSPAPER OWNER CONE MAGIE

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to Cone Magie of Cabot, Arkansas, a great journalist and businessman who devoted his entire life to public service. As an owner of five newspapers, Magi provided reliable and trustworthy news to Central Arkansas for more than 50 years.

Magi's love of the newspaper business began as a young boy when he delivered papers for the Arkansas Gazette. He went on to serve as editor of the England High School newspaper, published a newsletter during his service in World War II, and upon leaving the service, studied journalism at the University of Arkansas. Magi took his first reporting job at the Madison County Record and eventually traveled to Washington, DC where he published a newsletter for the Arkansas and Iowa Farm Bureaus.

After mastering reporting, Magi bought the Cabot Star-Herald in 1955 and eventually added four other newspapers to his company, Magie Enterprises, Inc. His other newspapers include the Carlisle Independent, the Lonoke Democrat, the Sherwood Voice, and the Jacksonville Patriot. Magi served as president of the Arkansas Press Association in 1967 and frequently testified before the Arkansas Legislature on issues impacting the media. Magi and his wife, Betty, were inducted into the University of Arkansas at Fayetteville's Walter J. Lemke Department of Journalism Hall of Honor in 2005 for their significant contributions to Arkansas' newspaper industry.

I ask my colleagues to join me in recognizing Cone Magie for a lifetime of achievement in journalism. His work informed thousands of citizens on local and international issues and inspired an active citizenry in central Arkansas. He will be remembered by many as a devoted businessman, a friend, and a great American.

TRIBUTE TO SUE AND GERALD TREECE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. POE. Mr. Speaker, every year thousands upon thousands of people give their time, money and dedication to others. Never is there a more shining example of volunteerism than my personal friends, Sue and Gerald Treece. Sue and Jerry Treece have been married for 35 years. They have 2 wonderful children, Justin and Trisha who grew up with my four kids. The Treece's have made a name for themselves throughout their community. They come from West Texas and have solid Texas values. They are both Texas educators and they are completely committed to serving the people around them. It is for this reason that they are being honored by the Cypress-Woodlands Junior Forum.

Sue Treece taught junior high students for eleven years and currently volunteers with multiple organizations in her community. She loves Texas and is a tremendous Texas history teacher. She goes to Texas historical sites with her kids to get a first hand knowledge of our state. She has been on the Cypress-Woodlands Junior Forum board for more than 10 years. In 1999 she received the Volunteer of the Year award. Sue truly has a passion for service as she is active in the Alpha Chi Omega Alumna Sorority Philanthropies, Bammel Church of Christ, and the Houston Bar Association Women's Auxiliary. Sue has held board positions with the Montgomery County Women's Council of Organizations, National Charity League, Northland Christian School, and Grogan's Point Residents' Association. In all this, Sue has been a constant companion to her mother who suffered a long time with illness. Sue is a mother, wife and a daughter.

Gerald Treece is the Dean of Students at South Texas College of Law and has been a Professor of Law for thirty-two years. He knows as much about Constitutional Law as our founders but he and I have a long relationship of debating that sacred document. He valiantly served our country during the Vietnam War, earning a Silver Star and the Purple Heart for his bravery during battle. In addition, Jerry served as a special advisor to the Reagan Administration, and more recently he served as a delegate to the 2005 White House Conference on Aging. Jerry Treece has been recognized by the American Bar Association and awarded their Silver Key and Outstanding Professor Awards. He has also been honored by the Texas Senate and in 2003 he was awarded their Award for Service to Legal Education in Texas. In 2005, he was named Rotarian of the Year for his service to the Houston community. Jerry consistently has his moot court team go to the nationals, having won the National Championship several times, defeating such law schools as Harvard, Yale and Princeton, making those Ivy League Law Schools wonder, "Who are those students from the South Texas School of Law?"

Mr. Speaker, my home state of Texas is blessed with some of the kindest and most generous people on earth. Sue and Gerald Treece are shining examples of the best of this group. They are a remarkable couple and they deserve our appreciation and thanks for the ways they have truly made a difference in the lives of those in their community. By giving of their time and lending their hands, the Treece's change lives and lift people up. I am honored to have known them on a personal level and call them my friends and I am honored to join their community and the Cypress-Woodlands Junior Forum in honoring them today. They are great Americans and great Texans, and "the salt of the Earth."

That's just the way it is.

CONGRATULATING THE DISTRICT OF HAWAII UNITED STATES MARSHALS SERVICE ON RECEIVING THE 2005 UNITED STATES MARSHALS SERVICE DISTINGUISHED SMALL DISTRICT DIRECTOR'S HONORARY AWARD

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. CASE. Mr. Speaker, I rise today to honor the outstanding work of the District of Hawaii United States Marshals Service, recipients of the 2005 USMS Distinguished Small District Director's Honorary Award.

Last year, the District successfully accommodated significant workload and productivity increases in law enforcement and prisoner supervisions functions. The District was also exceptionally busy in ensuring the security of our federal judiciary, where proceedings of late have been highly charged.

The District also continued its highly successful partnership with other federal, state, and local law enforcement entities through the Hawaii Fugitive Task Force, a unit of the Hawaii High Intensity Drug Trafficking Area that focuses on the arrest of dangerous fugitives wanted on federal and state felony warrants for drug-related crimes.

For his work on the Hawaii Fugitive Task Force, Criminal Investigator/Deputy United States Marshal Glenn Ferreira received the Hawaii Federal Top Cop Award by the Hawaii State Law Enforcement Officers Association. This award is significant for the District as it is the first time, in its fifty year history, that the association has recognized a member of the United States Marshals Service.

I would like to extend a sincere mahalo (thank you) to Mark "Dutch" Hanohano, United States Marshal for the District of Hawaii, and to our District's eighteen Deputy Marshals for their service and contributions to our state and our country. I would also like to thank all our United States Marshals that work daily to keep our communities and our nation safe.

Mahalo, and aloha.

HONORING DR. CAROLINE L. LATTIMORE

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to recognize my constituent, Dr. Caroline L. Lattimore of Durham, North Carolina, for her leadership in the community, in the state of North Carolina, and nationally. A well-respected Associate Academic Dean in the College of Arts and Sciences and the Terry Sanford Public Policy Institute at Duke University, Dr. Lattimore is also the 15th Mid-Atlantic Regional Director for Alpha Kappa Alpha Sorority, Incorporated. As many of my colleagues know, Alpha Kappa Alpha is the nation's oldest Greek-letter organization for African-American women, with more than 170,000 members worldwide.

For the last 4 years, Dr. Lattimore has led the Mid-Atlantic Region, which consists of chapters in my state of North Carolina and in the Commonwealth of Virginia. She will chair the 53rd Annual Mid-Atlantic Regional Conference in Crystal City, VA on April 13–16, 2006. The Regional Conference will be the culmination of her four year tenure as Regional Director.

Dr. Lattimore's tenure as Regional Director has been one of intense activity, as she has almost single-handedly raised the visibility of the Sorority throughout the region. Specifically, Mr. Speaker, she has been the driving force behind the Sorority's programs to promote educational excellence among K–12 and college students, particularly women and minorities; provide leadership development for the next generation of community leaders; support a myriad of community service programs; and encourage volunteerism. In addition, Dr. Lattimore is a founding member of the Alpha Kappa Alpha Education Advancement Fund and an architect of the Sorority's registration of more than 200,000 new voters over the last few years. The basis for all of these endeavors has been Dr. Lattimore's commitment to education.

Mr. Speaker, her work with the Sorority, in educational circles, and in the community have earned Dr. Lattimore numerous awards and accolades. Among them are: Ford Foundation National Fellowship; National Council of Negro Women—Woman of the Year in Leadership Roles; YWCA Women of Achievement Outstanding Woman Award; NAACP Freedom Fund Outstanding Service Award; and the J.C. Penny Golden Rule Volunteer Service Award, to name a few. She was also the Alpha Kappa Alpha International Representative to the 4th World Conference on Women in Beijing, China.

In every aspect of her service to the Alpha Kappa Alpha Sorority, Dr. Lattimore has been a dynamic and inspirational leader. She lives her motto for this Regional Conference: Alpha Kappa Alpha Spirit: Preserving Our Legacy.

As her representative in the United States Congress, I am proud to salute Dr. Caroline L. Lattimore for her accomplishments. I encourage my colleagues to join me in honoring her.

IN APPRECIATION OF DOUG SIMS ON HIS RETIREMENT

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to one of my good friends, Mr. Doug Sims, a great leader in agriculture and the cooperative movement in America. Doug will retire from his post as Chief Executive Officer of CoBank this June after serving farmers, ranchers, farm cooperatives and rural communities for nearly 37 years. This will mark the end of a very successful career, and a very successful period in CoBank's history.

I have had the pleasure of knowing and working with Doug Sims for many years. As a farmer and a farm cooperative member, I know CoBank has always been there for the cooperatives that serve farmers and the rural communities in which they live. I have worked with Doug on a variety of important issues during my time in Federal office, both in the Executive branch, and now in Congress. Like others who have had the pleasure to work with Doug, I always found these efforts to be collaborative, professional efforts at building consensus to benefit cooperatives, rural communities, and the farm families that depend on them for their livelihoods and quality of life.

Doug has steered CoBank through a long list of challenges since joining CoBank in 1988 as president and chief operating officer. Doug's success came from a long history of experience in the Farm Credit System, beginning as a credit analyst for the St. Louis Bank for Cooperatives in 1969. From this humble post, Doug rose to be president and chief operating officer of the Farm Credit Bank of St. Louis.

While serving at the Farm Credit Bank of St. Louis, Doug acted as a key advocate for farmers, cooperatives, and the Farm Credit System, working with Congress and the Administration on critical legislation to protect the system from the agricultural economic and credit crises of the late 1980s. That far-reaching legislation paved the way for the modernization of the Farm Credit System, which has allowed the System to prosper and grow into the nation's largest single lender to agriculture and rural America, with over $135 billion in assets.

Doug guided CoBank to new heights during his tenure with the company. Under his watch, CoBank nearly tripled its assets to $34 billion and enhanced its services to agricultural cooperatives, rural electric cooperatives, rural telecommunications companies, and agricultural exporters. When the financial services' competitive landscape became increasingly challenging, Doug successfully oversaw mergers, opened overseas offices, and nurtured CoBank into a highly respected financial services company domestically and internationally.

Doug's service extends beyond CoBank's interests. He has served as Chairman of many other important organizations, including the National Council of Farmer Cooperatives, the Federal Farm Credit Banks Funding Corporation, the Graduate Institute of Cooperative Leadership at the University of Missouri, and Lutheran Family Services of Colorado.

Mr. Speaker, these are all impressive achievements for an individual who began his education studying agriculture at the University of Illinois. But beyond all of these important accomplishments, what I admire most about Doug is his humble and inclusive leadership style. He is truly a leader who encourages teamwork, seeks to build consensus, bestows credit on those around him, and is not afraid to take responsibility when a leader is needed. I believe it is Doug's integrity that has made him a sought after participant and speaker for organizations ranging from the World Economic Forum in Geneva, Switzerland to the FarmHouse Foundation in Kansas City, Missouri.

While I am confident CoBank and the Farm Credit System will miss Doug's daily contributions, his leadership has established a strong foundation that will help these institutions continue to successfully support agriculture and rural America.

It has been my pleasure and privilege to know and work with Doug Sims for many years. I know that many of my colleagues will join me in wishing Doug and his wife Nancy many years of happiness, new challenges, and contributions in the years ahead.

DEMOCRATIC WOMEN'S WORKING GROUP BUDGET

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Ms. WASSERMAN SCHULTZ. Mr. Speaker, violence against women is on the rise in this country. Sadly, young women have increasingly become victims of violence and domestic abuse in episodes on college campuses and in communities across America.

One-third of teens report some form of abuse in their romantic relationships.

Forty percent of teenage girls report knowing a peer who has been hit by a boyfriend.

These are our daughters, our sisters, our friends and our neighbors.

The idea that our society is still struggling to cope with such violence is simply unacceptable. We must do more.

Yet the Republican majority's budget resolution mirrors the President's budget suggestion to cut funding for Violence Against Women Programs by $19.5 million dollars—cutting the very programs that prevent domestic violence and aid survivors.

These programs are our first line of defense for battered women across the country—and too often, sadly—our last line of defense.

It is time to get our fiscal house and priorities in order. We must carefully consider the message we send to domestic violence survivors by cutting funding intended as a lifeline in their most vulnerable hour.

HONORING LULA TAYLOR, TONY TERESI AND JANE FAGERSTROM

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Lula Taylor, Tony Teresi and Jane Fagerstrom for their nearly 50 years of combined service in the Chautauqua County Legislature. .

Lula Taylor is the first woman of color to be elected to a county leadership position. She was the district eleven representative for 13 years. Within the legislature and in the community Lula could always be found sitting on or serving as the chair of many committees. As a result of her positive attitude and desire to better her community, Lula had broken down so many barriers. It is truly remarkable what one woman can accomplish a positive outlook and a hardworking spirit. I commend Lula for her numerous years of hard work, dedication, service, leadership, and for her love of the people of Chautauqua County.

Tony Teresi has been a staple in the County Legislature for 16 years as a representative of district thirteen. Mr. Teresi has served as the chair and an active member of many committees within the legislature. Tony brought something to the legislature that is hard to replace. That being his level head, ability to reason, honor, strong work ethic and never ending dedication. He truly knows the meaning of leadership and cooperation. Throughout his tenure in the legislature he worked hard to accomplish the plan to share services with other municipalities. His legacy no doubt will remain in the legislature for many years to come.

Jane Fagerstrom was the first and only female chair of the Chautauqua County Legislature. That alone speaks volumes for her strong work ethic and desire to better her community. Jane has been involved with county government since 1972 but served in the Legislature for 12 years. She served on and was the chair of many committees within the legislature. I commend Jane for her lifetime devoted to public service. She has truly demonstrated a love and devotion to her community.

Lula, Tony and Jane have all shown great dedication and excellence in their work and to their community, that is why, Mr. Speaker, I rise to honor them today.

ON WORLD HEALTH DAY: WORKING TOGETHER FOR HEALTH

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. REYES. Mr. Speaker, I rise today in strong support of World Health Day: Working Together for Health.

The main focus for this year's celebration is to address the crisis in the health workforce. Health workers are the very heart of the health system, providing care to those in need. While we are facing a nationwide shortage of health workers, we are not alone. There isn't a country in the world that is immune to the problem. Emphasis needs to be placed on solving the crisis.

With more than 100 years of experience, the Pan American Health Organization (PAHO) has been working hard to improve health and living standards in the Western Hemisphere. Recognized by the United Nations, PAHO's office in El Paso serves as the Regional Office for the Americas of the World Health Organization. PAHO works hard to improve health to vulnerable groups that include mothers and children, workers, the poor, the elderly, and refugees and displaced persons.

Established in 1943, the U.S.-Mexico Border Health Association (USMBHA) has helped promote a better understanding of health needs

and problems. I applaud the efforts of the USMBHA for their leadership in the area of public health in the border region and their work fostering communication between both countries as we work together on common health Issues.

This week, back in my home district of El Paso, Texas, the Pan American Health Organization and the U.S.-Mexico Border Health Association will be sponsoring a health forum celebrating the work of promotoras and promotores from the El Paso del Norte region, which includes Texas, New Mexico, and Chihuahua. The event will celebrate the dignity and value of those who work hard everyday for health, and I am here today to help them in this important celebration.

Mr. Speaker, I urge all of my colleagues to join me in supporting World Health Day 2006: Working Together for Health, and I thank PAHO and the USMBHA for all their tireless efforts in support of better healthcare for the people of my community, the U.S.-Mexico border region, and the Americas.

BIRTHDAY CONGRATULATIONS FOR MRS. JOHNNIE VOGT

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. THORNBERRY. Mr. Speaker, I rise today to congratulate Johnnie Vogt on the occasion of her 85th birthday. Johnnie Vogt was born Johnnie Campbell on April 21, 1921 in White Deer, Texas. She lived there until 1931 when her family moved to Canyon so that she along with her brothers and sisters could eventually go to college.

Mrs. Vogt attended school at West Texas State Teachers College, now known as West Texas A&M University. Upon graduation, she moved to El Paso, Texas where she taught school before enlisting in the Army in 1943. Mrs. Vogt served in the Army from 1943 to 1945, receiving her basic training in Georgia. She was also stationed in Iowa and Illinois. While in Illinois, she was one of a group of eight trained to become physical therapy aides for the Army. She served in that capacity until her discharge from the Army.

In 1946, Mrs. Vogt moved to Denver, Colorado and taught a basic course in finance at Lowry Air Force Base. When those courses were no longer being offered, she moved to San Bernardino, California in 1947 and taught school.

Mrs. Vogt subsequently returned to Texas and settled in Amarillo where she ran a nursery from her home. Her love of children, coupled with her teaching experience, led to the directorship of the nursery and nursery school at Northwest Texas Hospital. Upon completion in 1956 of courses in special education, Mrs. Vogt brought her new specialty to the Amarillo Public School System. She then moved to Dalhart, Texas for a brief period of time where she taught English at the junior high school.

In 1960, Mrs. Vogt returned to Amarillo, resuming her Special Ed teaching, first at Bowie Junior High School until 1970, then at Caprock High School until retiring in 1981. Her commitment to children and dedication as an educator were evident by the extent to which she worked with students and the community, teaching life skills, preparation for entering the workforce, and building relationships within the community to ensure job placement upon graduation.

Mrs. Vogt has been active in her church, First Christian Church of Amarillo, teaching Sunday school to both adult singles and couples for over 20 years. She also sings with the Seniors Happy Timers and has been part of the bell choir.

Mr. Speaker, Mrs. Vogt is blessed with a wonderful, loving family. Mrs. Vogt's husband, Leo, and her daughters, Trudi, Patti, Sandy, and Linda and their families are justifiably proud of her. Her daughter Trudi is one of the outstanding public servants who serve the House and the Nation in the Office of the Clerk. And I suspect she learned the importance of service from her mother. Whether it be in the military, in teaching, in her church and community service, or in looking after her family, Mrs. Vogt has served others. It is in stories like hers that America's greatness and goodness can be seen.

I join her family in wishing her a very happy 85th birthday.

DARFUR PEACE AND ACCOUNTABILITY ACT OF 2006

SPEECH OF

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. LEVIN. Mr. Speaker, I rise in strong support of this important legislation, the Darfur Peace and Accountability Act.

The people of this troubled region have experienced almost unimaginable suffering. As many as 400,000 people have already lost their lives and two million more have been forced from their homes. The House of Representatives, along with the Senate and the Administration, have long acknowledged that the crimes being committed in Darfur amount to genocide.

Last month the House voted to provide $271 million for peacekeeping in Darfur and another $228 million in humanitarian aid as part of the Supplemental Appropriations bill. This funding is a welcome and necessary step in the right direction. Today we take another step with the Darfur Peace and Accountability Act.

This legislation directs the President to take a number of steps to stop the genocide in Darfur. This includes providing assistance to an expanded African Union force in Darfur, advocating a NATO role in stopping the violence, pushing for an additional United Nations Security Council Resolution regarding Darfur, and freezing the assets of those responsible for acts of genocide.

I am pleased that this legislation emphasizes a multilateral approach. The entire international community has a responsibility to work together to stop these crimes against humanity, and the bill before us makes clear that we expect the President to work with our allies to stop the killing in Darfur.

The United States and the international community must do far more to break the cycle of violence and hunger that grips Darfur. In a word, we must put real resources and diplomacy into solving the problem. This legislation advances these goals, and I urge my colleagues to support it.

DARFUR PEACE AND ACCOUNTABILITY ACT OF 2006

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. WAXMAN. Mr. Speaker, our consideration today of the Darfur Peace and Accountability Act is long overdue, but it is more timely and urgent than ever.

It has been nearly two years since this House recognized the atrocities in Darfur as genocide. In that time we have offered aid to refugees and support for peacekeeping activities. However, this is the first real legislative effort to enhance the U.S. response to this crisis. While I am pleased that we are acting, we should and could have done more sooner.

H.R. 3127, authorizes tough sanctions against individuals responsible for the war crimes committed in Darfur. It imposes an embargo on Sudanese cargo ships and oil tankers, and strengthens the military arms embargo against the Sudanese government.

The legislation will substantially improve our ability to provide protection for the more than 2 million vulnerable civilians displaced by the conflict. Specifically, it calls on NATO to expand and reinforce the African Union Mission in Sudan. It also advocates an initiative now underway at the Security Council to transition the African Union force into a UN sponsored peacekeeping operation.

Sadly, as a recent Security Council assessment shows, the dire situation in Darfur is only deteriorating further. Relief organizations are being denied entry, supplies are being cut off and humanitarian missions are being attacked. Civilian populations and refugee camps remain unprotected and the murderous rampages of Jangaweed militias continue unchecked. There is little progress in peace negotiations.

The transition to a UN led peacekeeping mission with greater resources and an expanded mandate is the only hope for improving the situation on the ground. Passage today of H.R. 3127 will add momentum to this effort.

An end to the conflict in Darfur cannot be achieved without strong US leadership. We have a moral responsibility to intervene.

I want to give credit to the activists across the country who have been the leading voices commanding our attention to this crisis. In classrooms, campuses, synagogues, churches, and communities across America there are so many who are deeply committed to making sure that those suffering in Darfur are not forgotten. At the end of the month, thousands will rally in Washington to call greater attention to the cause.

I am especially proud that the University of California recently joined more than a dozen colleges around the country in divesting from companies that do business in Sudan. Similar efforts are being considered by a number of state legislatures and private pension plans. Congress and the Department of Treasury should lend their support to these efforts.

Let us pledge that today is a new beginning in our fight for justice for the people of Darfur.

CELEBRATING THE 40TH ANNIVERSARY OF CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. LEWIS of California. Mr. Speaker, I would like today to congratulate the faculty, staff, students and alumni of California State University, San Bernardino for 40 years of success in providing top-quality education for one of the most diverse student bodies in the nation.

I was a proud new member of my hometown school board in 1965 when state officials recognized the need for higher education in the Inland Empire and opened California State College at San Bernardino with 293 students and 93 faculty and staff members. The coverage area for the college was 27,000 square miles, taking in San Bernardino and Riverside counties. The first graduating class in 1967 was 59 students.

Since that quiet start, our local college has become one of the fastest-growing in the state. More than 16,400 students now attend and 3,500 graduate each year—more than 55,000 over the past 40 years. The college became California State University, San Bernardino in 1984.

California's higher education system is still considered one of the finest in the world, and the state university system produces 51 percent of all bachelor's degrees awarded by all public and private institutions in the state. The university system has calculated that the increased education level and earning power brought to our economy by these graduates is $25 billion a year. CSUSB alone is calculated to provide $500 million in expenditures annually and supports 10,000 jobs in our region through the ripple effects of salaries, construction, purchases and student spending.

The university now has five academic colleges, offering more than 70 degrees and certificates. The College of Education consistently ranks among the top CSU campuses that produce credentialed teachers, and many programs have gained national recognition. The university's Inland Empire Center for Entrepreneurship has been recognized among the nation's best by Entrepreneur Magazine.

CSUSB has had three dynamic presidents: John Pfau, Anthony Evans and Albert Karnig, the current president. I have enjoyed working closely with Presidents Evans and Karnig during my time in Washington. The university has utilized a number of small federal investments to create many successful programs, including the Water Resources Institute, the entrepreneurship center and a wide-ranging distance-learning program for the Department of Defense.

The university has been especially successful in partnering with local governments and community groups to improve the quality of life in San Bernardino County, and its student body is considered one of the most diverse in the state system—in fact, there is no majority ethnic group on campus.

In recent years, there have been many signs of a rapidly maturing educational institution: Robert V. Fullerton Art Museum has a regional reputation for cultural contribution; Coussoulis Arena is the largest facility of its kind in the Inland Empire; and a permanent branch campus has been established in the rapidly-growing Coachella Valley.

Mr. Speaker, there is no question that in the past 40 years, California State University, San Bernardino has become one of the most important institutions in the Inland Empire, and a huge contributor to our state's economic future. Please join me in congratulating its faculty, staff and students for their past and future success.

RE: DELPHI BANKRUPTCY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HIGGINS. Mr. Speaker, few communities have suffered more from the decimation of the American manufacturing sector than Western New York.

In the Buffalo of my youth, any person willing to work hard enough could make a decent living for his or her family at one of our great industrial plants. It is no secret that those days are gone. Factories have closed, health care benefits have been dropped, wages have fallen and pensions are in trouble. Competition for remaining jobs is intense and those lucky enough to have a job live in constant fear that it will be outsourced or that their wages, health insurance or pension benefits will be cut.

One of the last bastions of good-paying manufacturing jobs in Western New York is the auto industry. Over 9,000 workers in my congressional district are employed at the Delphi plant in Lockport, the American Axle facilities which supply General Motors in Tonawanda and Cheektowaga, and the Ford Stamping Plant in Woodlawn.

So far, we have been lucky—as bad as things look now, they could be much worse, The Ford Stamping Plant was spared in the first round of plant closings Ford announced in January. And the Lockport plant will be one of the few to survive the recently announced Delphi closings. However, there will not be much relief for the Delphi workers in New York and elsewhere, because of unconscionable actions taken by the company in bankruptcy proceedings.

Delphi has asked the bankruptcy court to slash wages, jobs, healthcare and retirement benefits by voiding the collective bargaining agreements that were negotiated between the company and its workers. Such disregard for the collective bargaining process is incomprehensible in light of the fact that Delphi was recently able to come to an agreement with the United Auto Workers on an attrition program to save costs. Rather than flouting the collective bargaining agreements, Delphi should have re-engaged its workers in a good-faith manner to find a solution together.

If the bankruptcy court cancels the current contracts it will have devastating effects not only on the workers who rightfully relied on those agreements, but also on General Motors itself. This is a risky and unnecessary gamble Delphi is taking, and the economic health of thousands of families hangs in the balance.

I strongly urge Delphi to reconsider its ill-advised request to cancel its contracts and to engage its workers in a constructive, good-faith manner that respects the collective bargaining process and the workers who depend on it.

H.R. 4882, THE VIETNAM VETERANS MEMORIAL VISITOR CENTER DEADLINE ENFORCEMENT ACT

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. REYES. Mr. Speaker, I rise today in strong support of H.R. 4882, the Vietnam Veterans Memorial Visitor Center Deadline Enforcement Act.

The Vietnam Veterans Memorial was created to honor the more than 58,000 men and women who served and sacrificed their lives in the Vietnam conflict. Since its creation, the Vietnam Veterans Memorial has been the most visited memorial in our Nation's capitol, with about 4,000,000 visitors each year.

As a Vietnam veteran, I have experienced the horrors of war and witnessed the sacrifice of the men and women who served honorably in Vietnam. The proposed Vietnam Veterans Memorial Visitor Center will allow future generations to better understand the Vietnam Conflict through exhibits and facilitated tours, and honoring those that have fallen in the line of duty.

It is time for Congress to enforce a deadline so that there is no further delay in the construction of the Visitor Center. Mr. Speaker, I urge all of my colleagues to join me in supporting this very worthwhile bill.

CHILDRESS REGIONAL MEDICAL CENTER

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. THORNBERRY. Mr. Speaker, I rise today to congratulate Childress Regional Medical Center, in Childress, Texas, on being named one of the top 100 hospitals in the nation by a healthcare information and analysis company.

The ability to provide quality heath care in rural regions of our Nation continues to face numerous challenges. Today, citizens who live in rural areas often travel hours to receive medical care, and facilities often experience difficulties in attracting and keeping health care providers.

For over 25 years Childress Regional Medical Center has served as a leading example of a full service rural health care facility. Its mission is to provide personalized, efficient, high quality healthcare services for all patients and their families and to serve as a center where physicians and qualified healthcare providers can practice under high technical standards in a productive, professional environment.

Graded on clinical excellence, responsiveness to the community, operating efficiency and financial heath, Childress Regional Medical Center proves quality healthcare can be provided close to home for many in North Texas.

I am glad that the work and dedication by the staff of Childress Regional Medical Center

has been recognized, and I hope their example will continue to help bring quality medical care to rural communities like Childress.

MANUFACTURING IN THE UNITED STATES FACES CHALLENGE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. LEVIN. Mr. Speaker, since January 2001, the United States has lost 2.8 million manufacturing jobs. As a result, manufacturing states have seven of the ten highest unemployment rates in the country. But manufacturing affects us all, not just those workers who are directly engaged in manufacturing, because manufacturing has the largest employment ''ripple effect'' of any U.S. industry. During President Clinton's administration, when manufacturing was growing and thriving, private sector job growth was 22 percent. Under the current administration, it's an anemic 2.4 percent. Manufacturing is also responsible for nearly two-thirds of all private sector research and development.

Manufacturing in the United States faces serious challenges in the global marketplace, as our manufacturers compete with companies who get the benefit of a healthy workforce without having to shoulder the rising cost of health care, deal with skyrocketing energy costs, and often face an unlevel playing field when they sell their goods. Instead of standing up for manufacturing and the men and women it employs, the Bush administration continues to sit on its hands as the manufacturing jobs crisis worsens. The workers who are harmed by that inaction deserve to be heard. Tonight, I'd like to read testimony several Michigan workers submitted to us about how the manufacturing jobs crisis is affecting them.

Sherry Lowell of Grand Blanc, MI writes:

''For the past 27 years, I have worked as a Journeyman Toolmaker for GM/Delphi in Flint, MI. My marvelous experience as a tradesman began when I was 30 years old. At the Flint East site, I was the 7th female to graduate as a tradesman. . . .

''For almost three decades, I believed that I was an integral part of the team with the goal of producing products with first time quality at a profit. The wages that I earned were appreciated and getting dirty and greasy were part and parcel of my job as a toolmaker. I have fulfilled my promise to the corporation for the past 27 years to faithfully come to work, work hard at work despite cold (45 degrees) and hot (103 degrees) and dirty environments, and buy GM/AC products.

''The promise of a defined-benefit pension was very important to me. Furthermore, financial planning for my old age has been threatened by corporate raiders of pension funds and the possibility of Social Security benefits ceasing. I would appreciate Congressional efforts to support the men and women of manufacturing skilled trades and production in protecting the pensions they were promised.''

Patricia Neal of Clinton Township, MI writes:

''I have been a UAW member and a GM employee for 28 years. I live in Clinton Township, MI. At some point in time nearly every UAW represented auto worker in America has had to hear, that we are 'over paid and under worked'. Every headline that screams out to the public, pointing a scolding finger at UAW represented auto workers, is not only demoralizing and degrading it is downright deceiving. . . .

''We, UAW workers, make the products put before us, we drive the fork trucks, we stand on the steel plated or concrete floors, we tighten the nuts and bolts, we handle the machines, we breath the toxic fumes but we do not make the decisions. We do the work. We want to see GM make a profit, we want GM healthy.''

Charles McCray of Southgate, MI writes:

''I am a 54 year old retired hourly worker after 30 years of service. I have worked hard for GM and the UAW. I have always purchased GM products over the years. I want GM to keep their promise to me with the contract I signed when I retired. I retired and gave up my position to another worker to pay taxes and make a good wage.

''With the possible problem at GM if I were to lose any pay what-so-ever I'd be in a tight spot. Where does all the money come from to even bury me when the time comes. We have never lived beyond our means at all. We have been able to pay for college for our 2 children, have a small home paid for. There is a small savings for future use after 62 years of age. With our monthly retirement we do OK but most do not. I have already gone out and have taken another job just because I am not sure what is going to happen at GM.''

I hope President Bush and my colleagues in the House will hear these workers and the millions like them, and will begin work on a real agenda to preserve and expand our manufacturing sector and the quality products and jobs it produces.

INTRODUCTION OF THE JOBS CREATION INCENTIVE ACT OF 2006

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce a very important piece of legislation to address a very serious problem.

Because of the policies put in place by this Congress and this Administration, our country has prospered and enjoyed continual economic successes. More than 2 million jobs have been created nationally in the last year and our national unemployment rate is down to 4.8 percent. In the last quarter alone, our GDP grew by 1.7 percent.

However, my home state of Michigan has not yet seen this success. Our state economy continues to struggle, our manufacturing base is in serious jeopardy and our unemployment rate of 6.6 percent is one of the highest in the nation. The troubles of the auto industry—Michigan's largest employer—have forced layoffs, downsizing and cutbacks.

Workers in my state are losing their jobs, and our unemployed face multiple challenges and impending statistical disadvantages.

Mr. Speaker, that is why I am introducing this legislation today. My bill, the Job Creation Incentive Act, will help businesses in Michigan and across this country create more jobs.

Simply put, my bill will generate jobs by giving small businesses tax incentives for every new employee they hire.

It is a well known fact that collectively, small businesses are the number one employer in our Nation. When we encourage these small businesses to expand their payrolls and hire more employees, we not only create jobs but we also promote business development and growth.

My bill will give companies with 100 employees or less a tax credit for every new employee they hire. The credit will be equal to 5 percent of the new employee's salary, up to $2,500 maximum, and the new employee must have been on the payroll for at least 960 hours—the equivalent of a full-time position for six months. If companies create multiple jobs, they can receive multiple credits up to a total of 25 percent of their tax liability for the year.

I know that tax incentives are not the complete answer to all of our economic problems in the state of Michigan. We still must work continually to find solutions to solve the problems within our manufacturing base and bring relief to our businesses and our workers.

I also know that for some of us it may be difficult to understand that while America's economy is doing so well nationally, there are still areas where more help is greatly needed. My district is one of those areas.

The Job Creation Incentive Act will help our small businesses through these tough times and will allow them to do what they do best—innovate, drive economic growth, compete in the domestic and global marketplace, and create more jobs for American workers.

Mr. Speaker, thank you for the time to speak on behalf of my bill, the Job Creation Incentive Act. I respectfully request the support of my colleagues for this important piece of legislation to ensure the future success of Michigan's economy and job growth across the country.

IN SUPPORT OF THE EASTERN SIERRA RURAL HERITAGE AND ECONOMIC ENHANCEMENT ACT

HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. McKEON. Mr. Speaker, today I take pleasure in introducing the Eastern Sierra Rural Heritage and Economic Enhancement Act.

As you are aware, I am fortunate enough to claim the majority of California's Eastern Sierra Mountains as part of my district. My legislation will protect some of the most pristine land in California for the enjoyment of my constituents in the 25th District, and the visitors we welcome to the Eastern Sierra's each year.

My legislation calls for three wilderness additions: the Hoover Wilderness Addition, the Emigrant Wilderness Addition, and the Amargosa Wild and Scenic River Addition. The Hoover Wilderness Addition rests in between Yosemite National Park, the existing Hoover Wilderness, and the Emigrant Wilderness, and designates 39,680 acres of 11,000 foot mountain peaks, glacial valleys, alpine lakes, and conifer forests as protected wilderness area. The Emigrant Wilderness addition lies adjacent to the existing Emigrant Wilderness, and claims two miles of the Pacific Crest Trail. The Amargosa Wild and Scenic River Addition designates a 24-mile stretch of river as protected, and divides the section into three parts: wild, scenic, and recreational.

Given the popularity of these areas, it is necessary to find a compromise between protection of the land and local wildlife, and recreational sport. This legislation provides such a compromise, affording land for recreation and preservation. Preserving wilderness areas for future generations is imperative, and I am pleased to present this bill as an opportunity to do so.

Mr. Speaker, this legislation is the result of a great deal of compromise, cooperation, and support. Assistance from the Mono County Board of Supervisors which claims the Hoover and Emigrant Wilderness Addition, and the Inyo County Board of Supervisors which claims the Amargosa River Addition has been vital to the introduction of this legislation. This bill required compromise and cooperation between the local environmental community and the Bureau of Land Management, and I am pleased with the agreement that has been reached by both parties. Support from Senators DIANNE FEINSTEIN and BARBARA BOXER, as well as my constituents in the 25th District make it a distinct pleasure to introduce this legislation, and I encourage my colleagues to support the Eastern Sierra Rural Heritage and Economic Enhancement Act.

CECIL D. ANDRUS ELEMENTARY SCHOOL

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. OTTER. Mr. Speaker, I rise today to call the attention of the House to a most important lesson in civic virtue.

We hear much today about the shortcomings of our education system, about a growing sense of frustration and despair on the part of students, parents and policy makers. Today I have the honor and privilege of telling you about a success story that we all can celebrate.

The heroes in this story are fifth graders at Cecil D. Andrus Elementary School in Meridian, Idaho. I recently received almost 30 letters from these young Americans requesting that I do whatever I could to stop Congress from removing funds that pay for the "We the People . . ." civic education program at schools throughout America. Mr. Speaker, these students are to be congratulated and encouraged to continue participating in the process of our government, to fully realize their potential as citizens of our great nation.

I also congratulate their teacher, Heidi Fry and their principal, Barbara Horn, whose dedication and example have worked their magic with these students.

The "We the People . . ." program is funded through the U.S. Department of Education by act of Congress. It was established in 1987 under the Commission on the Bicentennial of the United States Constitution.

Letter upon letter from the students at Andrus Elementary related stories about lessons they had learned through the "We the People . . ." program—visionary quotations from the Founding Fathers and the Framers of the Constitution, the history of the documents that became our blueprints for freedom, and how leaders of the founding generation knew that survival of our new American Republic would require each successive generation to learn and embrace the value, price and responsibility of living in a free country.

No greater testament could exist to the value of this educational program than the words of these young people, Mr. Speaker. No more compelling argument could be made for its continued existence in our schools. I therefore gave them my word I would do what I could to restore the funding.

As a side note, the namesake of the school those children attend—Cecil D. Andrus—was Secretary of the Interior during the Carter administration and four times was elected governor of the great state of Idaho. I served with Governor Andrus as Lieutenant Governor during his third and forth terms. He was a leader who put great store in the value of educating Idaho's young people to prepare them for shouldering the responsibility of freedom and the stewardship of our human and natural resources. He also placed great importance on people meaning what they say and keeping their word—especially those in positions of public trust.

In closing I should like to add the names of these students to the CONGRESSIONAL RECORD so that one day in the not-too-distant future, when citizens of Idaho and this Nation are reviewing the background of their generation's leaders, I'm confident these names will surely be among them.

Elaine Beech, Natalie Bowman, Steven Bowman, Ashley Charles, Nicole Covell, Madisson Cutbirth, Alejandro Delaloza, Cole DeSilvia, Joneya Dunn, Amber French, Talia Johnson, Corey Kerensky, Joseph Koetter, Jordan Lee, Brian Luke, Taylor McQuiston, Summer Moffet, JT Moore, Brianna Pantell, Courtney Paul, Dillon Pierce, Zach Poralla, Rhett Suciu, Eric Swider, Jakob Thompson, Lindsay Williams, and Chanel Zeko.

Mr. Speaker, I ask you and all my colleagues to recognize the value of the "We the People . . ." program and help me restore the funding. Let's keep our word to these Idaho students, and to the generations of American students yet to come.

NIDIS BILL

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HALL. Mr. Speaker, today I rise to introduce a bill to create a National Integrated Drought Information System (NIDIS). Our nation is unfortunately very aware of the damage droughts bring to our citizens. In my home state of Texas, the wheat crops have been decimated by drought conditions, producing the worst ratings in 20 years. My own home district in northeast Texas is experiencing the most severe damage statewide from the drought. In Missouri, farm ponds have been drying up in record numbers, and in Oklahoma, the wheat crop rated 58% poor to very poor. Droughts cause between $6 billion and $8 billion a year in direct estimated losses to the U.S. economy, and they have devastating impacts on our society.

While we cannot stop nature, we can do a better job predicting, monitoring, and mitigating this problem. Our nation needs a comprehensive drought information system that enables our local, state, and national leaders to be more proactive in their approach to droughts. This bill establishes an integrated system and designates NOAA as the lead agency. NOAA will coordinate with local, state, and federal entities to create a comprehensive network of drought information and provide decision-makers with the best tools to manage our resources. NOAA will do this by building a national drought monitoring and forecasting system, create a drought early warning system, provide an interactive drought information delivery system, and designate mechanisms for improved interaction with the public.

This NIDIS initiative will hopefully improve our analysis of conditions, provide us with more accurate seasonal forecasts, and equip us with a better understanding of climate interactions that produce droughts. I would like to encourage Members to join me in supporting this vital and important initiative.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. UDALL of Colorado. Mr. Speaker, because of official business in Colorado, I was not able to be present yesterday for three votes.

Had I been present, I would have voted as follows:

Roll call No. 82, H.J. Res. 81—Providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution—I would have voted "yes."

Roll call No. 83, H. Res. 703—Recognizing the 20th anniversary of the Chernobyl nuclear disaster and supporting continued efforts to control radiation and mitigate the adverse health consequences related to the Chernobyl nuclear power plant—I would have voted "yes."

Roll call No. 84, H. Res. 744—Expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland and support for continued police reform in Northern Ireland as a critical element in the peace process—I would have voted "yes."

THE OCCASION OF THE 91ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. MCNULTY. Mr. Speaker, I join today with many of my colleagues in remembering the victims of the Armenian Genocide. April 24th will be the 91st anniversary of this human tragedy.

From 1915 to 1923, the world witnessed the first genocide of the 20th century. This was clearly one of the world's greatest tragedies—the deliberate and systematic Ottoman annihilation of 1.5 million Armenian men, women, and children.

Furthermore, another 500,000 refugees fled and escaped to various points around the

world—effectively eliminating the Armenian population of the Ottoman Empire.

From these ashes arose hope and promise in 1991—and I was blessed to see it. I was one of the four international observers from the United States Congress to monitor Armenia's independence referendum. I went to the communities in the northern part of Armenia, and I watched in awe as 95 percent of the people over the age of 18 went out and voted.

The Armenian people had been denied freedom for so many years and, clearly, they were very excited about this new opportunity. Almost no one stayed home. They were all out in the streets going to the polling places. I watched in amazement as people stood in line for hours to get into these small polling places and vote.

Then, after they voted, the other interesting thing was that they did not go home. They had brought covered dishes with them, and all of these polling places had little banquets afterward to celebrate what had just happened.

What a great thrill it was to join them the next day in the streets of Yerevan when they were celebrating their great victory. Ninety-eight percent of the people who voted cast their ballots in favor of independence. It was a wonderful experience to be there with them when they danced and sang and shouted, 'Ketse azat ankakh Hayastan'—Long live free and independent Armenia! That should be the cry of freedom-loving people everywhere.

HONORING REGINA MARIE CATANISE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Regina Marie Catanise who peacefully passed from this earth on Tuesday, April 4, 2006, at the age of 84.

The wife of the late Raymond Catanise, Mrs. Catanise, affectionately known as ''Gina,'' was a cherished member of her community of Waterloo, NY, and was loved by one and all who knew her.

Survived by her three children, her son the Reverend Joseph Catanise, her daughter Candi Catanise, and her other son, Richard, Gina is also survived by two sisters, two brothers, four grandchildren, six great grandchildren, and several nieces, nephews, cousins and dear friends.

I take this moment to honor Gina Catanise, Mr. Speaker, because of the closeness felt to her by my friend, Richard Catanise. Richard spoke to me very often about his family in general and about Gina in particular. While I know today that Richard and his entire family's loss is great, I know, Mr. Speaker, that the entire Catanise family knows and understands the depths of the love felt for them by their mother, Gina.

I want to thank you, Mr. Speaker, for allowing me the opportunity to honor the memory of a great New Yorker, a woman who gave of herself to family, friends and community throughout her life. I am pleased that these remarks will remain a permanent part of the CONGRESSIONAL RECORD in perpetuity, so that generations to come may reflect upon the life and contributions to family and community made by Regina ''Gina'' Catanise. May her soul rest in eternal peace.

IN RECOGNITION OF JOHN WHEELER, CALIFORNIAN SMALL BUSINESS PERSON OF THE YEAR

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. FARR. Mr. Speaker, today I rise to recognize and congratulate Mr. John Wheeler of Carmel, California. Next week, Mr. Wheeler will be honored as the Small Business Person of the Year for California.

Mr. Wheeler has succeeded through ingenuity and hard work to turn Peninsula Pure Water, Inc., into a very successful business in 8 short years. With the help of a Small Business Administration-backed loan, Mr. Wheeler bought a bottled water company in 1998 with just 50 customer accounts and 70 daily local deliveries and grew the operation into a business with 24,000 customers, and a net income of $275,000. Beyond his resourcefulness and sheer determination, Mr. Wheeler has shown himself to be a model employer, personally training all new hires and offering to pay half of their tuition costs if they attend college.

Small businesses continue to be the engine of both the Californian and U.S. economies. The success of entrepreneurial businessman like Mr. Wheeler reminds everyone that the American dream is still alive and well. I again congratulate Mr. Wheeler on his well-deserved award as the Californian Small Business Person of the year and wish him much success as he continues to expand Peninsula Pure Water, Inc.

INTRODUCTION OF ''FAIRNESS AND ACCOUNTABILITY IN REORGANIZATIONS ACT OF 2006''

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. CONYERS. Mr. Speaker, today I am introducing the ''Fairness and Accountability in Reorganizations Act of 2006,'' legislation designed to protect the rights of workers during corporate bankruptcy proceedings which give greater weight to large corporations and the executives who run them.

Many recent corporate bankruptcy filings, including that of the Delphi Corporation, have come under fire for the extravagant bonus packages they reserve for executives while regular workers are forced to accept drastic pay cuts or even job losses. We need legislation to ensure that workers and retirees receive the fair treatment they have earned when their company is facing bankruptcy.

The Fairness and Accountability in Reorganizations Act of 2006 would guarantee that workers are treated more fairly by limiting executive compensation deals and requiring corporations to provide a more accurate picture of their holdings before attempting to modify collective bargaining agreements or promised health benefits during reorganizations. More specifically, this simple and effective legislation would:

Require any executive bonus package to be approved by the bankruptcy court for any corporation undergoing or connected to a bankruptcy reorganization plan.

Consider the debtor company's foreign assets when determining whether or not a company can modify its existing collective bargaining agreement. Some international corporations that are struggling domestically use their losses at home to justify breaking contracts with American workers while their overall company is still thriving.

Require the bankruptcy court to take into account the debtor company's foreign assets when determining whether or not to modify the company's retiree health benefits.

Require that its provisions apply to any chapter 11 bankruptcy case, filed or pending on or after October 1, 2005.

Congress has gone to great lengths to grant advantages to creditors and big business over ordinary Americans. It is time that we include the interest of working families in the bankruptcy law. My legislation would therefore add a small measure of fairness to a playing field that is overwhelmingly tilted against workers.

A TRIBUTE TO PLAINS COTTON GROWERS

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. NEUGEBAUER. Mr. Speaker, this morning I rise to honor an organization based in the 19th district of Texas that has played a vital role in West Texas for half a century.

In 1956, a group of West Texas cotton farmers and agricultural businesses came together to form Plains Cotton Growers. Today, PCG represents cotton growers in 41 counties throughout the High Plains and Panhandle of Texas. These growers produce nearly 20 percent of the nation's cotton crop each year. In the 50 years since its creation, PCG has attained a much-deserved reputation as an organization that producers can trust and rely upon for a wide range of services and information. Under the leadership of presidents from W.O. Fortenberry to Rickey Bearden, PCG has promoted regional cotton interests, served as a resource for cutting-edge agricultural research, and provided its members with information on important legislative matters.

If there is an issue in Congress affecting cotton farmers, then Plains Cotton Growers is on top of it. PCG provides the invaluable service of informing its members on agricultural policy being debated in the Capitols in both Washington, DC and Austin, Texas. PCG also ensures that its members have a voice in both Capitols as it keeps legislators abreast of the views and concerns of farmers.

To the staff and members of Plains Cotton Growers: Congratulations on your 50th anniversary and thank you for your service to the people of West Texas.

INTRODUCTION OF THE NATIONAL SCIENCE FOUNDATION SCHOLARS PROGRAM ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HOLT. Mr. Speaker, today I introduce the National Science Foundation Scholars Program Act to support students who wish to be scientists, technicians, engineers, and mathematicians.

Although not every student in America needs to become a scientist, technician, engineer, or a mathematician, those who are headed that way need our support for what they contribute to the long term economic health of our nation. This merit-based financial support gives consideration to financial need and to the goal of supporting underrepresented groups as defined in the Equality in Science and Engineering Act.

The United States needs to improve our technical and scientific workforce for the success of our nation in the unfolding global knowledge economy. Although we still educate many foreign students in our graduate science, technology, and engineering, and mathematics departments across the nation, we no longer keep these talented, well-trained individuals here; they want to return to their home.

We must create and retain our highly-skilled, well-trained scientific and technical work force here rather than be dependent on work abroad.

Increases in tuition at colleges and universities in the United States have outpaced inflation for the past two decades. The increases are especially large at public 4-year colleges. The NSF Scholars program would serve as a real inducement to students who would augment our highly-skilled, highly technical work force.

As we move to a global knowledge economy, Juan Enriquez gives us warning for the future of our nation: ''In a borderless world . . . those who do not educate . . . and keep their citizens . . . will lose most intellectual wars.''

I hope we choose instead to educate our citizens and maintain our strength and competitiveness through the NSF Scholars Program Act.

HONORING THE 100TH ANNIVERSARY OF THE CITY OF COALINGA

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. COSTA. Mr. Speaker, I rise today to congratulate the city of Coalinga on the celebration of their 100th anniversary.

The birth of the city of Coalinga dates back to the late 1800s, when the mining industry was booming in developing communities across the country. Rich in oil and flourishing in production, the city established several major oil production supplies. With the expansion of the industry, Coalinga oil workers embarked on a campaign to enhance workers rights, improve working conditions for oil producers and create a better community for fellow community members. A glorious and monumental day for Coalinga came on April 3, 1906, when the small town was incorporated into Fresno County.

Still, the city of Coalinga encountered other obstacles, such as a severe economic decline in 1909. After the economic setback, residents struggled to obtain rights to clean and reliable water supply. Due to the lack of flowing surface water and highly mineralized ground water, water in the city of Coalinga was deemed unsafe for drinking. It was not until 1972 that the State water system granted the city of Coalinga its first delivery of San Luis Canal water.

On May 2, 1983, a 6.7 magnitude earthquake struck the small community, which virtually destroyed what took almost a century to build. Fortunately, this catastrophe did not deter the strong community; residents and businesses locked arms and carried on to rebuild their city, to rebuild their home.

Despite the perils that the city of Coalinga experienced, there were many successes that ushered further advancement. At one point in time, Coalinga paid approximately one-fourth of the entire tax burdens for Fresno County. The city prides itself in being the birthplace for the award-winning A&W Root Beer formula, home of the first junior high school in Fresno County and West Hills Community College. Today, the city ranks as one of the most independent communities in the San Joaquin Valley and champions itself in providing residents with a competent municipal library system, recreation and parks system, water supply and hospital systems.

The history of this city further demonstrates that it is only by embracing the importance of community, cooperation and shared vision can such success be achieved. I am honored to stand and shine a spotlight on the city of Coalinga, as they celebrate a century of pride and progress.

IN HONOR OF ADRIENNE JONES

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Adrienne Jones, who was awarded the 2006 New Castle County Delaware Chamber of Commerce's William V. Roth, Jr. Citizenship Award. The late Senator Roth would have been extremely proud to see the award which bears his name go to such a deserving individual.

Adrienne has been described by her guidance counselor at A.I. DuPont High School in Wilmington, Delaware as ''scholarly, mature, focused and friendly.'' Senator Roth conducted his business in a focused manner but always went about it in a friendly way. This is why he was able to do so much for so many people across our great nation.

Adrienne has exhibited an excellent academic record in her high school studies. She possesses an outstanding work ethic and selected a quite rigorous college-preparatory curriculum including three advanced placement courses and eleven honors level courses. She also committed to the study of two foreign languages, Spanish and Latin. By the time she graduates, Adrienne will have completed seven years of foreign language study.

While maintaining a full study schedule, Adrienne finds significant time to contribute to her community. Senator Roth was well known in Delaware for his tireless work on behalf of his constituents. Adrienne has earned this award by dedicating herself to community organizations such as the A.I. DuPont Hospital for Children, the National Youth Leadership Forum on Medicine, and the Delaware Community Foundation's Youth Philanthropy Board.

I congratulate and thank Adrienne for all she has contributed to the State of Delaware. She is an exemplary citizen and a proud American. Senator Roth would have been extremely pleased with the work Adrienne has done to help her fellow Delawareans, just as I am today.

PAYING TRIBUTE TO LILIAM LUJAN HICKEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Liliam Lujan Hickey who through her extensive and diversified experiences, has established herself as a successful small business owner, effective motivator, and professional, specifically in the Hispanic-American community. Through her ardent desire to serve others, she has been personally and extensively involved in promoting educational programs in Las Vegas, as well as the entire state of Nevada. She will be honored on April 19th, at the formal dedication of Liliam Lujan Hickey Elementary School, which was named in her honor.

In the business world, Liliam has truly made a name for herself. She is owner and chief executive officer of Lujan development, a property management firm. In 1980, she formed L H System International, a business consulting and sales company with customized training for professionals.

Although born in Havana, Cuba, Liliam has resided in Las Vegas, Nevada for over thirty-six years. As a resident of Nevada, her list of achievements and volunteer service is impressive. Liliam established Career Day for high school students, which has awarded over $300,000 in scholarships to hundreds of needy Hispanic students. She also served as cofounder and president of the Classroom on Wheels, a program which has facilitated educational, medical, and dental services to disadvantaged preschool children.

Liliam was director for the Congressional Award Council of Nevada and co-chaired the Southern Nevada BEST Coalition, a non-profit organization working towards a drug and alcohol-free lifestyle in Las Vegas schools and communities. She also served as chairperson of the Urban Emphasis Committee for the Boy Scouts of America.

She is co-founder, past president, and board member of the Latin Chamber of Commerce. She was one of only two professionals selected from Nevada to attend the White House Hispanic Leadership Reception held by

President and Mrs. Clinton. Hispanic leaders throughout the United States were invited to attend this reception.

The Governor of Nevada appointed Liliam to serve on the Martin Luther King, Jr. Holiday commission. She also served on the Job Training Coordinating Council and the United States Governor's Workforce Development Board. She is an active member of the Las Vegas Latin Chamber of Commerce and the Clark County Fair Advisory Council.

Her efforts for the State of Nevada have been recognized through numerous awards. She received the Outstanding Hispanic Award from the Latin Chamber of Commerce. Liliam was named as one of the Women of Achievement in Government and Politics by the Las Vegas Chamber of Commerce. She was also identified by the Nevada 125th Anniversary Commission as one of the women who have played a significant role in making Nevada what it is today.

Mr. Speaker, I am honored to recognize Liliam Lujan Hickey on the floor of the House today. She is an outstanding example of service and hard work not only to the Hispanic-American community but to all southern Nevadans.

INTRODUCTION OF LEGISLATION REVISING THE NUMBER OF ASSOCIATE JUDGES OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Ms. NORTON. Mr. Speaker, it has become necessary to introduce a bill that is necessary for the Superior Court of the District of Columbia to function as Congress intended. Federal law requires that judges of the Superior Court and the District of Columbia Court of Appeals, Article I Courts, to be nominated by the President and approved by the Senate. This bill, which is the companion bill to S. 2068 introduced by Senator SUSAN COLLINS, will increase the number of Superior Court judges by 3 to 61 in order to allow the Superior Court to function at the 58 judge level approved by Congress. However, after the establishment of the new Family Court Division, the Superior Court was temporarily increased by three in order to assist the transition because Congress wanted to assure a full complement of family court judges. However, no permanent authorization reflecting the changes was approved. Consequently, as judges have retired or otherwise moved on, the President has continued to make nominations to fill each judge's seat. With no authorization for the necessary number of authorized judges, an unintended anomaly has resulted in Presidential nominations but no actual vacancies because the court is short three judges. Because as many as nearly 2 years occur after the Senate approval, lawyers are increasingly unwilling to give up their practices to apply for judgeships on the Superior Court, the trial court of jurisdiction for all criminal and civil matters in the District of Columbia. The 15–18 month pipeline for confirming new judges has presented the court with some serious concerns. With such a long waiting period, private and solo practitioners, for example, who are among the best qualified, are significantly deterred, and the court loses judicial talent that would otherwise be available.

The present anomaly has forced the Superior Court to use senior or retired judges inappropriately. Because they are retired, senior judges take on particular cases or a full calendar temporarily, for up to a year. However, inasmuch as confirmed active or permanent judges often cannot be immediately seated, there is no judge to maintain the court's 2 calendars, one for criminal court and the other for temporary restraining orders and warrants. Consequently, several senior judges have taken on this indispensable duty since 2003. While senior judges, of course, take on cases, they do so at their discretion. It should never be the case that senior judges perform an important regular and vital function of the court for years at a time.

I ask that this bill be approved to remedy this problem in the D.C. court system that results entirely from congressional action.

INTRODUCTION OF THE CONGRESSIONAL TEACHER AWARD PROGRAM ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HOLT. Mr. Speaker, today I introduce the Congressional Teacher Award Program Act, establishing the Congressional Teacher Award.

This is a moment for Congress to raise the level of respect for teaching across the nation. Although we cannot legislate that the nation respect teachers for all the hard work that they do day in and day out for the future of our nation, Congress can use its leadership to take a role in the cultural change required at this time.

This act creates a bi-partisan, bi-cameral Task Force to determine a nonprofit entity to establish and operate the Congressional Teacher Award. This award would be given each academic year to highly-qualified, hard-working teachers who change the lives of students in each congressional district of the United States, including the district of a Delegate or Resident Commissioner to Congress. As funds raised by the nonprofit entity allow, awardees would also receive a scholarship to attend a professional development opportunity of their choosing.

The teachers receiving the award must be certified, have been teaching for 5 consecutive years in a public or private school elementary or secondary school, and demonstrate a commitment of service to his or her school, maintain high standards for students, and incorporate multiculturalism, technology, interdisciplinary studies, student relevance, and current issues in lessons, classroom activities, and special presentations. An application with letters of recommendation would be required.

Each Member of Congress would get to celebrate a teacher in his or her district each year. This continued focus on excellent teaching will work to raise the level of respect for teaching in America. Henry Booker Adams said, ''A teacher affects eternity; he can never tell where his influence stops.''

Congress does have influence; people and nations take their lead from us, and it is time that we lead the celebration of those who helped us reach this professional level—our teachers.

IN RECOGNITION OF LEONARD HALL'S 100TH BIRTHDAY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. COSTA. Mr. Speaker, I rise today to recognize Leonard Hall of Armona, California who will be celebrating his 100th birthday on April 24, 2006.

Mr. Hall was born in 1906 to parents Clarence R. Leonard and Ida Mae Hall. Leonard learned at a young age the daily routine of life on a farm. When he was in his early twenties, Leonard began farming on his own. Soon his business grew to include a dairy and he also raised and sold cattle. Mr. Hall successfully ran his business for about 80 years.

Leonard Hall once stated, ''I think everyone should give back something to the community where they lived. How else are we going to keep our memories alive?'' These were not words without substance—Mr. Hall is a great advocate for his hometown and has financially supported several important projects within Kings County.

In remembrance of his wife Katherine, he gave financial support to the Burris Park Museum in Hanford. The museum recognized the gracious gift by dedicating the new wing of the museum in her name. The Hanford Carnegie Museum also benefited from Mr. Hall's generous donations. With his help the institution was able to install a new foundation and also introduce the original Beacon Oil office as an historical exhibit.

Perhaps the most poignant of his contributions is the funding he provided to help restore the Grangeville Church, which is known as the first church of Kings County. For Mr. Hall, the renovation was not just for the purpose of historical preservation but it was a way for him to honor the memory of his parents, who were wed there at the turn of the century.

Leonard Hall's generosity is his way of saying thank you for all the wonderful memories. During this momentous occasion of Leonard Hall's 100th birthday, I would like to wish to him and his family all the best. I would also like to extend, on behalf of the residents of Kings County, heartfelt appreciation and gratitude for Mr. Hall's generosity that has helped preserve the past for the generations of the future.

IN HONOR OF DONALD R. KIRTLEY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Donald Kirtley, who was awarded the 2006 New Castle County Delaware Chamber of Commerce's Wallace M. Johnson Community Service Award. Over the past 7 decades, Don

has been committed to providing better opportunities for children, improving healthcare, and expanding access to the arts for so many in the community.

Don donates his time to a variety of organizations in the State of Delaware, including a 20 year affiliation with the Boys and Girls Club and a 25 year affiliation with the Grand Opera House. He has been on the United Way of Delaware's Campaign Committee numerous times and is a founding member and chairman of the board of the Arts Consortium of Delaware. His resume is truly amazing and all Delawareans are thankful for Don's service.

A telling quote comes from Julie Van Blarcom, Chairwoman of the Arts Consortium of Delaware, who said "He's an old-fashioned, committed volunteer." Don contributes countless hours to different causes and makes every organization he is involved with a top priority.

Currently, Don is in his 2nd year as the chairman of the board of the Delaware Community Foundation (DCF), an umbrella organization that oversees many of the community service organizations in Delaware.

I congratulate and thank Don for all of his contributions to the State of Delaware. He is an exemplary citizen and a proud American. I am pleased to call Don a friend and am impressed by his dedication to the causes in which he so strongly believes. Thank you, Don, for all you have done and continue to do for people of our State.

PAYING TRIBUTE TO THE NEVADA CANCER INSTITUTE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the Nevada Cancer Institute and their team of dedicated professionals who are committed to advancing the frontiers of knowledge of cancer through research and providing world-class cancer services to Nevadans and people throughout the Southwest. The facility opened late summer 2005, and this month the new John Robert Murren Research Wing will be dedicated.

It is the overarching goal of the Nevada Cancer Institute to become a National Cancer Institute Designated Comprehensive Cancer Care Center. Facilities awarded this designation not only must perform first-rate research and exceptional patient care, but they must also demonstrate that the close integration of research and clinical efforts fosters an environment that stimulates new discoveries, and translates these discoveries quickly into better care to patients. Research in the area of cancer control and programs in community outreach and education are also essential for comprehensive status. With the opening of a new research wing and implementation of groundbreaking methods of prevention, detection and treatment of cancer, the Institute is well on its way to receiving this honor.

Designated by the State Legislature as the official Cancer Institute for the State of Nevada, the Nevada Cancer Institute is a collaborative, statewide effort involving concerned citizens, the oncology community, academic leaders, legislators, corporations, healthcare advocates, and cancer patients and their families. The Institute is wholly committed to offering the residents of Nevada a facility that offers the most current and most advanced cancer treatment options.

Mr. Speaker, I am honored to recognize the Nevada Cancer Institute on the floor of the House today. I commend them for their efforts in fighting cancer and wish them the best with their new research wing.

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mrs. JONES of Ohio. Mr. Speaker, during a conference of October 7, 2005, titled "Torture and the War on Terrorism" Case Western Reserve University School of Law facilitated discussions with legal scholars from across the country focused on international law. The conference culminated in adoption of The Cleveland Principles, which express the view that acts of torture should never be used or justified as a tool of the Global War on Terror.

International law establishes a normative framework to advance international peace and security. The reciprocity of international law protects Americans abroad as well as individuals within the control of our government. I commend Case Western Reserve University School of Law for its leadership on this issue and I would like to enter into the CONGRESSIONAL RECORD, The Cleveland Principles.

THE CLEVELAND PRINCIPLES OF INTERNATIONAL LAW ON THE DETENTION AND TREATMENT OF PERSONS IN CONNECTION WITH "THE GLOBAL WAR ON TERROR"

INTRODUCTION

In the context of revelations about the mistreatment of detainees at U.S. detention centers in Guantanamo Bay, Iraq, and Afghanistan; the practice of "irregular rendition" as a means of outsourcing torture; the existence of US-created "black sites" where "ghost detainees" are interrogated abroad; and the content of the leaked "White House Torture memos"—the Cleveland Principles were adopted by the undersigned experts who took part in the "Torture and the War on Terror" Conference at Case Western Reserve University School of Law in Cleveland, Ohio, on October 7, 2005. The Principles have been endorsed by the numerous other experts whose names are also listed below. The undersigned include current and former high-ranking government, military, and international organization officials, prominent academics, and leading practitioners in the field—representing all ends of the political spectrum. The Principles are intended as a clear restatement, written in plain English, of the fundamental international legal rules that apply to the treatment of persons in connection with the so-called "Global War on Terror." The goal was to produce a text that would be easy for the American public, members of the military, and members of Congress to understand—a text that would unambiguously spell out that in the context of the Global War on Terror, there is no law-free zone, torture can never be justified; outsourcing torture is unlawful; and that government personnel may be criminally liable for involvement in acts of torture.

THE CLEVELAND PRINCIPLES

Principle 1: With respect to the "Global War on Terror," there is no law-free zone.

International Law (which includes International Humanitarian Law, International Human Rights Law, and International Criminal Law) applies to all contexts and persons in the "Global War on Terror."

The "Global War on Terror" is not in its entirety an armed conflict. When, and for so long as, the "Global War on Terror" does manifest itself in armed conflict, the rights of persons detained and the obligations of detaining authorities, are governed by International Humanitarian Law, including the Geneva Conventions of 1949 and the Additional Protocols to the Geneva Conventions.

International Human Rights Law, including the Convention Against Torture and the Covenant on Civil and Political Rights, also applies to situations of armed conflict, to the extent that its provisions are not inconsistent with applicable international humanitarian law.

Whenever persons are detained outside the factual framework of armed conflict, international humanitarian law is not applicable and international human rights law, including the Convention Against Torture and the Covenant on Civil and Political Rights, applies instead.

Principle 2: Whenever there is any doubt about whether an individual apprehended in the Global War on Terror is entitled to Prisoner of War status, the decision must be made on a case-by-case basis by a competent tribunal.

Persons who do not qualify for POW status under the Third Geneva Convention are still entitled to humane treatment and the other applicable guarantees of the Fourth Geneva Convention.

In addition, such persons must not be subject to acts of torture or to cruel, inhuman or degrading treatment, in accordance with the Torture Convention.

Principle 3: Nothing in the "Global War on Terror" can justify violating the prohibition on committing acts of torture or cruel, inhuman or degrading treatment.

Interrogation in the context of the "Global War on Terror," whether conducted by military personnel or intelligence agents, and whether conducted inside or outside of the State's territory, must never cross the boundaries of humane treatment.

Principle 4: Use of so-called "irregular rendition" as a means of outsourcing torture to third countries is unlawful.

No person acting as an agent of a government may participate in the transfer of any person to any country for interrogation where there are substantial grounds for believing that the person would be in danger of being subject to torture or to cruel, inhuman or degrading treatment.

Diplomatic assurances from the receiving State that the person will not be subjected to torture or to cruel, inhuman or degrading treatment are not a sufficient basis upon which it may be determined that such treatment or punishment will not be imposed, where the receiving State has demonstrated a history of engaging in such treatment.

Principle 5: Governments and Government personnel are obligated to strictly adhere to the international law applicable to the "Global War on Terror" as set forth in the above principles.

States are responsible under international law for violations of these principles committed by the Government's personnel or agents, or by private parties exercising traditional government functions with the Government's acquiescence, whether the act occurs in the territory of the State or outside the territory of the State.

Persons who breach or order violations of these principles, or who aid and abet the breach of these principles, or who fail to punish subordinates who have committed breaches of these principles, may face individual criminal liability at home and/or in foreign or international courts.

DARFUR PEACE AND ACCOUNTABILITY ACT OF 2006

SPEECH OF

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. RYAN of Ohio. Mr. Speaker, I rise today to praise the passage of H.R. 3127, The Darfur Peace and Accountability Act of 2006. As I was regretfully absent at the time of this vote, I now take the opportunity to affirm my resolute support of this act.

''The care of human life and happiness, and not their destruction, is the first and only object of good government.'' These words, spoken by Thomas Jefferson, come to mind as I consider the current situation in Darfur, Sudan. In a conflict that has killed hundreds of thousands of people, displaced and left millions hungry, the United States can remain idle no longer. I stand with my colleagues in the House in support of the Darfur Peace and Accountability Act and would have voted for the resolution if I had been present.

INTRODUCTION OF THE SCHOLARSHIP DATABASE ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HOLT. Mr. Speaker, today I introduce the Scholarship Database Act to create a one-stop Web portal of scholarships, grants, fellowships, and other forms of financial aid for the students wishing to study science, technology, engineering, or mathematics disciplines.

Yes, there are many websites in existence that inform students about federal financial aid or students pay for a service to locate other scholarship opportunities. However, none seems to meet the needs of a wide range of students across the country. We grapple with what to do for our nation's future in terms of the science, technology, engineering, and mathematics students, the least we can do is ease the burden of finding financial aid. In a time of fiscal responsibility, this is an affordable way to enable our workforce of tomorrow to be highly skilled and well educated.

The Science, Technology, Engineering, and Mathematics (STEM) Scholarship Database would give a complete list of scholarships, fellowships, and other programs of financial assistance from all public and private sources for science, technology, engineering, and mathematics postsecondary and post-graduate level study.

First generation students would greatly benefit from such a database that would separate the information according to disciplines of study, level of study, and assistance based on gender, ethnicity, or other characteristics.

When one is the first person in your family to consider going to college one often has very little guidance on how to proceed with the entire college application process, of which financial aid is one piece. If a student does not immediately or easily find financial assistance they may at first see their dream of a college degree in a STEM field shattered. We can ease this with the one-stop Web portal of STEM financial aid.

As we move forward, this Web portal can expand to meet the needs of our nation, and it can serve as a model for other disciplines to follow suit.

IN HONOR OF CALIFORNIA'S COUNTY AGRICULTURAL COMMISSIONERS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. COSTA. Mr. Speaker, I rise today to honor California's County Agricultural Commissioners. Agriculture is California's No. 1 industry. In 2004 the fertile soils of California supported over 350 different crops, which were valued at over $37.5 billion and shipped throughout the United States and foreign countries. Weather, water and good farmers are some of the major factors contributing to California's bountiful crops. One other prime factor in California's agricultural success has been the presence of California Agricultural Commissioners.

California County Agricultural Commissioners will celebrate their first 125 years during their annual convention in May 2006, in San Luis Obispo, CA. No other State in the United States has the Agricultural Commissioners system, which has been in existence in California since 1881. It is fitting that the California Agricultural Commissioners be recognized and honored for their contributions to the well being of California and to our Nation.

As prescribed by State Law, the County Agricultural Commissioner is responsible for the local administration of State wide enforcement programs that promote and protect the agricultural industry of the State. In addition this commission is dedicated to protecting public health, safety and welfare. In fulfilling this responsibility, the primary objective of the County Agricultural Commissioner is to maintain a viable system of production and delivery of an abundant supply of wholesome food and fiber to domestic and export consumers. Each agricultural commissioner adheres to the following policies in order to maintain the integrity of the County Agricultural Commissioner's Office.

The first and foremost policy is to ensure the protection of California's agricultural resources and the environment in manner that will result in the greatest long-term benefit to all. One of the primary ways the commission protects agricultural resources, the environment and public health is by supporting beneficial legislation as well as preserving local determination. The Commissioner seeks to insure that all interagency and joint policies provide adequate flexibility to accommodate local concerns and resources.

The County Agricultural Commissioner recognizes the need to protect the agriculture industry from the introduction and spread of damaging pests. Therefore, it encourages and promotes the suppression of pests through biological, cultural, mechanical and chemical methods. However, the Commissioner has always been cognizant of the effects of harmful pesticides and has adamantly enforced all laws and regulations that provide for the appropriate, safe and efficient use of pesticides.

The Commissioner protects both businesses and consumers. The consumers are protected from fraud and deception and are assured marketing equity among producers and among shippers in the distribution of fruits, nuts, vegetables, eggs and honey by the uniform enforcement of quality standards. The Commissioner's Office also encourages the development of alternate disposal methods for substandard commodities to prevent waste.

The Agricultural Commissioners are today enforcing legislation of the basic quarantine sections that have stood for over 115 years. It has been the enforcement of these quarantine laws that has helped to keep California agriculture free from biological pollution caused by invasive insect and plant diseases found in other parts of the world.

The work of the Agricultural Commissioners is to be commended as their presence, dedication, knowledge, professionalism and hard work, has insured an adequate food supply for millions of people and a healthy economy for the State of California. Our Nation's residents as well as citizens of other nations are the beneficiaries of an amazing supply of agricultural products grown throughout the year in California. California, her farmers and Agricultural Commissioners can be proud of the first 125 years of service.

PAYING TRIBUTE TO LT. COL. GEORGE SHERMAN (RET.)

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor a true American hero, Lt. Col. George Sherman (Ret.) who will be celebrating his 80th birthday on April 17, 2006.

A distinguished member of the Las Vegas community, Lt. Col. George Sherman (Ret.) has dedicated his life to being a loving and devoted husband, father, and grandfather, achieving a brilliant career in the United States Army Air Corp-Air Force, and serving as a respected leader in his community.

In the early 1940's, while serving in the Army Air Corp-Air Force, Lt. Col. George Sherman (Ret.) earned the distinct honor of becoming one of the famed Tuskegee Airmen. Throughout his 22 year service in the United States Military, Lt. Col. George Sherman (Ret.) served as Aircraft Commander, Launch and Control Training Officer, and Chief of Ordnance Safety. Furthermore, while serving, he earned a Bachelor of Science degree in Sociology from the University of Illinois; and after retiring from the military in 1971, Lt. Col. George Sherman (Ret.) received a Masters of Arts in Public Administration.

Over his distinguished life, Lt. Col. George Sherman (Ret.) has shown a passion for aviation and community service. He was awarded the Silver Beaver Award, the highest honor of the Boy Scouts of America; he was a member

of Kappa Alpha Psi Fraternity, an organization that promotes minority brotherhood and leadership; he continues his connection to the Tuskegee Airmen Inc., represented on several occasions in the Las Vegas Sun and Review Journal newspapers; and has held memberships in Negro Aviation International (NAI), the Dadailians, and served on the Board of Directors of the Nevada Black Chamber of Commerce. Today, Lt. Col. George Sherman (Ret.) remains active in the pursuit of minority youth achievement in aviation, while maintaining his commitment of volunteer work within the Clark County community.

Mr. Speaker, It is an honor to recognize Lt. Col. George Sherman on the floor of the House today. I thank him for his services to this country and congratulate him on a wonderful eighty years.

TRIBUTE TO THE HAITIAN EVANGELICAL BAPTIST CHURCH OF MIAMI

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise to recognize the Haitian Evangelical Baptist Church of Miami on the occasion of the blessing of its new Sanctuary.

On Sunday, April 9, 2006, the Reverend David Eugene will lead the members of his congregation to celebrate this milestone of the Church, which sits in the heart of my District's North Dade community.

Founded in August 1980, this Church has unselfishly committed its ministry of bringing the message of salvation to newly-arrived Haitian immigrants. Part of its stewardship is an ongoing teaching component and counseling service that helps meet the needs of immigrant families as they strive to adapt to a new culture. It has also defined its outreach effort as to bring the ''whole gospel to the whole man,'' striving to empower the members of its congregation with their spiritual, emotional, mental and relational well-being, and to draw closer to other communities. Consistent with this philosophy of ministry, this Church has embarked on and supported many community projects to improve the quality of life of underprivileged Haitian children in the Miami-Dade community, and in Haiti as well.

Since its establishment 26 years ago, the prime focus of Church members has been the construction of a sanctuary where people of all races and cultural backgrounds can come together to worship. On its appointed hour at 3:30 p.m. on Sunday, this cherished dream will come to fruition when members of this Congregation will join their voices to those of many prominent members and supporters of this community to inaugurate this long-awaited sanctuary and give thanks to all those who have labored long and hard to ensure that this day would come.

Reverend Eugene has spearheaded not only a spiritual rejuvenation of the members of his Church, but he has also made magnificent strides in ensuring that their commitment to the mandate of the Gospel is defined by its outreach efforts to provide free and reduced-price daycare services to the children in the community, along with an after-school program for low-income families, dropout prevention, computer literacy and acculturation classes, voters' education and registration. It has also established free student tutorials, substance-abuse prevention counseling, along with counseling for dysfunctional families, parenting skills, and regular seminars on cultural diversity.

I am confident that this Church will continue to serve as an unerring instrument for good by evoking in us the centrality of God in our daily lives, conscious of the fact that mandate of our faith must define our charity, understanding and compassion for those who could least fend for themselves.

With the consecration of its Sanctuary on its 26th year of establishment, the Haitian Evangelical Baptist Church of Miami symbolizes a magnificent legacy for the perseverance and resilience of our Haitian community. I join Reverend Eugene and his congregation in celebrating this historic event. My genuine pride in sharing their friendship is only exceeded by my heartfelt gratitude and admiration for all that they have done to help the people of our community.

INCREASING AWARENESS OF KIDNEY DISEASE IN THE AFRICAN AMERICAN COMMUNITY

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. JEFFERSON. Mr. Speaker, as Congress recognizes National Minority Health Month, I join my colleagues, Congresswoman Christensen and Congressman Jefferson to increase awareness about the devastating effects of kidney disease on the African American community.

Both kidney failure and its precursor, Chronic Kidney Disease, CKD, disproportionately affect African Americans. Although only about 13 percent of the U.S. population, African Americans make up 32 percent of the patients treated for kidney failure. The American Heart Association reports that African Americans have a 4.2 times greater rate of kidney failure than white Americans. The Congressional Black Caucus is especially concerned about the growing prevalence of kidney disease because of this disproportionate impact.

Mr. Speaker, the leading causes of kidney disease are diabetes and high blood pressure, both of which also disproportionately affect African Americans. Diabetes occurs at twice the rate in the African American community than it does with Caucasians. High blood pressure affects 1 out of every 3 African American adults. According to the American Heart Association, the prevalence of hypertension in the African American community is among the highest in the world.

Mr. Speaker, African Americans are four times more likely to develop kidney failure than Caucasians. African Americans make up 12 percent of the population but account for 30 percent of people with kidney failure. Diabetes and high blood pressure account for about 70 percent of kidney failure in African Americans. A recent National Kidney Disease Education Program, NKDEP, survey of African Americans found that only 17 percent named kidney disease as a consequence of diabetes, and only eight percent named it as a consequence of high blood pressure. African American males ages 22–44 are 20 times more likely to develop kidney failure due to high blood pressure than Caucasian males in the same age group. Forty-five percent of African American men with kidney failure received late referrals to nephrologists. In some cases people were not aware they had a problem until they needed dialysis.

We must continue our strong support of the efforts of the kidney care community to meet the needs of these patients. We must fund education programs to raise awareness of the disease within the African American community. We must ensure that Medicare treats those who care for patients with kidney disease the same way it treats all other groups of providers—this means enacting an annual update mechanism to recognize inflation and other increases related to caring for these patients. Without equitable reimbursement, it will be difficult for the community to continue to meet the needs of the ever-growing patient population.

Supporting educational programs and high quality care not only improves quality of life for patients, but also reduces the cost to the overburdened Medicare program. Preventing kidney failure and improving care will result in substantial savings for the government. In addition, if treated early, individuals with kidney disease will experience an improved quality of life and be able to maintain more daily life activities, including keeping their jobs.

My colleagues and I applaud the efforts to increase awareness about this important issue and to show support for Americans living with kidney disease. We must act now to help Americans learn more about this deadly disease and how to prevent its development and progression to kidney failure.

TRIBUTE TO THE LATE DAVE PETERSON

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. MOORE of Kansas. Mr. Speaker, I rise to pay tribute to the late Dave Peterson, of Overland Park, Kansas, who died on March 20th. Dave was born March 31, 1951, to Harold and Josephine (Lewis) Peterson. He was a lifelong resident of the Kansas City area and married Cindy Peterson, with whom he had two daughters: Erica and Andrea Peterson, all of Overland Park. He is also survived by his sister Pat Higgins and brothers Harold Peterson, Jr., and John Peterson.

Dave Peterson was a member of United Auto Workers Local 31 since he began working at General Motors in 1976. He became the President of the local in 2002, a position he held until the time of his death. He was also the President of the Kansas State CAP Council, the AFL–CIO Tri-County Labor Council, was a past member of the executive board of the Wyandotte County United Way and was involved in numerous charity organizations throughout the community. He formerly served as an executive board member of the Kansas AFL–CIO. Dave worked at the GM-Fairfax facility in Kansas City, Kansas, for 30 years, starting on the production line and then going

through an apprenticeship program to become a skilled tradesman.

Mr. Speaker, the details of his life do not paint the full picture of the personality and influence that Dave Peterson brought to bear in the Kansas City metropolitan area. As Kevin O'Neill, the publisher of the Labor Beacon said in his paper's obituary concerning Dave: "Whenever I thought of Dave Peterson, I thought of passion. The man was full of passion. That is what made him a great leader. That is what made him a great man." As Garry Kemp, Business Manager for the Greater Kansas City Building Trades said, in the same article, "All who knew him will acknowledge that he wasn't bashful whenever he spoke, publicly or privately, regarding the working people and their equal rights to obtain an economically fair and just livelihood from the services rendered." Dave Peterson was a friend, neighbor and advisor of mine. His enthusiasm, integrity and dedication to the public interest will be sorely missed by all of us in public service in the Kansas City metro area. I echo the sentiments expressed on the Kansas Democratic Party's Web site concerning the passing of Dave Peterson: "Dave was a well-reasoned and common sense advisor to government and business leaders across the state. He was an active, passionate and vocal Democrat who never hesitated to tell anyone how he felt, and that he was proud to be a Democrat. Dave's leadership and dedication will be missed."

While Dave and I did not agree on every policy issue that came before Congress, I respected his counsel and welcomed his advice. Our community is richer for his having been among us and we are poorer today because we have lost him. Mr. Speaker, I include with this statement the obituary regarding Dave Peterson that was published in the Kansas City Star:

DAVE PETERSON, PRESIDENT OF UAW LOCAL, DIES AT 54

[From the Kansas City Star, Mar. 23, 2006]

(By Randolph Heaster)

Dave Peterson, a prominent local union leader, died Monday. He was 54.

Peterson became president of United Auto Workers Local 31 in 2002 and served as its recording secretary before that. He was also president of the AFL–CIO Tri-County Labor Council of Eastern Kansas.

Peterson's activism on behalf of causes supported by organized labor was well known among community and civic leaders. He and Local 31, which represents workers at the General Motors Fairfax assembly plant, also were active in United Way fundraising in Wyandotte County.

He put Local 31 on the map in the political arena and in the labor movement in general, said Jeff Manning, Local 31 vice president. He touched a lot of people, and he was always involved in charitable causes.

Peterson was one of the principal organizers of last year's Labor Day parade, the first in Kansas City in 13 years. He thought such a tradition was sorely needed to reinvigorate a labor movement that was still recovering from the setbacks of the 2004 elections.

We're looking for something to rally around, he said at the time. If we don't come together and show some solidarity, we're all going to wind up losing.

Peterson regularly attended a monthly breakfast meeting between union officials and local media members. That was where Gordon Clark said he got to know Peterson better and began working with him on various issues.

Dave was one of the best labor leaders that I've known, and I've looked up to him the last few years for guidance and leadership, said Clark, president of Transport Workers Union Local 530, which represents American Airlines workers. I was proud to know him. Clark said Peterson was quick to volunteer his time for training or teaching forums on matters affecting organized labor.

He always made the Local 31 union hall available for whoever needed a bigger space, Clark said.

Peterson worked at the Fairfax plant for 30 years. He survived a 21-month layoff when GM eliminated a second shift in the early 1980s. Peterson was president when GM decided to invest $500 million in the Fairfax plant to build the new Chevrolet Malibu. With a new Saturn passenger car also expected to come on line this year, the Fairfax plant survived GM's decision last fall to close several plants in an effort to become profitable.

After years of suffering through temporary shutdowns from slow sales in the 1980s and 1990s, the Fairfax plant's 3,000 employees have had steady work and overtime since the Malibu's introduction three years ago. But Peterson continued to warn the public about the trend among U.S. corporations to eliminate high-paying domestic jobs and opening plants in countries with cheap labor.

He was definitely a working man's friend, Manning said. If you worked hard, he believed you should be rewarded for that. He will be greatly missed.

ACCELERATING THE CREATION OF TEACHERS OF INFLUENCE FOR OUR NATION (ACTION) ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HOLT. Mr. Speaker, today I introduce the Accelerating the Creation of Teachers of Influence for Our Nation (ACTION) Act, a bill that creates highly qualified science, technology, engineering, and mathematics teachers for elementary and secondary classrooms across America.

The ACTION Act has two separate pieces. Through the scholarship portion we create teachers with a science, technology, engineering, and mathematics degree with teacher certification to raise scientific literacy and teach critical thinking, two necessary skills for our citizenry in the 21st century. Each student receiving this scholarship would have a teaching service requirement and if it is not fulfilled the scholarship reverts to a student loan. Students can also obtain their Masters in science, technology, engineering, mathematics, or education.

The competitive renewal university grants encourage universities or a consortium of universities to create these programs, thus augmenting the pool of potential institutions for these scholarship recipients to attend.

Recently Maine declared that they are retiring more science and mathematics teachers than are being produced by colleges and universities. The National Science Board Science and Engineering Indicators 2006 states that "out-of-field teaching (as measured by either lacking a certificate or a college major or minor in the assigned teaching) field is common. A maximum of twenty-eight percent of high school mathematics and science teachers lacked full certification in their teaching field in academic 2002."

As the global economy of the 21st century unfolds, scientific and engineering occupations are expected to continue to grow more rapidly than occupations in general. Out future workforce must be literate and fluent in both the technical and the scientific arenas. The decisions facing our Nation will also require these skills, as we move into uncharted waters with such topics as STEM cell research, nanotechnology, high-tech manufacturing, aerospace engineering, and biotechnology. Right now our 15-year-old students score below the international average on the Program for International Student Assessment which measures students' abilities to apply scientific and mathematical concepts and skills.

It is time to take action and make changes necessary for the future of our Nation, and move the ACTION Act forward.

PAYING TRIBUTE TO ST. ROSE HOSPITAL-SAN MARTIN CAMPUS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the St. Rose Hospital and their team of dedicated professionals who are committed to providing compassionate, high-quality, affordable health services. Moreover, St. Rose Hospital has a proud history of service to the communities of Nevada.

It is the principal goal of St. Rose Hospital to provide a health care ministry distinguished by excellent quality and committed to expanding access to medical care to deprived individuals. This mission is complemented by numerous community outreach programs, sponsored by the hospital, designed to assist those in need and improve the quality of life. Furthermore, St. Rose Hospital has a strong tradition of establishing programs to assist eligible uninsured patients gain access to government funded insurance programs, advancing their goal to help those individuals' access preventative and ongoing care beyond an emergency or acute health care need.

St. Rose Hospital is dedicated to promoting the wholeness of body, mind and spirit in the Dominican tradition of working with others to improve the health status of the community, and does so by providing premium health care services through team work and innovation. Their professional staff members reach out to patients, their families, and those in need outside of the hospitals, while their services focus on the healing concept of physical restoration of the body and the healing of the mind and soul.

Mr. Speaker, I am honored to recognize St. Rose Hospital on the floor of the House today. I commend them for their efforts to provide high-quality health care and improve the quality of life of the community, and I wish them the best in continuing their mission.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3167–S3346

Measures Introduced: Forty bills and five resolutions were introduced, as follows: S. 2556–2595, S.J. Res. 33, and S. Res. 434–437. **Pages S3211–12**

Measures Passed:

National Small Business Week: Senate agreed to S. Res. 435, honoring the entrepreneurial spirit of America's small businesses during National Small Business Week, beginning April 9, 2006. **Pages S3343–44**

Local Community Recovery Act: Senate passed H.R. 4979, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify the preference for local firms in the award of certain contracts for disaster relief activities, clearing the measure for the President. **Page S3344**

Honoring and Congratulating the Minnesota National Guard: Committee on Armed Services was discharged from further consideration of S. Con. Res. 85, honoring and congratulating the Minnesota National Guard, on its 150th anniversary, for its spirit of dedication and service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the Nation's citizen-soldier based militia, which was formed before the U.S. Army, has been and still is extremely important to the security and freedom of the Nation, and the resolution was then agreed to. **Pages S3344–45**

Honoring and Congratulating the Minnesota National Guard: Senate agreed to H. Con. Res. 371, honoring and congratulating the Minnesota National Guard, on its 150th anniversary, for its spirit of dedication and service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the Nation's citizen-soldier based militia, which was formed before the U.S. Army, has been and still is extremely important to the security and freedom of the Nation. **Page S3345**

Year of the Museum: Senate agreed to S. Res. 437, supporting the goals and ideals of the Year of the Museum. **Pages S3345–46**

National Peace Officers Memorial Service: Senate agreed to H. Con. Res. 360, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service. **Page S3346**

Securing America's Borders Act: Senate continued consideration of S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform, taking action on the following amendments proposed thereto: **Pages S3167–99**

Pending:

Specter/Leahy Amendment No. 3192, in the nature of a substitute. **Page S3167**

Kyl/Cornyn Amendment No. 3206 (to Amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status. **Page S3167**

Cornyn Amendment No. 3207 (to Amendment No. 3206), to establish an enactment date. **Page S3167**

Isakson Amendment No. 3215 (to Amendment No. 3192), to demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured. **Page S3167**

Dorgan Amendment No. 3223 (to Amendment No. 3192), to allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, and to limit the cost of passport cards or similar alternatives to passports to $20. **Page S3167**

Mikulski/Warner Amendment No. 3217 (to Amendment No. 3192), to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers. **Page S3167**

Santorum/Mikulski Amendment No. 3214 (to Amendment No. 3192), to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act. **Page S3167**

Nelson (FL) Amendment No. 3220 (to Amendment No. 3192), to use surveillance technology to protect the borders of the United States. **Page S3167**

Sessions Amendment No. 3420 (to the language proposed to be stricken by Amendment No. 3192), of a perfecting nature. **Page S3167**

Nelson (NE) Amendment No. 3421 (to Amendment No. 3420), of a perfecting nature. **Page S3167**

Frist Motion to Commit the bill to the Committee on the Judiciary with instructions to report back forthwith with an amendment in the nature of a substitute (Frist Amendment No. 3424). **Page S3346**

Frist Amendment No. 3425 (to the instructions to the motion to commit the bill to the Committee on the Judiciary), to establish an effective date. **Page S3346**

Frist Amendment No. 3426 (to Amendment No. 3425), of a technical nature. **Page S3346**

During consideration of this measure today, Senate also took the following action:

By 39 yeas to 60 nays (Vote No. 88), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on Specter/Leahy Amendment No. 3192, in the nature of a substitute (listed above). **Page S3177**

A unanimous-consent agreement was reached providing for further consideration of the bill at 8:30 a.m. on Friday, April 7, 2006; that there be 1 hour for debate equally divided between the Managers or their designees; that the Senate vote on the motion to invoke cloture on the Frist Motion to Commit (listed above) at approximately 9:45 a.m.; provided further, that with respect to the cloture motions filed on the motion to commit and the underlying bill, the mandatory Quorum required under rule XXII be waived. **Page S3346**

Nominations—Agreement: A unanimous-consent agreement was reached with respect to the motions to invoke cloture filed on Wednesday, April 5, 2006, on the nominations of Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense, and Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense, that the mandatory quorum under rule XXII be waived.

Executive Reports of Committees: Senate received the following executive report of a committee:

Report to accompany Mutual Legal Assistance Treaty with Japan (Treaty Doc. 108–12) and Mutual Legal Assistance Treaty with Germany (Treaty Doc. 108–27) (Ex. Rept. 109–14). **Page S3211**

Nominations Confirmed: Senate confirmed the following nominations:

Gordon England, of Texas, to be Deputy Secretary of Defense.

Benjamin A. Powell, of Florida, to be General Counsel of the Office of the Director of National Intelligence.

(Prior to the confirmation of the nominations (listed above), Senate vitiated the votes on the motions to invoke cloture on the nominations, respectively.) **Page S3346**

Nominations Received: Senate received the following nominations:

John Clint Williamson, of Louisiana, to be Ambassador at Large for War Crimes Issues.

John A. Cloud, Jr., of Virginia, to be Ambassador to the Republic of Lithuania.

Lurita Alexis Doan, of Virginia, to be Administrator of General Services.

R. David Paulison, of Florida, to be Under Secretary for Federal Emergency Management, Department of Homeland Security. **Page S3346**

Nominations Withdrawn: Senate received notification of withdrawal of the following nomination:

Robert M. Duncan, of Kentucky, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring June 10, 2009, which was sent to the Senate on April 4, 2005.

Messages From the House: **Page S3209**

Measures Referred: **Page S3209**

Measures Placed on Calendar: **Page S3209**

Executive Communications: **Pages S3209–11**

Executive Reports of Committees: **Page S3211**

Additional Cosponsors: **Pages S3212–13**

Statements on Introduced Bills/Resolutions: **Pages S3213–49**

Additional Statements: **Pages S3207–09**

Amendments Submitted: **Pages S3249–S3342**

Authorities for Committees to Meet: **Page S3342–43**

Record Votes: One record vote was taken today. (Total—88) **Page S3177**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 10:18 p.m., until 8:30 a.m., on Friday, April 7, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S3346.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: EPA

Committee on Appropriations: Subcommittee on Interior and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the Environmental Protection Agency, after receiving testimony from Stephen L. Johnson, Administrator, Marcus Peacock, Deputy Administrator, and Benjamin Grumbles, Assistant Administrator, Office of Water, all of the Environmental Protection Agency.

APPROPRIATIONS: DEPARTMENT OF THE TREASURY

Committee on Appropriations: Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the Department of the Treasury, after receiving testimony from John Snow, Secretary, Stuart Levey, Under Secretary for Terrorism and Financial Intelligence, and Janice B. Gardner, Assistant Secretary for Intelligence and Analysis, all of the Department of the Treasury.

BORDER SECURITY

Committee on Appropriations: Subcommittee on Homeland Security concluded a hearing to examine the United States Coast Guard's role in border and maritime security, focusing on port infrastructure and ports of entry in the United States, and terrorist targets including ferries, cruise ships, and fuel vessels, after receiving testimony from Vice Admiral Thad Allen, Chief of Staff, Commandant, U.S. Coast Guard, Department of Homeland Security.

DISTRICT OF COLUMBIA HEALTHCARE

Committee on Appropriations: Subcommittee on the District of Columbia concluded a hearing to examine healthcare in the District of Columbia, focusing on access to primary care and affordable health insurance, after receiving testimony from Brenda Donald Walker, Deputy Mayor for Children, Youth, Families and Elders, Government of the District of Columbia; Randall R. Bovbjerg, Urban Institute, Sharon A. Baskerville, District of Columbia Primary Care Association, Maria Gomez, Mary's Center for Maternal and Child Care, Lawrence H. Mirel, Wiley Rein and Fielding, LLP, Edmund F. Haislmaier, Heritage Foundation, and Christine Reesor, DC Spanish-Catholic Center Medical Clinic of Catholic Community Services, all of Washington, D.C.

APPROPRIATIONS: NATIONAL NUCLEAR SECURITY ADMINISTRATION

Committee on Appropriations: Subcommittee on Energy and Water concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the National Nuclear Security Administration, after receiving testimony from Linton F. Brooks, Under Secretary of Energy for Nuclear Security and Administrator, National Nuclear Security Administration.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on SeaPower concluded a hearing to examine the proposed defense authorization request for fiscal year 2007, focusing on navy shipbuilding, after receiving testimony from Delores M. Etter, Assistant Secretary for Research, Development, and Acquisition, Rear Admiral Mark J. Edwards, USN, Director for Warfare Integration, N8F, and Rear Admiral Samuel J. Locklear, III, USN, Director for Programming Division, N80, both of the Office of the Chief of Naval Operations, all of the Department of the Navy; Damien Bloor, First Marine International Limited, United Kingdom; and John F. Schank, RAND Corporation, Arlington, Virginia.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Strategic Forces concluded a hearing to examine the proposed defense authorization request for fiscal year 2007, focusing on military space programs, after receiving testimony from Ronald M. Sega, Under Secretary of the Air Force; Rear Admiral Kenneth W. Deutsch, USN, Director, Net-Centric Warfare Division, Office of the Chief of Naval Operations; Lieutenant General Kevin P. Chilton, USAF, Joint Functional Component Commander for Space and Global Strike, U.S. Strategic Command; Lieutenant General Michael A. Hamel, USAF, Commander, Space and Missile Systems Center, Air Force Space Command; and Cristina T. Chaplain, Acting Director, Acquisition and Sourcing Management Team, Government Accountability Office.

OFFSHORE AQUACULTURE

Committee on Commerce, Science, and Transportation: Subcommittee on National Ocean Policy Study concluded a hearing to examine offshore aquaculture, focusing on current proposals to regulate offshore aquaculture operations, discuss research in this field being conducted off the coasts of New England and Hawaii, and the impacts that expanded aquaculture operations would have on fishermen, seafood processors, and consumers, after receiving testimony from Bill Hogarth, Director, National Marine Fisheries

Service, National Oceanic and Atmospheric Administration, Department of Commerce; Richard Langan, University of New Hampshire Open Ocean Aquaculture Project, Durham; John R. Cates, Cates International Inc., Kailua, Hawaii; Mark Vinsel, United Fishermen of Alaska, Juneau; Rebecca Goldburg, Environmental Defense, New York, New York; and Sebastian Belle, Maine Aquaculture Association, Hallowell.

LAND BILLS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 1510, to designate as wilderness certain lands within the Rocky Mountain National Park in the State of Colorado, S. 1719 and H.R. 1492, bills to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, S. 1957, to authorize the Secretary of Interior to convey to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail, S. 2034 and H.R. 394, bills to direct the Secretary of the Interior to conduct a study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and assess the suitability and feasibility of including the farm in the National Park System as part of the Minute Man National Historical Park, S. 2252, to designate the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, as the National Museum of Wildlife Art of the United States, and S. 2403, to authorize the Secretary of the Interior to include in the boundaries of the Grand Teton National Park land and interests in land of the GT Park Subdivision, after receiving testimony from Sue Masica, Associate Director, Park Planning, Facilities, and Lands, National Park Service, Department of the Interior; and Gerald H. Yamada, O'Connor and Hannan LLP, Washington, D.C., on behalf of the Japanese American National Heritage Coalition.

HEALTH CARE COVERAGE

Committee on Finance: Committee held a hearing to examine challenges and opportunities relating to health care coverage for small businesses, focusing on the employer-based system in the United States and the impact of health care cost growth and state regulation of health insurance rates, receiving testimony from Senators Durbin and DeMint; Joseph E. Rossman, Associated Builders and Contractors, Inc., Arlington, Virginia, on behalf of the Small Business Health Plan Coalition; and Len M. Nichols, New America Foundation, Todd O. McCracken, National Small Business Association, and Deborah Chollet, Mathematica Policy Research, Inc., all of Washington, D.C.

Hearing recessed subject to the call.

LONG-TERM ECONOMIC GROWTH

Committee on Finance: Subcommittee on Long-Term Growth and Debt Reduction held a hearing to examine if America is saving enough to be competitive in the global marketplace relating to saving for the 21st century, focusing on current saving decisions and their implications for long-term economic growth, receiving testimony from Thomas J. McCool, Director, Center for Economics, Applied Research and Methods, Government Accountability Office; Jurrien Timmer, Fidelity Investments, Boston, Massachusetts; Barry P. Bosworth and Lael Brainard, both of The Brookings Institution, Washington, D.C.

Hearings recessed subject to the call.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Mark C. Minton, of Florida, to be Ambassador to Mongolia, after the nominee testified and answered questions in his own behalf.

SMALL BUSINESS ADMINISTRATION

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded a hearing to examine the effectiveness of the Small Business Administration, focusing on SBA programs and their financial impact on the budget and economy, after receiving testimony from Representative Kelly; Hector Barreto, Administrator, Small Business Administration; William B. Shear, Director, Financial Markets and Community Investment, Government Accountability Office; Veronique de Rugy, American Enterprise Institute, Washington, D.C.; Jonathan J. Bean, Southern Illinois University, Carbondale; David H. Bartram, U.S. Bank, San Diego, California, on behalf of National Association of Government Guaranteed Lenders, Inc.; and John Pointer, Nashville, Tennessee.

ORPHAN WORKS

Committee on the Judiciary: Subcommittee on Intellectual Property concluded a hearing to examine proposals for a legislative solution relating to orphan works, focusing on enactment of legislation as a catalyst necessary to prompt non-legal, marketplace reforms that will most efficiently address the problems identified by photographers and creators of visual images, after receiving testimony from Jule L. Sigall,

Associate Register for Policy and International Affairs, U.S. Copyright Office, Library of Congress; Victor S. Perlman, American Society of Media Photographers, Inc., Philadelphia, Pennsylvania; June V. Cross, Columbia University, and Maria Pallante, Solomon R. Guggenheim Foundation (Guggenheim Museum), both of New York, New York; Brad Holland, Illustrators' Partnership of America, Marshfield, Massachusetts; Thomas C. Rubin, Microsoft Corporation, Redmond, Virginia; and Rick Prelinger, Prelinger Archives, San Francisco, California, on behalf of the Internet Archive.

VA'S CAPITAL PLAN

Committee on Veterans Affairs: Committee concluded a hearing to examine the Department of Veterans Affairs 5-year capital construction plan, focusing on the VA's portfolio management approach and how the Capital Asset Realignment for Enhanced Services (CARES) process and the Enhanced-Use Leasing program play an integral role in the management of VA's portfolio, after receiving testimony from Senators Allard, Nelson of Florida, and Martinez; Jonathan B. Perlin, Under Secretary for Health, James M. Sullivan, Deputy Director, Office of Asset Enterprise Management, and Robert L. Neary, Jr., Acting Chief and Associate Chief, Facilities Management Officer for Service Delivery, all of the Department of Veterans Affairs; and Dennis M. Cullinan, Veterans of Foreign Wars of the United States, Washington, D.C.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

SENIOR EMPLOYMENT AND COMMUNITY SERVICE

Special Committee on Aging: Committee concluded a hearing to examine employment and community service for low-income seniors, focusing on what effect the Older Americans Act Amendments have had on the distribution of the Senior Community Service Employment Program (SCSEP) funds to national and state grantees, describe the progress Labor has made in implementing the enhanced performance accountability system, and identify the challenges faced by national and state grantees in managing the SCSEP program, after receiving testimony from Sigurd R. Nilsen, Director, Education, Workforce, and Income Security Issues, Government Accountability Office; John R. Beverly, III, Administrator, Office of National Programs, Employment and Training Administration, Department of Labor; Melinda M. Adams, Idaho Commission on Aging, Boise; Shauna O'Neil, Salt Lake County Aging Services, Salt Lake City, Utah; and Carol Salter, Easter Seals, Inc., Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 56 public bills, H.R. 5112–5167; 1 private bill, H.R. 5168; and 11 resolutions, H. Con. Res. 381–388; and H. Res. 769–771 were introduced.

Pages H1676–80

Additional Cosponsors: **Pages H1680–82**

Reports Filed: Report were filed today as follows:

H.R. 4973, to restore the financial solvency of the national flood insurance program (H. Rept. 109–410);

H.R. 5020, to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with an amendment (H. Rept. 109–411);.

H.R. 4411, to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes, with an amendment (H. Rept. 109–412, Pt. 1); and

Conference report to accompany H.R. 889, to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, (H. Rept. 109–413). **Pages H1640–64, H1676**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Steven T. Cherry, President, Wesley Enhanced Living at Heritage Towers, Doylestown, Pennsylvania. **Page H1565**

Concurrent Resolution on the Budget for FY 2007: The House began consideration of H. Con. Res. 376, establishing the congressional budget for

the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011. Further consideration will resume at a later date.

Pages H1568–78, H1578–H1609

H. Res. 766, the rule providing for consideration of the measure was agreed to by a recorded vote of 225 ayes to 196 noes, Roll No. 92, after agreeing to order the previous question by a yea-and-nay vote of 226 yeas to 199 nays, Roll No. 91. **Pages H1568–78**

Tax Relief Extension Reconciliation Act of 2005—Motion to Instruct Conferees: The House rejected the Cardin motion to instruct conferees on H.R. 4297, to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006, by a yea-and-nay vote of 196 yeas to 232 nays, Roll No. 94, after the previous question was ordered without objection.

Pages H1609–15, H1621–22

Pension Protection Act of 2005—Motion to Instruct Conferees: The House agreed to the Miller of California motion to instruct conferees on H.R. 2830, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, by a yea-and-nay vote of 248 yeas to 178 nays, Roll No. 93, after the previous question was ordered without objection. **Pages H1615–21**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, April 5th:

Concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania: H. Res. 578, concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania, by a yea-and-nay vote of 428 yeas with none voting "nay", Roll No. 95; **Pages H1622–23**

Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience: H. Con. Res. 320, amended, to call on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience, by a yea-and-nay vote of 425 yeas to 1 nay, Roll No. 96; **Page H1623**

Supporting the goals and ideals of Financial Literacy Month: H. Res. 737, to support the goals and ideals of Financial Literacy Month, by a yea-and-nay vote of 423 yeas to 1 nay, Roll No. 97;

Pages H1623–24

Expressing the sense of the House of Representatives that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic: H. Res. 556, to express the sense of the House of Representatives that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic, by a yea-and-nay vote of 421 yeas to 2 nays, Roll No. 98; and **Pages H1624–25**

Congratulating the National Aeronautics and Space Administration on the 25th anniversary of the first flight of the Space Transportation System, to honor Commander John Young and the Pilot Robert Crippen, who flew Space Shuttle Columbia on April 12–14, 1981, on its first orbital test flight, and to commend the men and women of the National Aeronautics and Space Administration and all those supporting America's space program for their accomplishments and their role in inspiring the American people: H. Con. Res. 366, to congratulate the National Aeronautics and Space Administration on the 25th anniversary of the first flight of the Space Transportation System, to honor Commander John Young and the Pilot Robert Crippen, who flew Space Shuttle Columbia on April 12–14, 1981, on its first orbital test flight, and to commend the men and women of the National Aeronautics and Space Administration and all those supporting America's space program for their accomplishments and their role in inspiring the American people, by a yea-and-nay vote of 422 yeas with none voting "nay", Roll No. 99. **Page H1625**

Spring District Work Period: The House agreed to H. Con. Res. 382, providing for a conditional adjournment of the House and a conditional recess or adjournment of the Senate. **Pages H1625–26**

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at 2 p.m. on Monday, April 10, 2006 unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 382, in which case the House shall stand adjourned pursuant to that concurrent resolution. **Page H1626**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, April 26. **Page H1626**

Agreed by unanimous consent that it should be in order at any time to consider in the House H. Res. 764. **Page H1626**

Recognizing and honoring firefighters for their many contributions throughout the history of the Nation: The House agreed to H. Res. 764, to recognize and honor firefighters for their many contributions throughout the history of the Nation, by voice vote. **Pages H1626–27**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions through April 25, 2006. **Page H1627**

Senate Message: Message received from the Senate today appear on page H1565.

Quorum Calls—Votes: Eight yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H1576–77, H1577–78, H1621, H1621–22, H1622–23, H1623, H1623–24, H1624–25, H1625. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 11:45 p.m., pursuant to the provisions of H. Con. Res. 382, it stands adjourned until 2 p.m. on Monday, April 10, unless it sooner has received a message from the Senate transmitting its adoption of the concurrent resolution, in which case the House shall stand adjourned until 2 p.m. on Tuesday, April 25, 2006.

Committee Meetings

DEPARTMENT OF LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies held a hearing on NIH. Testimony was heard from Elias A. Zerhouni, M.D., Director, NIH, Department of Health and Human Services.

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HUD, THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies held a hearing on the District of Columbia. Testimony was heard from the following officials of the District of Columbia: Anthony Williams, Mayor; Natwar Gamdi, Chief Financial Officer; and Linda Cropp, Chairman, Council.

ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on Oversight of DOE's Waste Treatment Plant at Hanford. Testimony was heard from Gene Aloise, Director, Natural Resources and Environment, GAO; Kim Callan, Chief of the Cost of Engineering Directory of Expertise and the Project Manager of the Independent Review Team, U.S. Army Corps of Engineers; James A. Rispoli, Assistant Secretary, Environmental Management; Department of Energy; A.J. Eggenberger, Chairman, Defense Nuclear Facilities Safety Board; and a public witness.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Secure Border Initiative/Immigrations Custom Enforcement/Customs Border Protection. Testimony was heard from the following officials of the Department of Homeland Security: Gregg Giddens, Director, Secure Border Initiative Office; Deborah Spero, Acting Commissioner, Customs and Border Protection Commission; and Julie Myers, Assistant Secretary, Immigration and Customs Enforcement.

MILITARY QUALITY OF LIFE, AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Quality of Life, and Veterans Affairs, and Related Agencies held a hearing on Veterans Affairs. Testimony was heard from R. James Nicholson, Secretary of Veterans Affairs.

SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Science, the Departments of State, Justice, and Commerce, and Related Agencies held a hearing on DEA. Testimony was heard from Karen P. Tandy, Administrator, DEA, Department of Justice.

The Subcommittee also continued appropriation hearings. Testimony was heard from Members of Congress.

MILITARY, COMPENSATION AND BENEFITS

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on policy, compensation, and benefits overview. Testimony was heard

from the following officials of the Department of Defense: David S.C. Chu, Under Secretary, Personnel and Readiness; LTG Franklin L. Hagenbeck, USA, Deputy Chief of Staff, Personnel, G1, Department of the Army; VADM John C. Harvey, USN, Chief of Naval Personnel, Department of the Navy; LTG Roger A. Brady, USAF, Deputy Chief of Staff, Personnel, A1, Department of the Air Force; and LTG H.P. Osman, USMC, Deputy Commandant, U.S. Marine Corps.

NAVY'S ENERGY-EFFICIENT PROPULSION

Committee on Armed Services: Subcommittee on Projection Forces held a hearing on Integration of Energy-Efficient Propulsion Systems for Future U.S. Navy Vessels. Testimony was heard from the following officials of the Department of the Navy: RADM Bernard J. McCullough, USN, Director, Surface Warfare (N86); RADM Joseph A. Walsh, USN, Director, Submarine Warfare Division (N87); RADM William E. Landay, III, USN, Chief of Naval Research; and RADM Kevin McCoy, USN, Deputy Commander, Naval Sea Systems Command, Ship Design, Integration and Engineering; Ronald O'Rourke, Specialist in National Defense, Congressional Research Service, Library of Congress; and a public witness.

NAVY TRANSFORMATION

Committee on Armed Services: Subcommittee on Readiness held a hearing on Navy Transformation. Testimony was heard from John Jamian, Acting Administrator, Maritime Administration, Department of Transportation; and VADM Justin D. McCarthy, USN, Director, Material Readiness and Logistics, Department of the Navy.

DEFENSE UAVS/SURVEILLANCE

Committee on Armed Services: Subcommittee on Tactical Air and Land Forces held a hearing on Fiscal Year 2007 National Defense Authorization budget request—Unmanned Aerial Vehicles (UAVs) and Intelligence, Surveillance, and Reconnaissance (ISR) Capabilities. Testimony was heard from the following officials of the GAO: Sharon Pickup, Director, Defense Capabilities and Management; and Michael J. Sullivan, Director, Acquisition and Sourcing Management; and the following officials of the Department of Defense: Lolita Long, Deputy Under Secretary, (Policy, Requirements, and Resources); BG Stephen Mundt, USA, Army Director of Aviation, Office of the Deputy Chief of Staff for Operations; RADM Bruce Clingan, USN, Deputy Director, Naval Air Warfare Division; LTG John G. Castellaw, USMC, Deputy Commandant, Aviation, U.S. Marine Corps; and MG Stanley Gorenc, USAF, Director, Operational Capability Requirements, U.S. Air Force.

DEFENSE IT/TRANSFORMATION

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on information technology issues and defense transformation. Testimony was heard from the following officials of the Department of Defense: John J. Grimes, Assistant Secretary (Networks and Information Integration); LTG Charlie Croom, USAF, Director, Defense Information Systems Agency; LTG Steven W. Boutelle, USA, Chief Information Officer, Department of the Army; Dave Wennergren, Chief Information Officer, Department of the Navy; BG George J. Allen, USMC, Chief Information Officer, U.S. Marine Corps; LTG Michael Petersen, USAF, Chief Information Officer, Department of the Air Force; Paul Brinkley, Deputy Under Secretary, Business Transformation; and Thomas Modly, Deputy Under Secretary, Financial Management, both with the Business Transformation Agency.

U.S. COMPETITIVENESS

Committee on Education and the Workforce: Held a hearing entitled "Building America's Competitiveness: Examining What Is Needed To Compete in a Global Economy." Testimony was heard from Elaine L. Chao, Secretary of Labor; Margaret Spellings, Secretary of Education; and public witnesses.

PROJECT BIOSHIELD REAUTHORIZATION

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "Project Bioshield Reauthorization Issues." Testimony was heard from Alex M. Azar, Deputy Secretary, Department of Health and Human Services; and Jean D. Reed, Special Assistant, Chemical and Biological Defense and Chemical Demilitarization Programs, Office of the Assistant to the Secretary, Nuclear and Chemical Biological Defense, Department of Defense, and public witnesses.

INTERNET CHILD PREDATORS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations continued hearings entitled "Sexual Exploitation of Children Over the Internet: What Parents, Kids, and Congress Need To Know About Child Predators." Testimony was heard from the following officials of the Department of Justice: William W. Mercer, Principal Associate Deputy Attorney General, U.S. Attorney for the District of Montana; Frank Kardasz, Sgt Phoenix Police Department, Project Director, Arizona Internet Crimes Against Children Task Force; and Flint Waters, Lead Special Agent, Wyoming Division of Criminal Investigation, Internet Crimes Against Children Task Force Technology Center; and Chris

Swecker, Acting Assistant Executive Director, FBI; James Plitt, Director, Cyber Crimes Center, Office of Investigations; and John P. Clark, Deputy Assistant Secretary, both with the U.S. Immigration and Customs Enforcement, Department of Homeland Security; and the following officials of the Postal Inspection Service, U.S. Postal Service: William E. Kezer, Deputy Chief Inspector; and Raymond C. Smith, Assistant Inspector in Charge, Child Pornography and Adult Obscenity; and a public witness.

FOREIGN COUNTER-TERRORISM ASSISTANCE

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled "Counter-Terrorism Financing Foreign Training and Assistance: Progress since 9/11." Testimony was heard from David M. Walker, Comptroller, GAO; Gerald M. Feierstein, Deputy Coordinator, Programs and Plans, Department of State; William Larry McDonald, Deputy Assistant Secretary, Technical Assistance Policy, Department of the Treasury; and Barry M. Sabin, Deputy Assistant Attorney General, Department of Justice.

MISCELLANEOUS MEASURES; INVESTIGATIVE REPORTS

Committee on Government Reform: Ordered reported the following bills: H.R. 4975, amended, Lobbying Accountability and Transparency Act of 2006; and H.R. 5112, Executive Branch Reform Act of 2006.

The Committee also approved the following Investigative Reports: "Strengthening Disease Surveillance" and "Updating Nuclear Security Standards: How Long Can the Department of Energy Afford To Wait?"

INTERNATIONAL DISASTER ASSISTANCE

Committee on Government Reform: Held a hearing entitled "Looking a Gift Horse in the Mouth: A Post-Katrina Review of International Disaster Assistance." Testimony was heard from the following officials of the Department of Defense: Scott Rowell, Deputy Assistant Secretary, Defense for Homeland Security (Strategy, Plans, and Resources); and Davi M. D'Agostino, Director, Defense Capabilities and Management; the following officials of the Department of State: Deborah McCarthy, Director, Hurricane Katrina Task Force Working Group; and Gregory C. Gottlieb, Acting Director, Office of U.S. Foreign Disaster Assistance, U.S. Agency for International Development; Casey Long, Acting Director, Office of International Affairs, FEMA, Department of Homeland Security; and Hudson LaForce, Senior Counsel to the Secretary, Department of Education.

HOMELAND SECURITY AND PERSONAL PRIVACY

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled "Protection of Privacy in the DHS Intelligence Enterprise." Testimony was heard from Maureen Cooney, Acting Chief Privacy Officer, Department of Homeland Security; and public witnesses.

BRIEFING—NATIONAL STRATEGY FOR PANDEMIC INFLUENZA

Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack and the Subcommittee on Emergency Preparedness, Science, and Technology met in executive session to receive a briefing on the implementation plan for the President's National Strategy for Pandemic Influenza. The Subcommittees were briefed by departmental witnesses.

LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT

Committee on House Administration: Ordered reported H.R. 4975, Lobbying Accountability and Transparency Act of 2006.

PALESTINIAN ANTI-TERRORISM ACT; RESOLUTION CONGRATULATING SUCCESSFUL COMPLETION OF THE WINTER OLYMPICS

Committee on International Relations: Ordered reported, as amended, H.R. 4681, Palestinian Anti-Terrorism Act of 2006.

The Committee also approved a motion urging the chairman to request that the following resolution be considered on the Suspension Calendar: H. Res. 697, Congratulating the people and Government of Italy, the Torino Olympic Organizing Committee, the International Olympic Committee, the United States Olympic Committee, the 2006 United States Olympic Team, and all international athletes upon the successful completion of the 2006 Olympic Winter Games in Turin, Italy.

ARCHBISHOP OCAMPO KILLING; MISCELLANEOUS MEASURES

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations approved for full Committee action, as amended, the following measures: H.R. 4423, Ethiopia Consolidation Act of 2005; and H. Res. 608, Condemning the escalating levels of religious persecution in the People's Republic of China.

The Subcommittee also held a hearing on An End to Impunity: Investigating the 1993 Killing of

Mexican Archbishop Juan Jesus Posadas Ocampo. Testimony was heard from public witnesses.

TERRORISM AND BORDER SECURITY

Committee on International Relations: Subcommittee on International Terrorism and Nonproliferation held a hearing on Checking Terrorism at the Border. Testimony was heard from Michael J. Maxwell, former Director, Office of Security and Investigations, U.S. Citizenship and Immigration Services, Department of Homeland Security; and a public witness.

SADDAM HUSSEIN'S DOCUMENTS

Committee on International Relations: Subcommittee on Oversight and Investigations held a hearing on the Iraqi Documents: A Glimpse Into the Regime of Saddam Hussein. Testimony was heard from Daniel Butler, Senior Advisor to the Deputy Director of National Intelligence Open Source, Office of the Director of National Intelligence; and the following officials of the Joint Forces Command, Department of Defense: BG Anthony A. Cucolo, III, USA, Director, Joint Center for Operational Analysis; and LTC Kevin M. Woods, USA (Ret.), Project Leader and Principal Author of Iraqi Perspective Project; and a public witness.

OVERSIGHT—DEPARTMENT OF JUSTICE

Committee on the Judiciary: Held an oversight hearing entitled ''The United States Department of Justice.'' Testimony was heard from Alberto Gonzales, the Attorney General, Department of Justice.

FUELING RENEWABLE AND ALTERNATIVE ENERGY IN AMERICA—ROLE OF THE FEDERAL GOVERNMENT AND FEDERAL LANDS

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on the Role of the Federal Government and Federal Lands in Fueling Renewable and Alternative Energy in America. Testimony was heard from Wayne Arny, Deputy Assistant Secretary, Installations and Facilities, Department of the Navy; Leland Roy Mink, Manager, Office of Geothermal Technology, Department of Energy; Marcia Patton-Mallory, National Biomass and Bio-Energy Coordinator, Forest Service, USDA; and Brenda Aird, Ombudsman for Renewable Energy, Department of the Interior.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries and Oceans held a hearing on the following bills: H.R. 138, to revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA–06P; H.R. 479, To replace a Coastal Barrier Resources System map relating to Coastal Barrier Resources System Grayton Beach Unit FL–95P in Walton County, Florida; H.R. 1656, To correct maps depicting Unit T–10 of the John H. Chafee Coastal Barrier Resources System; H.R. 3280, To exempt certain coastal barrier areas in Florida from Limitations on Federal expenditures and financial assistance under the Coastal Barriers Resources Act, and limitations on flood insurance coverage under the National Flood Insurance Act of 1968; and H.R. 4165, to clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL–64P. Testimony was heard from Representatives Kingston and Mack; Mamie Parker, Assistant Director, Fisheries and Habitat Conservation, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

OVERSIGHT—NATIONAL PARK SERVICE VISITATION TRENDS

Committee on Resources: Subcommittee on National Parks held an oversight hearing on Visitation Trends in the National Park System. Testimony was heard from the following officials of the National Park Service, Department of the Interior: Marcia Blaszak, Regional Director, Alaska Region; and Pat Hooks, Regional Director, Southeast Region; Mike Cerletti, Secretary of Tourism, State of New Mexico; and public witnesses.

OVERSIGHT—CALIFORNIA WATER SUPPLIES

Commitee on Resources: Subcommittee on Water and Power held an oversight hearing entitled ''Protecting Sacramento/San Joaquin Bay-Delta Water Supplies and Responding to Catastrophic Failures in California Water Deliveries.'' Testimony was head from BG Joseph Schroedel, USA, Commander and Division Engineer, South Pacific Division, U.S. Army Corps of Engineers; William Lokey, Operations Branch Chief, Response Division, FEMA, Department of Homeland Security; Kirk Rodgers, Regional Director, Mid-Pacific Region, Bureau of Reclamation, Department of the Interior; Lester Snow, Director, Department of Water Resources, State of California; and public witnesses.

GLOBAL NUCLEAR ENERGY PARTNERSHIP

Committee on Science: Subcommittee on Energy held a hearing on Assessing the Goals, Schedule, and Costs of the Global Nuclear Energy Partnership. Testimony was heard from Shane Johnson, Deputy Director, Technology, Office of Nuclear Energy Science and Technology, Department of Energy; and public witnesses.

SMALL HEALTHCARE GROUPS/ELECTRONIC RECORDS

Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing entitled "Can Small Healthcare Groups Feasibly Adopt Electronic Medical Records Technology?" Testimony was heard from Representative Gingrey; and public witnesses.

OVERSIGHT—NATIONAL LEVEE SAFETY PROGRAM ACT

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held an oversight hearing on H.R. 4650, National Levee Safety Program Act of 2005. Testimony was heard from MG Don T. Riley, USA Director, Civil Works, U.S. Army Corps of Engineers; and public witnesses

VETERANS LEGISLATION

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing on the following measures: H.R. 23, Belated Thank You to the Merchant Marines of World War II Act of 2005; H.R. 601, Native American Veterans Cemetery Act of 2005; H.R. 2188, To amend title 38, United States Code, to authorize the placement in a national cemetery of memorial markers for the purpose of commemorating service members or other persons whose remains are interred in an American Battle Monuments Commission cemetery; H.R. 2963, Dr. James Allen Disabled Veterans Equity Act; H.R. 4843, Veterans' Compensation Cost-of-Living Adjustment Act of 2006; H.R. 5037, Respect for America's Fallen Heroes Act; and H.R. 5038, To amend title 38, United States Code, to extend and expand the application of the Department of Veterans Affairs benefit for Government markers for marked graves of veterans buried in private cemeteries and to provide Government markers or memorial headstones for deceased dependent children of veterans whose remains are unavailable for burial. Testimony was heard from Representatives Rogers of Michigan, Chabot, Reyes, Filner, Baldwin, Langevin, and Udall of New Mexico; William F. Tuerk, Under Secretary, Memorial Affairs, National Cemetery Administration, Department of Veterans Affairs; John C. Metzler, Jr., Superintendent, Arlington National Cemetery, Department of the Army; and representatives of veterans organizations.

HEALTH INFORMATION TECHNOLOGY (IT)

Committee on Ways and Means: Subcommittee on Health held a hearing on health information technology (IT). Testimony was heard from the following officials of the Department of Health and Human Services: David Brailer, M.D., Technology Coordinator; and Lewis Morris, Chief Counsel to the Inspector General; and public witnesses.

TAX SEASON/IRS BUDGET

Committee on Ways and Means: Subcommittee on Oversight held a hearing on the 2006 tax return filing season, the Internal Revenue Service budget for fiscal year 2007, and other issues in tax administration. Testimony was heard from of the Department of the Treasury: Mark W. Everson, Commissioner, IRS; and J. Russell George, Inspector General, Tax Administration; Raymond T. Wagner, Chairman, Internal Revenue Service Oversight Board; James R. White, Director, Tax Issues, GAO; and public witnesses.

BRIEFING—GLOBAL UPDATES/HOTSPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Global Updates/Hotspots. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, APRIL 7, 2006

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Armed Services, hearing on building the capacity of foreign military forces, 10 a.m., 2118 Rayburn.

Committee on Government Reform, hearing entitled "Out at Home: Why Most Nats Fans Can't See Their Team on TV," 12:30 p.m., 2154 Rayburn.

Committee on the Judiciary, Task Force on Telecom and Antitrust, oversight hearing on Network Neutrality: Competition, Innovation, and Nondiscriminatory Access, 10 a.m., 2141 Rayburn.

Next Meeting of the SENATE

8:30 a.m., Friday, April 7

Senate Chamber

Program for Friday: Senate will continue consideration of S. 2454, Securing America's Borders Act, with a vote on the motion to invoke cloture on the pending motion to commit to occur at approximately 9:45 a.m.; following which, if cloture is not invoked, Senate will then vote on the motion to invoke cloture on the bill.

Also, Senate will resume consideration of the nominations of Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense, and Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense, with votes on the motions to invoke cloture on each nomination, respectively.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, April 25

House Chamber

Program for Tuesday, April 25, 2006: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Berman, Howard L., Calif., E524
Berry, Marion, Ark., E536, E537, E538, E540
Boustany, Charles W., Jr., La., E529
Camp, Dave, Mich., E531
Cardin, Benjamin L., Md., E532
Case, Ed, Hawaii, E539
Castle, Michael N., Del., E546, E547
Conyers, John, Jr., Mich., E545
Costa, Jim, Calif., E546, E547, E549
Doyle, Michael F., Pa., E533
Edwards, Chet, Tex., E528
Farr, Sam, Calif., E537, E545
Fox, Virginia, N.C., E536
Hall, Ralph M., Tex., E544
Higgins, Brian, N.Y., E526, E540, E542, E545
Holt, Rush D., N.J., E546, E547, E549, E551
Jefferson, William J., La., E550
Jones, Stephanie Tubbs, Ohio, E548
Kennedy, Mark R., Minn., E528
Kildee, Dale E., Mich., E523
Knollenberg, Joe, Mich., E543
Kucinich, Dennis J., Ohio, E531, E532, E534, E535
Levin, Sander M., Mich., E541, E543
Lewis, Jerry, Calif., E542
Lofgren, Zoe, Calif., E536
McCarthy, Carolyn, N.Y., E532
McGovern, James P., Mass., E529
McKeon, Howard P. ''Buck'', Calif., E543
McNulty, Michael R., N.Y., E544
Matsui, Doris O., Calif., E530
Meek, Kendrick B., Fla., E529, E550
Moore, Dennis, Kans., E533, E550
Musgrave, Marilyn N., Colo., E534
Neugebauer, Randy, Tex., E545
Norton, Eleanor Holmes, D.C., E547
Otter, C.L. ''Butch'', Idaho, E544
Poe, Ted, Tex., E539
Porter, Jon C., Nev., E546, E548, E549, E551
Price, David E., N.C., E539
Rangel, Charles B., N.Y., E537
Reyes, Silvestre, Tex., E540, E542
Rogers, Mike, Ala., E528
Ross, Mike, Ark., E538
Ruppersberger, C.A. Dutch, Md., E525
Ryan, Tim, Ohio, E549
Schmidt, Jean, Ohio, E526
Sessions, Pete, Tex., E523
Simmons, Rob, Conn., E535
Skelton, Ike, Mo., E523
Smith, Christopher H., N.J., E527
Solis, Hilda L., Calif., E538
Thompson, Bennie G., Miss., E525
Thornberry, Mac, Tex., E541, E542
Towns, Edolphus, N.Y., E523, E525, E526, E528, E531
Udall, Mark, Colo., E531, E533, E544
Walden, Greg, Ore., E534
Wasserman Schultz, Debbie, Fla., E540
Waxman, Henry A., Calif., E541
Wolf, Frank R., Va., E527
Woolsey, Lynn C., Calif., E530

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