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

DESIGNATION OF THE SPEAKER PRO TEMPORE
The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
May 18, 2006.

I hereby appoint the Honorable Jo Bonner to act as Speaker pro tempore on this day.

J. Dennis Hastert,
Speaker of the House of Representatives.

PLEDGE OF ALLEGIANCE
The Speaker pro tempore, Will the gentlewoman from Georgia (Ms. McKinney) come forward and lead the House in the Pledge of Allegiance.

Ms. McKinney led the Pledge of Allegiance.

RECOGNIZING CHAPLAIN MAURY STOUT
(Mr. Ryun of Kansas asked and was given permission to address the House for 1 minute.)

Mr. Ryun of Kansas. Mr. Speaker, I rise today to welcome Chaplain Maury Stout to the House floor. Chaplain Stout is presently an action officer at the Army Chief of Chaplains at the Pentagon. Prior to that he served as the brigade chaplain for the First Brigade, First Infantry Division at Fort Riley in my district.

Prior to coming to Fort Riley, Chaplain Stout served as the Task Force Chaplain at Camp Kabal, Kuwait. He has also served at many other posts and was awarded the FORSCOM Excellence in Ministry Award while serving as the Squadron Chaplain at Fort Polk, Louisiana.

Chaplain Stout is impressively educated, holding degrees from Central Bible College, Harvard University, the Assemblies of God Theological Seminary, and Georgetown University.

He has been honored with numerous awards, including the Meritorious Service Medal, the Army Commendation Medal, the National Defense Service Medal, the Global War on Terrorism Service Medal, the Military Outstanding Volunteer Service Medal, the Korean Defense Service Medal, to name just a few.

But I am sure he will tell you that his highest honor is with his family, who is up here seated in the gallery today, his wife, Jeressa, and they have four children.

Mr. Speaker, it is my distinct honor to welcome Chaplain Stout to the House Chamber: I commend him for his outstanding service, and express my appreciation to him for opening our session today.

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

Mr. Foley. Mr. Speaker. I rise today to recognize a heroic American that winters in my district and lives in Muskegon, Michigan. George Olson, a World War II veteran, has traveled here with his family to visit the long-overdue memorial dedicated to veterans of the greatest generation.

Sergeant Olson served in the European theater in the U.S. Army Air Force as a tail gunner in a B-17. His plane was shot down, he was held a prisoner of war for some 11 months. Mr. Olson was awarded the Purple Heart, among other commendations.

The sacrifice of those like Sergeant Olson ensured we could live in a free society as we do today, and they deserve every bit of gratitude we can offer.

Like so many silent heroes of his generation, Mr. Olson returned home,
married his sweetheart, Rose, and they had three children, Stuart, Garry and Lisa. Also with us today are his grandchildren, Katherine, Ryan and Kyle, Doug, Becky, Charlotte, Kelly, Jack, Nina, Kelly and Ken are also in the Chamber.

Mr. Speaker, I hope you will join me in acknowledging a great American. George Olson, today and wish him and his family well as they continue their visit to Washington, DC.

The sacrifices of his generation ensured we are free today. He’s a free person as we do today, and they certainly deserve every bit of gratitude we can offer.

FEMA HOUSING

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

Ms. LEE. Mr. Speaker, the Bush administration failed the people of the Gulf Coast before Hurricane Katrina and continues to fail them today.

Now, people who were abandoned and left to fend for themselves are about to get kicked to the curb again. They are being forced to reapply every 3 months. Why? Because the Department of Homeland Security has established onerous and discriminatory rules.

Can we imagine getting kicked to the curb again? Where do we expect families who have lost everything? Where do we expect families who have lost their homes, their jobs, even their city, to turn without housing assistance?

Nearly 9 months have passed since Hurricane Katrina hit. If FEMA can’t help these families reclaim their lives, then Congress has to act.

Litterally dozens of Katrina bills are languishing in committees, including H.R. 4197, the most comprehensive relief package offered to date. The American people have a clear choice in November: The party that is accomplishing things, or the party that stands on the sidelines and says “no.”

Yes, America can do better, better than the party of no.

KATRINA SURVIVORS

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

Ms. MCKINNEY. Mr. Speaker, after evicting all Katrina survivors in temporary housing on March 15, FEMA has now announced that 55,000 families will lose their emergency housing assistance as of May 31.

Tens of thousands of these families are being told they are ineligible for further assistance because of FEMA’s onerous and discriminatory rules.

Is this how we treat people who have lost everything?

Where do we expect families who have lost their homes, their jobs, even their city, to turn without housing assistance?

Nearly 9 months have passed since Hurricane Katrina hit. If FEMA can’t help these families reclaim their lives, then Congress has to act.

The sacrifices of his generation ensured we are free today. He’s a free person as we do today, and they certainly deserve every bit of gratitude we can offer.

THE PARTY OF NO

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

Ms. FOXX. Mr. Speaker, the rhetoric from the other side of the aisle, which is usually full of hyperbole, has suddenly dissolved down into one simple word. No.

It is no to energy solutions. It is no to immigration reform. It is no to tax relief.

Last year Republicans passed not one but two energy bills, the Gasoline for America’s Security Act, and the Energy Policy Act. More recently, we passed the Refinery Permit Process Schedule Act. And the Democrats response: No.

Last year Republicans passed not one but two immigration reform bills, the Border Protection, Antiterrorism and Illegal Immigration Control Act, and the REAL ID Act. And the Democrats response: No.

Finally, during the last week, Republicans approved a tax conference agreement that will help keep the Bush economic boom going and prevent a massive tax increase. The Democrats response: No.

Mr. Speaker, the Democrats favorite new slogan is “America, Can Do Better.” The American people have a clear choice in November: The party that is accomplishing things, or the party that stands on the sidelines and says “no.”

Yes, America can do better, better than the party of no.

MEXICO SUES AMERICA—LONE STAR VOICE: CURTIS KRUEGER

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

Mr. POE. Mr. Speaker, my office has been inundated by calls from citizens since the announcement that the Mexican government plans to sue the United States over our military troops along our border, hailed into court by the Fox south of the border.

Curtis Krueger of Kingwood, Texas, writes to me:

“Now I read that Mexico is considering suing the United States over border patrols. To not respond to this would be egregious. We as Americans have a sovereign right to have our borders protected by however and whom ever we see fit. Our government should vocate in every way possible, not sit back and let someone else formulate public opinion. To say we cannot handle the immigrant insurgency in our country flies directly in the face of what we are doing in Iraq. If we are in Iraq to handle insurgents, why aren’t we able to do so within our own borders. I, along with a vast majority of Americans, say to you and the government, ‘We want our country back.’”

America is now embroiled in our courts by foreign nations for protecting our Nation.

Mr. Speaker, this ought not to be. We the people have become we the defendants. Mr. Krueger has got it right. Help for our government does.

And that’s just the way it is.

CHENEY’S SECRET ENERGY TASK FORCE HAS PAID DIVIDENDS FOR BIG OIL

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

Ms. SCHAKOWSKY. Mr. Speaker, 5 years ago this week Vice President Cheney convened his secret energy task force, bringing Big Oil and energy lobbyists together to craft the Bush administration energy agenda. Last year House Republicans rubber-stamped this agenda, and the administration happily signed the legislation into law.

Today, the results are in. Big Oil is laughing all the way to the bank. During the first quarter of this year, the big five oil companies reported profits of $32.8 billion, a direct result of those secret Cheney meetings.

Big Oil has experienced record profits because Washington Republicans chose to shower Big Oil with more than $20 billion in gifts.

While Big Oil is prospering, the decisions made in those secret Cheney meetings are not paying off for the American consumer. Over the past 5 years the average American family is paying $2,500 more a year in gas, home heating and electrical bills.

Washington Republicans continue to hurt everyday Americans by cozying up to Big Oil. Is it any wonder that Americans are demanding change? Democrats will end Big Oil price gouging and rapidly move our country to energy independence and a renewable, clean energy future.

CONGRATULATING RICHMOND NATIVE AND AMERICAN IDOL CONTESTANT ELLIOTT YAMIN

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

Mr. CANTOR. Mr. Speaker, today I rise to congratulate Richmond, Virginia, native and American Idol contestant Elliott Yamin for pursuing his dream while sharing his powerful voice with all of us. Elliott is returning home a star; a man with an extraordinary gift who dared to put his talent on display and achieve success. Elliott’s personality and amazing ability won over the judges and the viewers to earn him national recognition as a
final contestant on the most popular show on television. Elliott will be returning home to Richmond, having inspired and entertained millions with his extraordinary singing voice and charisma. I join Elliott’s community, family and friends in proud recognition of his fantastic achievement and undoubtedly bright future.

URGING VIDEO GAME MAKERS TO ACT RESPONSIBLY IN WAKE OF RECENT POLICE SHOOTINGS

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

Mr. KENNEDY of Minnesota. Mr. Speaker, the suburbs of Washington were shaken last week by the senseless murder of two police officers in Fairfax, Virginia. This shooting occurred just days after the 25th annual Police Officers Memorial Service honoring the 155 police officers who, like Shawn Silvera from Lino Lakes, Minnesota, died in the line of duty last year.

The death came at a time when violence against police officers is being glorified by video games like 25 to Life which gives players points for shooting police officers.

This is unacceptable. It is outrageous, it must be stopped. I urge the makers of this game to think carefully about the message they are sending to the families of fallen officers and the impact it has on impressionable children. If companies like those that produce 25 to Life continue to market this filth to our children, I do not expect them to act.

ONGOING HOUSING CRISIS ON THE GULF COAST

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

Mr. JEFFERSON. Mr. Speaker, after almost 9 months, I suppose it doesn’t surprise anyone to hear that FEMA is failing the citizens of the Gulf coast. In the wake of the storms, FEMA expressly advised the survivors of Hurricanes Katrina and Rita that they could expect 1 year of assistance. Moreover, section 408 of the Stafford Act provides for 18 months of assistance to victims of natural disasters.

Yet just 9 months after these devastating storms, FEMA is working feervishly, not to house the victims of the hurricanes but to terminate their housing assistance, to kick them out of the street without any assurance that the survivors will be able to find housing for themselves or their families.

Why? Because FEMA says it’s time to move on. May 31 is the deadline. After that, you’re on your own.

There is a reason the Stafford Act provides for more than $20,000 in aid per household and for up to 18 months of assistance. The Stafford Act, unlike FEMA, recognizes that every disaster is different and that each disaster cannot be treated the same.

Over the next few months, our State’s housing plan, The Road Home, will be up and running; SBA loan funds will be sent to homeowners’ hands; insurance claims will be resolved and paid; and then the people of New Orleans will begin rebuilding in earnest.

The President has the authority to issue waivers, to make adjustments to accommodate the survivors. FEMA also can behave more reasonably, more humanely. Until FEMA has a workable plan for transitional housing for these American survivors, it must not evict them. To do so is unconscionable.

YOUTH COUNCIL

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

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to take this opportunity to talk about a group of exceptional students in my district. After coming to Congress last year, I put together several advisory councils made up of constituents. These panels perform research, investigations and advise me on the needs and concerns of my district, our State and our Nation across a variety of different areas.

Most recently, my Youth Advisory Council presented their report. Made up of 46 students representing 25 local high schools, the council met monthly to discuss and debate three very pertinent topics of their own choosing: Social Security, tax reform, and illegal immigration. During that time they also compiled and reviewed data from surveys administered to fellow students.

I am excited to have had the opportunity to hear their voices. The information and conclusions they presented to me were extremely thorough and valuable. I thank them for their time and effort. I will work with colleagues here to implement many of their recommendations.

HOUSE REPUBLICANS CHOOSE TO PENALIZE CASH-STRAPSED SENIORS

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

Mrs. CHRISTENSEN. Mr. Speaker, say it isn’t so. House Republicans are ready to penalize millions of American seniors who did not sign up for a prescription drug plan by that arbitrary May 15 deadline. Congress should have extended that deadline to give seniors more time to pick the right plan for both their health and their pocketbook.

House Republicans expected seniors to choose a plan by May 15 even though they knew seniors were receiving incomplete and incorrect information from the Bush administration. An investigation by GAO concluded that the CMS was giving out wrong information to seniors 60 percent of the time.

You would think that Washington Republicans would not start penalizing seniors with the Bush prescription drug tax than the administration was giving out accurate information. But no, they chose instead to force seniors into a plan by midnight on May 15 or face the Bush prescription drug tax that will remain with them for the rest of their lives.

House Republicans and the President who the Congressional Black Caucus called on had a chance to help seniors and they didn’t. Congress should have extended the deadline to give seniors more time. They still can. I call on them to do so.

Bring the Congressional Black Caucus bill to the floor and pass it.

CRITICAL CONDITION: THE STATE OF THE UNION’S HEALTH CARE, 2006

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

Mr. MURPHY. Mr. Speaker, a couple weeks ago, I provided for Members of Congress this document: “Critical Condition: The State of the Union’s Health Care, 2006,” put out by my office. In that outline many programs that would help reduce costs of health care in America.

Let me expand on one of them about Community Health Centers, which are nonprofit centers to provide primary and preventative care for folks who are low income or who are uninsured and underinsured. However, a recent report by the Journal of the American Medical Association said that although these clinics are of tremendous value, there is a shortage of medical personnel at them. A study published by Dr. Roger Rosenblatt of the University of Washington says that there is a 13 percent shortage of family physicians, a 20 percent shortage of obstetricians, and a 22.5 percent shortage of psychiatrists for these positions.

Oddly enough, if a physician is employed by a Community Health Center, they are covered by the Federal liability, but if someone wants to volunteer at a clinic, they are not.

It is important that we provide mechanisms to allow physicians and other medical personnel to volunteer at these clinics. America needs that. The uninsured and underinsured need that, and, quite frankly, it would save a tremendous amount of money.

People can receive further information on my Web site, murphy.house.gov.
Speaker, at 1 o'clock this morning, the House for 1 minute."

Mr. PALLONE. Mr. Speaker, our Nation faces many pressing issues; yet the House Republican leadership prefers to send Congress home for breaks rather than working to solve any problems.

Back in 1948 President Truman dubbed that Congress the "Do Nothing Congress" because it only met 108 days the entire year. The Republican Congress of 2006 is set to break that record, scheduled to meet for only 97 days this year, 11 fewer than the first "Do Nothing Congress." Now, the budget continues to spiral out of control after finally being balanced by President Clinton back in the late 1990s; yet House Republicans approved a budget last night that makes the deficit worse and offers no plan to bring the budget back into balance.

Gas prices continue to hover at or above $3 a gallon; yet House Republicans continue to do the bidding of the big oil execs rather than providing any real relief to the American consumer. House Republicans, Mr. Speaker, are presiding over the most "Do Nothing Congress" in our Nation's history. They simply cannot govern and it is time for a change.

THE NATION'S CONSENSUS: SECURE OUR BORDERS

(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, the topic of this week, the topic of discussion with our constituents, with those who are calling us is illegal immigration. They are concerned over Mexico's choosing and wanting to use the United States for defending our borders.

Mr. Speaker, America has reached a consensus and our constituents have reached a consensus on this issue. What they are telling us is secure our borders. Show us a secured border. Show us a plan of action. Allow us to know that we can have our faith restored in your ability to secure this Nation.

We hear from them. They are letting us know that they expect us to uphold our oath to defend and protect this Nation. Mr. Speaker, we are listening. In this body we have been listening. Last fall we took action.

We encourage all to join us in securing the border of this great Nation.

THE REPUBLICAN BUDGET

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

Ms. KILPATRICK of Michigan. Mr. Speaker, at 1 o'clock this morning, the Republicans in the House of Representatives passed a budget that is fiscally irresponsible; increases the national debt; cuts veterans' health care; cuts student loans; and at the same time, President Bush passed a $70 billion tax cut bill for the wealthiest of America.

What is just as bad is that the debt limit for our Nation has been increased five times since 2001 under President Bush and the Republicans. This is more than any Presidents that preceded him.

Is this the kind of America that you want? American people, please speak out. Please speak up. We can do better. This is the best Nation in the world. We must change the way we do business in Congress.

One hundred percent of Democrats voted against that budget at 1 o'clock this morning. It is bad for America. It is bad for our families, and we can do better.

THE EFFECTS OF ENERGY COSTS ON OUR AGRICULTURE ECONOMY

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

Miss McMORRIS. Mr. Speaker, agriculture is a billion dollar industry in Eastern Washington. And for those of us from Eastern Washington, as well as all across America, we must be promoting policies and projects that are going to help our farmers and ranchers.

Over the past several months, I have heard from our farmers about high energy costs that are hurting their ability to do business. At a time when their profit margins are slim, unexpected increases in energy costs are having a devastating effect.

I recently received a letter from a third generation farmer who prides himself on being a good steward of the land. He has never seen circumstances as severe as now. He mentions that the reason we are losing good family farms is because our agriculture economy is unable to absorb the energy costs for fuel and fertilizer. His costs alone are up 66 percent, and fertilizer costs are up 46 percent.

We have the energy resources available here in the United States to solve this problem. We need to be taking steps right now to better meet our energy needs because America needs American energy. It includes increasing supply, conservation, and alternative fuels.

Growing up on a family farm, I learned firsthand about these challenges, and I look forward to working with my colleagues to address this situation.

THE TAX BILL

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

Mrs. MALONEY. Mr. Speaker, the President signed another tax bill that will add to the Federal deficit. And the House budget resolution that passed last night, with 100 percent of the Democrats voting against it, contains a provision to raise the debt ceiling for the fifth time on President Bush's watch.

This President and this Congress have squandered the fiscal discipline of the Clinton years of the 1990s and created a legacy of deficits and debt that will erode the standard of living of our children and our grandchildren. This is a record-setting administration, but they are setting the wrong kinds of records.

We have seen the Federal budget deficit set a record in dollar terms. We have seen the national debt rise to a record level. And we have seen our trade deficit and our indebtedness to the rest of the world rise to a record level.

America can do better.

FLOYD COUNTY SCHOOLS

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

Mr. GINGREY. Mr. Speaker, I rise today to congratulate the Floyd County school system on receiving an "outperformer" rating in the Standard and Poor's 2006 School Evaluation report. Floyd County was one of only 20 school districts in the State of Georgia to receive this distinction.

This award recognizes the great work Floyd County schools are doing to educate our children. I know everyone in the community was excited, but not surprised, by this honor, as Floyd County consistently displays exceptional levels of student achievement.

Mr. Speaker, I want to thank the dedicated Floyd County educators whose hard work earned this award. Floyd County superintendent Kelly Henson, members of the Floyd County School Board, principals, teachers, parents at every school in the system deserve our gratitude for a job well done. I know Floyd County will continue its long tradition as a leader in educational achievement for the State of Georgia.

Mr. Speaker, I ask that you join me in congratulating the Floyd County school system and in thanking its educators for their dedication to developing the minds of our community's rising leaders.

OLDER AMERICANS

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

Mr. HINOJOSA. Mr. Speaker, May is Older Americans Month. Let us celebrate Older Americans Month by passing a budget that will promote their dignity and health.

The once-per-decade White House Conference on Aging put reauthorization of the Older Americans Act at the top of its list of national priorities. I am proud that we are working in a bipartisan manner to pass a consensus
bill to reauthorize this essential law that has built the foundation for our aging network.

However, we must couple reauthorization with real resources. We know that every dollar spent providing a meal or supporting seniors so that they can remain at home and in their communities not only improves their quality of life, but saves entitlement spending on long-term care. That is the genius of the Older Americans Act. Yet we know that the Older Americans Act’s purchasing power per individual has dropped by 50 percent since 1980.

It is incumbent upon all of us to step up and invest in these programs. It is one sure way to help control the cost of our government programs. It is the right thing to do.

Providing for Consideration of H.R. 5386, Department of the Interior, Environment, and Related Agencies Appropriations Act, 2007

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 818 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 818

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to the instructions of the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5386) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided by the chairman and ranking minority member of the Committee on Appropriations. After general debate there shall be a period of 1 hour of general debate under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XIX are waived except as follows: page 73, lines 3 to 4 of the bill.

There are several amendments that the Speaker understands the significance of Federal ownership of that particular land. Chairman TAYLOR though, having a substantial amount of Forest Service land in his district, is one of those that is sympathetic to this situation, and we are appreciative of all his efforts in this particular area. I wish the administration were the same. In dealing at one time with an administrative official, he asked me why I was so concerned about all this Federal land; it was simply useless land and no one lived there anyway.

It has to be realized that half of the Western States is essentially tied up in Federal lands and is controlled by it. Payment in lieu of taxes is not charity, it is simply rent on land that is due to compensate for economic problems created by the Federal Government, created by Federal Government actions, and in contradiction to the deals that were made when these States originally came into the Union.

The Department of Interior took the concept of payment in lieu of taxes from the BLM as an effort, "to ensure appropriate emphasis", and that it would be a benefit accrued to both Congress, the Department, BLM and to the counties of the West as well.

Since that time, that has not been the case. In fact, in each of the last 2 years, the administration and the OMB have actually cut this particular program, only to have it restored by Congress, which once again I thank Chairman TAYLOR, his committee and his staff for their efforts to do so.

In like contrast though, it is unusual that even though the overall funding for the Interior Department has been
around 7 percent over the past 5 years, if my math is correct, the Department of Interior’s administrative budget has increased 100 percent in that same time, from $64 million to $118 million today.

While I may disagree with this portion of the bill, we will be joining with other western Congressmen later on today to try to present an amendment through regular order that will address this one particular issue.

I appreciate once again to Chairman TAYLOR and the ranking member from the State of Washington who have been understanding of this situation, empathetic of this situation, and very helpful to us, as we move forward to try and find some kind of restructure with this particular situation.

Mr. Speaker, while I have a few disagreements obviously that I have just stated, overall that is only one aspect of this important underlying bill that will be presented by this rule. We will be trying to address that agreement at some other time.

Still, the overwhelming majority of this bill is very positive and it does move us forward, and it was a responsible result of a lot of bipartisan work done and a part of this particular subcommittee.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I thank the gentleman from Utah, my friend Mr. Bishop, for yielding me the time.

Mr. Speaker, I rise today in opposition to this bill, not because of what it allows, but rather because of what it blocks. I am also inclined to oppose the underlying legislation, not because of the process, but rather because of the lack of progress which we have made in the last year in our efforts to protect and improve our environment.

Nearly 1 year ago to the day, I stood on this floor also with the gentleman from Utah when the House considered the fiscal year 2006 Interior, Environment and related agencies appropriations bill. Under that bill, $240 million had been cut from the Clean Water State Revolving Fund. Conservation funding was approximately $750 million below, or less than half of what was promised when Congress passed the Conservation and Restoration Act of 2000, and, overall, EPA’s budget had been cut by $300 million.

Today, the House is being asked to consider an Interior appropriations bill that is even worse. Indeed, this is not by any fault of the Appropriations Committee, but it is the fault of the majority in this body, which has tied our hands in a knot of fiscal irresponsibility.

If this rule passes, the House will be forced to vote on Interior’s appropriations bill that not only includes the massive cuts from last year, but actually cuts these programs even more, so that my friends in the major-
Mr. BISHOP of Utah. Mr. Speaker, I yield 4 minutes to the gentlemen from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentlemen from Utah for yielding me time.

Mr. Speaker, I rise to support the rule and I rise to support the underlying legislation. Mr. Speaker, what I would like to speak to at this point is in the underlying bill there is a provision which states that this body, that there is a sense of Congress that this is an observable problem and we should take a look at it.

The U.S. is losing competitiveness, economic opportunities for advanced technologies unless we move forward with this. I support the underlying rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to my good friend and fellow member on the Rules Committee, the gentlemen from Massachusetts (Mr. MC其OVERN).

Mr. MC其OVERN. Mr. Speaker, I thank the gentlemen for yielding me time.

Mr. Speaker, I want to say to the gentleman from Maryland who just spoke that I agree with almost everything that he said. He said that he was going to vote for the underlying rule, because the rule specifically does not protect the global warming language.

So I do not know how the gentleman can feel on the one hand very passionately about doing something about global warming and having us look into the issue, and on the other hand go ahead and vote for a rule that will allow anybody on this floor to strike it.

Mr. Speaker, it has been nearly a year since we considered the Interior appropriation, the last Interior appropriations bill. One year ago I joined with my colleagues in voicing my outrage at the inadequate funding levels for critical environmental and conservation programs, and last year, like this year, we were told that because of the budget allocation this was the best that we could do, we will try to do better next year.

So here we are today in the wake of having the Republican leadership ram through a martial law rule in order to take up a budget resolution that just like last year’s version slashes programs in areas of education, job training, conservation, public health and medical research and social services.

Another year has gone by, but it is still the same old story. And so I rise today, sadly, in opposition to the fiscal year 2007 Interior appropriations bill. This bill is an assault against our environment and it should be defeated.

Once again, it significantly cuts funding for the Land and Water Conservation Fund and completely eliminates the Stateside Grant Program. That is right, zero dollars for the Stateside Land and Water Conservation Program. I am simply not interested in hearing the same old argument that this is simply the best we can do given the budget.

The budget allocation does not just fall from the sky, this Congress voted on the budget yesterday. The Republican majority chose to slash environmental programs. The Republican majority chose to eliminate the State grants for the Land and Water Conservation Fund. The Republican majority chose to pass a budget that requires a completely inadequate allocation for the Department of Interior and environmental programs.

Mr. Speaker, we have the results of those choices before us today. We could have done better. We could have chosen to move away from the deliberate policy of undercutting the privileges of millionaires ahead of the needs of our communities and families.

Since 1964, LWCF funding has been used to support the acquisition and maintenance of our national wildlife refuges, parks, forests and public domain lands, and the stateside program has helped to preserve open space, slow urban sprawl and given our children safe places to play.

This program has broad bipartisan support, and success stories can be found in every single State and every single community throughout this country. In fact, this year I joined with my colleagues from New York (Mr. KING) and New Jersey (Mr. HOLT) in urging the Committee to restore funding to the Stateside Grant Program. One hundred fifty Members shared this concern and signed on to a bipartisan letter.

Mr. Speaker, it is all about priorities: Tax breaks for the wealthy few or open space and environmental protections for the majority of Americans. I commend Mr. TAYLOR and Mr. DICKS for the good in this bill, but the good is not enough to outweigh the bad.

The Republican majority in this House have made their choices. It is the wrong choice. I urge my colleagues to hold true to their promise to the American people and reject this bill. We must do better.


Hon. CHARLES TAYLOR. Chairman, Subcommittee on Interior Appropriations, RHOB, Washington, DC.

Hon. NORM DICKS. Ranking Member, Subcommittee on Interior Appropriations, LHOB, Washington, DC.

Dear Mr. Chairman: We are writing to urge the Subcommittee to restore funding to the Land and Water Conservation Fund (LWCF) state and local grant program to $100 million for FY 2007.

The LWCF state assistance program provides matching federal grants to states and communities to acquire open space and provide recreation facilities and resources. This competitive grant program provides funds to the states that choose local projects based on need and quality of the project. Unfortunately, the FY 2007 budget eliminates funding for the state assistance program. An inadequate funding level for this program has had detrimental effects on communities across America, a number of which have been unable to begin certain new projects or to complete recreational projects already begun. This lack of funds would also mean that youth sports teams trying to access crowded fields and resources won’t be able to find such fields, or community service organizations needing public recreation resources won’t have them.
Mr. Speaker, I rise in opposition to this rule for the consideration of H.R. 5386, the fiscal year 2007 Interior and Environmental appropriations bill. Mr. Speaker, I appreciate that this is an open rule, I am deeply disappointed that the Rules Committee did not protect a provision for which I specifically asked for such protection. I also strongly oppose the self-enacting clause. I am aware that the cuts contained in the budget resolution passed on a strictly partisan basis last night. Mr. Speaker, the provision I sought for, section 425 of the bill, results from an amendment I offered in. The Appropriations Committee that simply expresses the sense of the Congress that global climate change is in part due to human activity. I think that is pretty self-evident.

The provision also stated that this reality of climate change may result in a comprehensive and mandatory program to reduce I part of human activity on global warming. Let me repeat. The provision was nonbinding. The provision would have resulted in no change in spending by the agencies funded by the Interior and Environmental Appropriations Subcommittee. This provision authorizes nothing. In fact, it was the same language that the other body adopted last year during consideration of the energy bill that was dropped during conference.

I still think it is important that the House go on record as acknowledging that we are in part responsible for the recent increases in global air and ocean temperatures. And I want to associate myself with the remarks of the gentleman from Maryland. Although the amendment I offered and the Appropriations Committee accepted would not lead directly to any actions by the Federal Government, it remains an important first step. At least the House Appropriations Committee is on record as taking a stand on climate change. I see that as a victory. But we still have the responsibility to go beyond a sense of the Congress resolution and launch the necessary comprehensive program the United States must take to lead the world in reversing the threat of global warming.

I am also let down that the Rules Committee chose not to protect the provision accepted by the Appropriations Committee that would correct an undue windfall being reaped by the oil and gas industry due to erroneously written contracts by the Mineral Management Service. These faulty contracts could cost the Federal Government billions of dollars each year between now and 2011. Because of these shortcomings in the rule and the self-enacting clause, I will have to vote "no" on its passage.

Mr. Speaker, I am very pleased to yield to the distinguished ranking member of the Appropriations Committee, my very good friend, Mr. Obey from Wisconsin, 4 minutes.

Mr. Obey. I thank the gentleman for the reserve the balance of my time.
million a year will get a tax cut well over $100,000.
If you make $42,000 a year, the tax break that you are going to get in the bill that the majority passed last week is about 80 cents a week; but if you make $1 million, your tax cut is going to be like the entire salary of that person who made $42,000. I don’t think that is the kind of budget that I want to take home to my constituents.

So I would say the underlying bill itself is wrong with what it does to the clean water revolving fund. The way it shreds land acquisition programs, the way it hems in EPA’s ability to enforce the law against polluters, it is bad enough to vote against as is. But when you add to it this “Let’s Pretend” fiction that the House has passed a budget which it hasn’t passed, it therefore becomes an endorsement of that budget. I don’t think the American people want that budget. I certainly don’t want that budget. I intend to vote no.

Mr. BISHOP of Utah. Mr. Speaker, I am going to reserve.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield to my good friend from West Virginia, Mr. RAHALL. I thank the distinguished gentleman from Florida for yielding me the time.

Mr. Speaker, I rise in opposition to this rule and the attempt to address that portion of the pending appropriations bill concerning the Office of Surface Mining, and specifically the Abandoned Mine Reclamation Fund.
In regard to the Abandoned Mine Reclamation Fund, there exists an unexpended balance in the AML trust fund approaching $2 billion, and it is my hope that in conference this particular appropriation will be increased. With respect to the Office of Surface Mining, I would observe that just yesterday the President intends to nominate John R. Correll to serve as the agency’s director. I have not met the gentleman, and I look forward to doing so. But what immediately catches the eye is that, since 2002, Mr. Correll served as the deputy assistant secretary of labor and was responsible, according to the administration’s press release yesterday, of all aspects of the mine’s safety health administration.

Now, it is no secret that 26 coal miners have perished this year, a rate that this Nation has not witnessed in recent memory. It is also no secret that many of these fatalities could have been avoided if MSHA had been doing its job. Mr. Correll had been part of the leadership of MSHA during the time when the policy floor fell out. Under his leadership, the philosophy at MSHA changed from one of oversight and compliance to one of partnership and complicity. Rule-making were abandoned to impose. Imposed coal mining safety were cloistered away, and Mr. Correll and others within the Bush Labor Department advocated partnering with industry to address safety concerns rather than to enforce the law. In fact, in 1998 Mr. Correll testified before the House Committee on Education and Workforce, Subcommittee on Workforce Protection, advocating fewer inspections, incentives for improvements, and cooperation over regulation.

While other nations have soared ahead in mine safety, incorporating new technologies to ensure and improve protections for their most precious workers, this Nation is falling through a cultural shift at MSHA remained at the dust. It has been a shameful record that I would be loathe to see carried over to OSM.

The health and safety of the residents in our mining communities should not be gambled on in the way that the health and safety of our mine workers has been. It is time that concern and compassion and correctness for our miners take precedent over loyalty to industry and loyalty to this administration.

So it is passing strange, to say the least, that the Bush administration would nominate as OSM director a person who presided over MSHA during these grim days of coal miner fatalities in recent times. One must wonder if this person will bring the same philosophy to overseeing the environmental protection of coalfield citizens.

I urge opposition to this rule for many other reasons that have been stated by my colleagues.

Mr. BISHOP of Utah. Mr. Speaker, I want to reserve one more time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to the gentleman from North Dakota, my classmate and friend, Mr. POMEROY.

Mr. POMEROY. I thank the gentleman for yielding.

Mr. Speaker, it has only been a few hours since I dissuaded the vote on the budget. To the disappointment of many of us, the budget was passed, and the fifth debt limit increase, the second since March of this year alone, has now been authorized.

But there are other features in this budget passed last night that many of us found objectionable, including those steep, steep cuts in nondefense discretionary spending in order to pay for those tax cuts disproportionately benefiting the wealthiest people in this country. Those who need the help the least get the most help in terms of huge tax cuts, and vital programs to this country get savaged under the spending cuts moved forward.

I want to elaborate on the earlier debate carried by our ranking member, DAVE OBEY, in the Appropriations Committee, because in this rule there is language which incorporates the spending limits of the House-passed budget last night. I want to make this point very, very clearly. Twenty-two Members of the majority that voted against that budget. There was another group that got nonbinding language saying some of the money may somehow, somewhere, possibly be put back. Well, now we know that nonbinding language means nothing at all. The rule carries forward enforcement of these cuts.

And so if you are a moderate Republican or a member of the minority that believes giving down this path is unwise and sells our priorities of the American people, then you should not vote for this rule today. Anyone voting against that budget with concerns about these devastating cuts in nondefense discretionary spending should vote against this rule. It imposes the cuts on the appropriations process.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Pennsylvania (Mr. PETERSON) to try to correct an inaccuracy that was stated a little bit earlier.

Mr. PETERSON of Pennsylvania. I thank the gentleman for yielding, and I rise to support the rule. I would like to commend the committee and staff for good work in tough times.

Mr. Speaker, I think this House better get used to tough budgets if we are going to get a handle on the Federal deficit. We are not going to have a lot of surprises, we are going to have to pass budgets and appropriations bills that leave us all a little painful because it is important that we get a handle on the fiscal affairs of this country.

In this bill there is a provision that was mentioned by the gentleman from Florida that removes the congressional moratorium for producing energy on the outer continental shelf. Now, why would I propose that in the committee? I am pleased to tell you why.

The industries of this country that provide the very best jobs we have left in America are being made non-competitive and have been non-competitive for several years because of high natural gas prices. Five years ago the price of natural gas in America averaged $2. Last year, the average price was $9.50. You don’t have to be very good in math to know that was a huge, huge increase. If it was gasoline at the pump, it would be $7 gasoline to fill our cars.

This is preventing Americans from being warm in their homes, it is preventing Americans from being warm in their businesses. I was at a lot of businesses where it was 60 degrees and they were wearing jackets and coats. Retail businesses. America cannot afford to be warm with energy prices increasing that fast.

Businesses, the petro-chemical industry, 55 percent of their cost is natural gas both as an ingredient and a fuel. Fertilizer, as high as 70 percent to make nitrogen fertilizer, the cost of natural gas. The steel industry, the aluminum industry, the glass industry, the brick industry will not remain in America unless we provide affordable natural gas.

Now, here is the tragedy. What people don’t realize, when we pay $75 for oil, the whole world does. When we paid
$9.50 for gas last year and for 4 months it was $14 and $15. Europe was at $6. China and Taiwan was at $3.50, South America at $1.80, Russia and North Africa at 90 cents.

Folks, we are driving the best blue collar working people jobs out of our country because they cannot afford to stay here. We have lost between three and five paper mills since the first of the year because of energy costs, and some of them put in new units within the last 1½ years.

Energy can make a company non-competitive overnight because of the use of energy. This government is the reason we are in trouble. We expanded the use of natural gas 10 or 12 years ago before I got here to make electricity.

Now a huge amount of our natural gas makes electricity, close to 20 percent. We did not open up supply. We are the only country in the world that has locked up the Outer Continental Shelf. I had a visitor from the U.K. yesterday. He said, Why do you people not produce in the OCS? Everybody does. Canada does right off the coast of Maine, and right off the coast of Washington. Canada has been drilling for gas in Lake Erie since 1913 and selling the gas to us currently because we buy 17 percent of our gas this year from Canada.

Natural gas we are rich with. We have chosen to lock it up, and caused our homeowners to pay double and triple heating costs, our small businesses to become nonprofitable, and our large corporations to literally move away. We have lost several million jobs already because of energy costs, and we are going to lose millions more.

What I am going to tell you is it will not be the America we grew up in with lots of opportunity. The America we are going to leave is an America that decided to starve itself on the cleanest fuel known to man, the clearest fossil fuel. Natural gas is the least polluting fuel, and those who today were talking about CO₂ and global warming, it produces much less CO₂ than all the other fossil fuels.

So, if we had the price down, it could become a major player in our transportation system. Not 5 years down the road, tomorrow. Every gasoline engine can run on natural gas. Our buses, our short haul trucks, our construction vehicles could all be on natural gas with a modest change.

Natural gas can be the bridge to all the alternatives that are slowly moving forward. It can quadruple the savings that we can do with CAPE, and I am probably going to support that this time, but it is an immediate thing. Natural gas is what can keep America competitive until we get a handle on the other energies that can replace oil.

I urge you to not remove the moratorium. It does not threaten our coastline. We still have a presidential moratorium. We still have a 5-year plan that takes 2 years to implement and it is not the end of that. It is the first step in saying we are going to deal with natural gas and energy in this country.

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

I would urge my colleague from Pennsylvania to understand that tourism is the major industry in Florida, and offshore gas drilling is nothing but the nose under the tent. There is no such thing as just gas drilling, and I do not have enough time, if you could get some time from Mr. BISHOP, I would be happy to engage you ad nauseam on this subject, but when Mr. Peterson says that it is not going to be environmentally harmful, offshore gas drilling routinely dumps into the ocean spent drilling muds containing vast quantities of mercury and other toxins, contaminated produced waters that often contain radium and other dangerous substances, and additional harmful marine discharges that include benzene, toluene, lead, and zinc.

Maybe Pennsylvania does not have the tourist industry that we do because that is right, you do not have an offshore. We do in Florida, and we are going to protect it.

Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY), my very good friend.

Ms. CARSON. Mr. Speaker, certainly I am very grateful to my dear friend from the State of Florida (Mr. HASTINGS).

Mr. Speaker, I rise in opposition to this rule, which does not protect the language added in committee regarding global climate change.

Global climate change is one of the most serious environmental threats of our time. Yet, this House has failed repeatedly to act on this issue or even acknowledge the bleak outlook voiced by many scientists.

Global temperatures are rising. As we speak, sea levels are rising, glaciers are melting, and polar bears are drowning in the Arctic. There is a growing scientific consensus that human activities, primarily the burning of fossil fuels, have contributed to greenhouse gas accumulation in the atmosphere.

The effects of global warming are devastating. Approximately 160,000 people die each year from the side effects of global warming, which range from malaria to malnutrition to heat exhaustion in our seniors. If temperatures continue to rise, coastal flooding and drought could occur, and the intensity of hurricanes could increase.

In my neighboring town in Indianapolis, Indiana, we have finally got the EPA to look at the fact that it is the environment that is snapping away people’s lives prematurely.

We have seen that voluntary limits on greenhouse gas emissions simply do not work. This bill currently includes the language that recognizes our responsibility to establish a national program of mandatory, market-based limits and incentives on emissions of greenhouse gases.

Mandating reductions in carbon emissions will spur innovation and help slow this moving trend. We have a moral imperative, Mr. Speaker, to further reduction because the cost of inaction is too high. We cannot let our legacy be one of destruction.

Thank you very much for your attention and your consideration. Vote against the rule and the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY), my very good friend.

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding and for his outstanding work on this issue and so many others.

I rise in strong opposition to this rule, as this rule's Energy Committee failed to report out important amendments that were approved by the Appropriations Committee, including the important Dicks-Obey language expressing the need to address global climate change. Why in the world can you not include that important issue in this bill?

This bill is woefully underfunded at $800 million below the level needed to maintain current services, and I must say that a very important amendment that would save taxpayers money, the Hinchey amendment, was not included, although the committee supported it. His amendment would suspend the royalty relief program and authorize the Secretary of the Interior to renegotiate existing leases.

This would save taxpayers dollars. It would save dollars in our Treasury. Right now, in New York and L.A. and across this country, a gallon of gas costs more than $3, while the oil and gas companies continue to make record profits. All of this is happening while the taxpayers are losing out in billions of dollars in royalty payments from oil and gas taken from land owned by the American people.

Earlier this year, the New York Times reported that the Federal Government will lose at least $7 billion over the next 5 years in undercollected royalty payments. Why in the world will the majority not correct this problem that would put money into the budget for student loans, to help the disadvantaged, to help our seniors? Yet, they would not include it and the underpayment continues, and that money rightfully belongs to the American people.

We are talking about oil and gas extracted from land owned by the American people with rip-off leases to the oil and gas companies where they are reporting record profits. What is wrong with having those leases negotiated to express fair market value so that the taxpayers and the Federal Government can have that money for the services that the people need?
It is a really terrible rule. They did not even include amendments that were passed out by the Appropriations Committee. Please vote “no.”

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I will be calling for a “no” vote on the previous question. If the previous question is defeated, I will amend the rule so we can consider Mr. OBEY’s amendment to restore vital funding to the Interior appropriations bill, that was rejected in the Rules Committee last night on a straight party-line vote.

I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote.

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

There was no objection.

Mr. BISHOP of Florida. Mr. Speaker, the Interior appropriations bill is currently funded at $145 million below the fiscal year 2006 level and $800 million below the level that is needed just to maintain current services. These shortfalls will negatively impact our national parks and forests, our environment, and conservation programs, clean water programs, and services for Native Americans.

Mr. Speaker, the Oney amendment would restore $800 million to the bill to ensure that these vital programs and services are able to continue at current levels, and that amendment is fully paid for by reducing the tax break given to those fortunate individuals among us with incomes more than $1 million annually. Their generous tax savings, which average $114,000, would be reduced by $2,000, certainly a small sacrifice to maintain these essential programs and services.

I want to assure my colleagues that a “no” vote will not prevent us from considering the Interior appropriations bill under an open rule, but a “no” vote will allow Members to vote on Representative OBEY’s amendment. However, a “yes” vote will block consideration of this amendment to restore severe funding shortfalls in this bill.

Vote “no” on the previous question.

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

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

I find these opportunities exhilarating to say the least. There are a couple of things that I would like to point out.

We have spent a great deal of time talking about one of the provisions that is in this bill that deals with the drilling of natural gas, which is far different than the drilling of oil would be. It seems in Congress sometimes that we talk so much about the problem of heating in winter. We appropriate billions of dollars for the LIHEAP program so that Federal money can go directly through an individual over to the utility companies, when it would seem logical or at least rational to try to explore in some way a way of increasing the availability so that all people have to pay less for heat for their homes in the winter, and that instead of trying to subsidize the poor, we actually tax the root.

It is difficult to sometimes be here and have people criticize the lack of natural energy, wanting to consume more without producing more, at the same time being critical of any efforts to actually increase consumption possibility. Not only is this an issue that hits individuals in trying to heat their homes, but it also affects businesses, much of which runs on natural gas.

I have farmers in my constituency that cannot fertilize this year because there is not enough fertilizer being produced and because natural gas becomes a critical element in its production and its distribution form. Industries are not being able to operate because of that.

I do, though, want to thank Mr. HASTINGS for the very end talking about increasing fund because this is, after all, a funding bill. I do want to also talk about two issues that were raised in defense of the bill and defense of the position by the Rules Committee.

Section 2 of the resolution says that it is essential to allow the House to have the so-called deeming resolution, which means we deemed the budget resolution, which was passed by the House last month, to be force and effect until we can get a conference report. It is essential to move that forward if there is to be any kind of parameters and discussion over the debate. If we do reject this rule and subsequent rules on appropriations items which do that, we simply have the net effect of this body of postponing any rational discussion in a logical and determined way of any of the appropriations items.

Mr. Speaker, this is a good rule. This rule is a good rule because it follows the rules, it defines the process that we have, and it moves us forward in the debate. I feel comfortable with that. I feel comfortable with much of the actual appropriations in this particular bill.

I did have times when I was given a kind of start. As an old teacher, every time they said the word education my ears perked up, because I was wondering where education fits into this bill. And then I realized we are debating a whole lot of other issues not necessarily related to this appropriations process.

I do want to say something that is extremely personal to me as it deals with potential taxes. The last time my party did not control the House and the Senate and the Presidency, the solution to our budget situation was the largest tax increase in the history of this country, and it started out with the concept of taxing the rich. I was a school teacher. My taxes increased at a greater percentage and with a greater dollar amount than ever in my lifetime. My wife had just taken a part-time job that year. Everything she made in that part-time job went to pay for the tax increase, supposedly on the rich.

I guess I should be grateful to the Congress that at that time, as a schoolteacher, I was labeled as one of the rich in this country. But that was the reality. And if indeed we never go back to those days again, I will be grateful and I will be happy.

Mr. Speaker, this is a good rule. This is a good bill. It will be talked about at the tax increase, and the act will be amended in appropriate ways as time goes on, but it is still a good bill and I urge the adoption of the rule.
The material previously referred to by Mr. HASTINGS of Florida is as follows:

**Previous Question for H. Res. 818—Rule for H. R. 5386 the Interior, Environment, and Related Agencies Appropriations for FY2007**

At the end of the resolution, add the following new sections:

"Sec. 3. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order without intervention of any point of order and before any other amendment if offered by Representatives of Ohio, Wisconsin or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the commitment, on the floor or in the House.

**Sec. 4.** The amendment referred to in section 3 is as follows:

At the end of the bill (before the short title), insert the following:

**Title VI—Enhanced Appropriations for Conservation, Recreation, the Environment, and Native Americans**

**Sec. 601.** In addition to the amounts otherwise made available by this Act, the following amounts, to remain available until expended, are appropriated:

1. $300,000,000 for clean air and water programs administered by the Environmental Protection Agency.

2. $250,000,000 for the Clean Water State Revolving Fund, as authorized by title VI of the Federal Water Pollution Control Act.

3. $50,000,000 for clean diesel and homeland security programs, as requested in the President’s budget.

4. $300,000,000 for protection of Federal lands administered by the Department of the Interior and the United States Forest Service as follows:

   A. $100,000,000 to address maintenance backlogs within the national parks, refuges, forests, and other lands of the United States.

   B. 150,000,000 for acquisition and preservation of priority lands within the national parks, refuges, and forests when such lands are threatened by development activities that could restrict access to such lands in the future by the American people.

   C. $30,000,000 to address staffing shortages for visitor services at national parks and national wildlife refuges.

   D. $30,000,000 for grants to States administered by the Department of Agriculture for support of conservation and recreation programs within the States.

   E. $20,000,000 for the State and Tribal Wildlife Grants program administered by the United States Fish and Wildlife Service.

   F. $50,000,000 for "Payments in Lieu of Taxes" as administered by the Secretary of the Treasury and as authorized by the Congress 6901 through 6907 of title 31, United States Code.

   G. $50,000,000 for "Indian Health Services for support of expanded clinical health services to Native Americans."

   H. $50,000,000 for "Bureau of Indian Affairs—Operation of Indian Programs" for support of educational services to Native Americans.

**Sec. 602.** In the case of taxpayers with income in excess of $1,000,000, for calendar year 2007 to provide a tax reduction resulting from the enactment of Public Laws 107-15, 108-27, and 108-311 shall be reduced by 1.94 percent.

**The Vote on the Previous Question: What It Really Means**

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon’s Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the substitute before the House, being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. To vote to order the rule does not pass the control of the question to the opposition in order to offer an amendment. On March 15, 1969, a member of the majority party offered the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, asked me to call upon him to yield to him for an amendment, is entitled to the first recognition.’’

Because the vote today may look bad for the Republican majority, they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution and [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican leadership during the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here’s how the Republicans describe the previous question in their own words: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

Deschler’s Procedure in the U.S. House of Representatives, (title 21.2) Section 21.3 continues: Upon rejection of a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority’s agenda to offer an alternative plan.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time, and, with gratitude that we are done at this point, I move the previous question on the resolution.

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

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device; and there were—aye 218, noes 192, not voting 22, as follows:

[Roll No. 161]

AYES—218

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Balanced
Barrow
Berenice
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyle
Brady (PA)
Brown (OH)
Brown (NJ)
Buck
Butterfield
Capps
Capuano
Cardoza
Carnahan
Cassara
Case
Clay
Cleaver
Clyburn
Clyburn
Conyers
Cooper
Costa
Costello
Cox
Crowley
Cuellar
Davis (TX)
Davis (CA)
Davis (MO)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLaney
DeLauro
Dicks
Dingell
Doyle
Edwards
Emanuel
Engel
Eskimo
Eskridge
Fall
Filner
Ford
Frank (MA)
Gonzalez
Gordon

NOT VOTING—23

Bachus
Brady (TX)
Brady
Cardin
Cummings
Davis, Tom
Davis, Tom
Evans
Fattah
Flake

[1105]

Mr. BRADY of Pennsylvania, Ms. DEGETTE, Mr. HINCHEY, Ms. BALDWIN and Messrs. THOMPSON of Mississippi, HOLT, and JACKSON of Illinois changed their vote from "aye" to "nay.

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

M. HINOJOSA. Mr. Speaker, on rollcall No. 160, had I been present, I would have voted "nay."

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

Mr. BRADY of Pennsylvania, Ms. DEGETTE, Mr. HINCHEY, Ms. BALDWIN and Messrs. THOMPSON of Mississippi, HOLT, and JACKSON of Illinois changed their vote from "aye" to "nay.

So the previous question was ordered.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING IN THE STRONGEST TERMS THE TERRORIST ATTACKS IN DABAH AND NORTHERN SINAI, EGYPT. ON APRIL 24 AND 26, 2006

The SPEAKER pro tempore (Mr. BONNER). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 795. The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. MCCOTTER) that the House suspend the
The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to H.R. 5386, the chair directs the House Resolution 118 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5386.

The Chair designates the gentleman from Ohio (Mr. LaTourette) as chairman of the Committee of the Whole, and requests the gentleman from New York (Mr. Kuhl) to assume the chair temporarily.

In the Committee of the Whole

Accordingly, the House resolves itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5386, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, with Mr. Kuhl, Acting Chairman of the Committee of the Whole, in the chair.

The Clerk reads the title of the bill:

The Acting Chairman (Mr. Dicks) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. Taylor) and the gentleman from Washington (Mr. Dicks) each will control 30 minutes.

Mr. Chairman, today we bring to the House floor the 2007 budget for the Department of the Interior, environment, and related agencies. This bill provides $25.9 billion, which is $188 million above the budget request and $145 million below the 2006 enacted level.

It has been a challenging year and difficult choices were made to stay within our allocation for the bill. In keeping with long-standing tradition, this bill has been developed as a bipartisan effort and focuses funding increases on the operations of our national parks, national monuments, national forests, and wild and scenic rivers. In addition, there are increases to many grants and programs like the national parks, National Forest Service and Native American programs, including health and education; forest health; and preservation of our national cultural treasures.

In order to provide these increases, there are decreases to many grants programs and there are limited new construction and land acquisition projects. In most cases, these choices are not a reflection on the effectiveness of the programs being reduced, but rather reflect the committee’s belief that mission-essential Federal programs and programs that are limited to public lands; Indian programs, including health and education; forest health; and preservation of our national cultural treasures.

Mr. Chairman, today we bring to the House floor the 2007 budget for the Department of the Interior, environment, and related agencies. This bill provides $25.9 billion, which is $188 million above the budget request and $145 million below the 2006 enacted level.

It has been a challenging year and difficult choices were made to stay within our allocation for the bill. In keeping with long-standing tradition, this bill has been developed as a bipartisan effort and focuses funding increases on the operations of our national parks, national monuments, national forests, and wild and scenic rivers. In addition, there are increases to many grants and programs like the national parks, National Forest Service and Native American programs, including health and education; forest health; and preservation of our national cultural treasures.

In order to provide these increases, there are decreases to many grants programs and there are limited new construction and land acquisition projects. In most cases, these choices are not a reflection on the effectiveness of the programs being reduced, but rather reflect the committee’s belief that mission-essential Federal programs and programs that are limited to public lands; Indian programs, including health and education; forest health; and preservation of our national cultural treasures.

In order to provide these increases, there are decreases to many grants programs and there are limited new construction and land acquisition projects. In most cases, these choices are not a reflection on the effectiveness of the programs being reduced, but rather reflect the committee’s belief that mission-essential Federal programs and programs that are limited to public lands; Indian programs, including health and education; forest health; and preservation of our national cultural treasures.

In order to provide these increases, there are decreases to many grants programs and there are limited new construction and land acquisition projects. In most cases, these choices are not a reflection on the effectiveness of the programs being reduced, but rather reflect the committee’s belief that mission-essential Federal programs and programs that are limited to public lands; Indian programs, including health and education; forest health; and preservation of our national cultural treasures.
While we appreciate input from the administration each year, we have made some significant changes to the request, including restoring funds for Johnson O’Malley Education Grants in the Bureau of Indian Affairs; restoring funds for the operations of 32 urban Indian health clinics; restoring funds for PILT; restoring funds for Superfund remediation and environmental education, and research in EPA; restoring funds for forest health and forest road maintenance; and restoring funds for National Heritage Areas and for U.S. Geological Survey mineral assessments.

We have provided significant increases to support the operations of our national parks and the Indian Health Service, and we fully fund the National Fire Plan.

One area that deserves particular mention, in which we have supported the administration’s budget proposal, is the energy area. In the Bureau of Land Management, there are significant increases that will enable us to expedite the permitting of on-shore oil and gas exploration and development on Federal lands. In EPA, we were unable to provide all the requested increases that were associated with the Energy Policy Act of 2005, but we have provided significant increases, including $26 million for the National Clean Diesel Initiative.

This committee, and this member in particular, soundly rejects the administration’s proposal to sell National Forest lands throughout the country, and we think this will not be happening.

We have eliminated Stateside Land and Water Grants, the Forest Service Economic Action Program, the BLM Rural Fire Program, and the Asia-Pacific Partnership in EPA.

This is a responsible bill that is focused on protecting Federal lands, Indian programs, environmental programs, cultural programs, and other programs under the committee’s jurisdiction. I urge you to support this bill.

The Ways and Means Committee has recommended that we make a technical change in the appropriations language for the Leaking Underground Storage Tank program in EPA, and we will do that in the final conference agreement.

Mr. Chairman, I include for the RECORD a table detailing the various accounts in the bill. I want to thank our staff, and my colleague, Mr. DICKS, and his staff for the fine work that they have done in preparing the bill and the cooperation they have shown.
### DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2007 (H.R.5386)

**Title I - Department of the Interior**

#### Bureau of Land Management

<table>
<thead>
<tr>
<th>Item</th>
<th>FY 2006 Enacted</th>
<th>FY 2007 Request</th>
<th>Bill</th>
<th>Enacted</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management of lands and resources</td>
<td>848,132</td>
<td>863,244</td>
<td>867,738</td>
<td>+19,606</td>
<td>4,494</td>
</tr>
<tr>
<td>Recession (P.L. 109-148)</td>
<td>-500</td>
<td>---</td>
<td>---</td>
<td>+500</td>
<td>---</td>
</tr>
<tr>
<td><strong>Wildland fire management:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preparedness</td>
<td>268,839</td>
<td>274,801</td>
<td>274,801</td>
<td>+5,962</td>
<td>---</td>
</tr>
<tr>
<td>Fire suppression operations</td>
<td>230,721</td>
<td>257,041</td>
<td>257,041</td>
<td>+26,320</td>
<td>---</td>
</tr>
<tr>
<td>Other operations</td>
<td>255,726</td>
<td>237,718</td>
<td>237,411</td>
<td>-18,315</td>
<td>-307</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>755,286</td>
<td>769,560</td>
<td>769,253</td>
<td>+13,987</td>
<td>-307</td>
</tr>
<tr>
<td>Construction</td>
<td>11,750</td>
<td>6,476</td>
<td>11,476</td>
<td>-274</td>
<td>+5,000</td>
</tr>
<tr>
<td>Land acquisition</td>
<td>8,621</td>
<td>8,767</td>
<td>3,067</td>
<td>-5,554</td>
<td>-5,700</td>
</tr>
<tr>
<td>Oregon and California grant lands</td>
<td>108,451</td>
<td>112,408</td>
<td>111,408</td>
<td>+2,957</td>
<td>-1,000</td>
</tr>
<tr>
<td>Range improvements (indefinite)</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Service charges, deposits, &amp; forfeitures (indefinite)</td>
<td>25,483</td>
<td>25,483</td>
<td>25,483</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Offsetting fee collections</td>
<td>-25,483</td>
<td>-25,483</td>
<td>-25,483</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Miscellaneous trust funds (indefinite)</td>
<td>12,405</td>
<td>12,405</td>
<td>12,405</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total, Bureau of Land Management</strong></td>
<td>1,754,145</td>
<td>1,782,860</td>
<td>1,785,347</td>
<td>+31,202</td>
<td>+2,487</td>
</tr>
</tbody>
</table>

#### United States Fish and Wildlife Service

<table>
<thead>
<tr>
<th>Item</th>
<th>FY 2006 Enacted</th>
<th>FY 2007 Request</th>
<th>Bill</th>
<th>Enacted</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resource management</td>
<td>994,037</td>
<td>995,594</td>
<td>1,016,669</td>
<td>+22,632</td>
<td>+21,075</td>
</tr>
<tr>
<td>Emergency appropriations (P.L. 109-148)</td>
<td>7,398</td>
<td>---</td>
<td>---</td>
<td>-7,398</td>
<td>---</td>
</tr>
<tr>
<td>Construction</td>
<td>45,216</td>
<td>19,722</td>
<td>39,756</td>
<td>-5,460</td>
<td>+20,034</td>
</tr>
<tr>
<td>Emergency appropriations (P.L. 109-148)</td>
<td>30,000</td>
<td>---</td>
<td>---</td>
<td>-30,000</td>
<td>---</td>
</tr>
<tr>
<td>Land acquisition</td>
<td>27,090</td>
<td>27,079</td>
<td>19,751</td>
<td>-8,329</td>
<td>-7,328</td>
</tr>
<tr>
<td>Landowner incentive program</td>
<td>23,667</td>
<td>24,400</td>
<td>15,000</td>
<td>-8,667</td>
<td>-9,400</td>
</tr>
<tr>
<td>Recession (P.L. 109-148)</td>
<td>-2,000</td>
<td>---</td>
<td>---</td>
<td>+2,000</td>
<td>---</td>
</tr>
<tr>
<td>Private stewardship grants</td>
<td>7,277</td>
<td>9,400</td>
<td>7,000</td>
<td>-2,400</td>
<td>-2,400</td>
</tr>
<tr>
<td>Cooperative endangered species conservation fund</td>
<td>81,001</td>
<td>80,001</td>
<td>80,507</td>
<td>-494</td>
<td>+506</td>
</tr>
<tr>
<td>Recession (P.L. 109-148)</td>
<td>-1,000</td>
<td>---</td>
<td>---</td>
<td>+1,000</td>
<td>---</td>
</tr>
<tr>
<td>National wildlife refuge fund</td>
<td>14,202</td>
<td>10,811</td>
<td>14,202</td>
<td>---</td>
<td>+3,391</td>
</tr>
<tr>
<td>North American wetlands conservation fund</td>
<td>39,412</td>
<td>41,646</td>
<td>38,646</td>
<td>-2,786</td>
<td>-5,000</td>
</tr>
<tr>
<td>Neotropical migratory birds conservation fund</td>
<td>3,941</td>
<td>---</td>
<td>4,000</td>
<td>+59</td>
<td>+4,000</td>
</tr>
<tr>
<td>Multinational species conservation fund</td>
<td>6,404</td>
<td>8,217</td>
<td>6,057</td>
<td>-347</td>
<td>-2,160</td>
</tr>
<tr>
<td>State and tribal wildlife grants</td>
<td>67,492</td>
<td>74,666</td>
<td>50,000</td>
<td>-17,492</td>
<td>-24,666</td>
</tr>
<tr>
<td><strong>Total, United States Fish and Wildlife Service</strong></td>
<td>1,345,037</td>
<td>1,291,536</td>
<td>1,289,588</td>
<td>-55,449</td>
<td>-1,948</td>
</tr>
</tbody>
</table>

#### National Park Service

<table>
<thead>
<tr>
<th>Item</th>
<th>FY 2006 Enacted</th>
<th>FY 2007 Request</th>
<th>Bill</th>
<th>Enacted</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operation of the national park system</td>
<td>1,718,415</td>
<td>1,742,317</td>
<td>1,754,317</td>
<td>+35,902</td>
<td>+12,000</td>
</tr>
<tr>
<td>Emergency appropriations (P.L. 109-148)</td>
<td>525</td>
<td>---</td>
<td>---</td>
<td>-525</td>
<td>---</td>
</tr>
<tr>
<td>United States Park Police</td>
<td>80,213</td>
<td>84,775</td>
<td>84,775</td>
<td>+4,562</td>
<td>---</td>
</tr>
<tr>
<td>National recreation and preservation</td>
<td>54,156</td>
<td>33,261</td>
<td>47,161</td>
<td>-6,995</td>
<td>+13,000</td>
</tr>
<tr>
<td>Historic preservation fund</td>
<td>72,172</td>
<td>71,858</td>
<td>58,658</td>
<td>-13,514</td>
<td>-13,200</td>
</tr>
<tr>
<td>Construction and major maintenance</td>
<td>313,858</td>
<td>229,269</td>
<td>229,934</td>
<td>-83,924</td>
<td>+665</td>
</tr>
<tr>
<td>Emergency appropriations (P.L. 109-148)</td>
<td>19,000</td>
<td>---</td>
<td>---</td>
<td>-19,000</td>
<td>---</td>
</tr>
<tr>
<td>Land and water conservation fund (rescission of contract authority)</td>
<td>-30,000</td>
<td>-30,000</td>
<td>-30,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Land acquisition and state assistance</td>
<td>63,954</td>
<td>24,343</td>
<td>29,995</td>
<td>-33,959</td>
<td>+5,652</td>
</tr>
<tr>
<td>Use of prior year balances</td>
<td>-17,000</td>
<td>---</td>
<td>---</td>
<td>+17,000</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total, National Park Service (net)</strong></td>
<td>2,275,293</td>
<td>2,155,623</td>
<td>2,174,840</td>
<td>-100,453</td>
<td>+19,017</td>
</tr>
</tbody>
</table>

#### United States Geological Survey

<table>
<thead>
<tr>
<th>Item</th>
<th>FY 2006 Enacted</th>
<th>FY 2007 Request</th>
<th>Bill</th>
<th>Enacted</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surveys, investigations, and research</td>
<td>961,675</td>
<td>944,760</td>
<td>991,447</td>
<td>+29,772</td>
<td>+46,687</td>
</tr>
<tr>
<td>Emergency appropriations (P.L. 109-148)</td>
<td>8,970</td>
<td>---</td>
<td>---</td>
<td>-8,970</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total, United States Geological Survey</strong></td>
<td>970,645</td>
<td>944,760</td>
<td>991,447</td>
<td>+20,802</td>
<td>+46,687</td>
</tr>
</tbody>
</table>
## DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2007 (H.R.5386)

(Amounts in thousands)

<table>
<thead>
<tr>
<th>FY 2006 Enacted</th>
<th>FY 2007 Request</th>
<th>Bill</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Royalty and offshore minerals management</td>
<td>274,121</td>
<td>285,381</td>
<td>286,226</td>
<td>+12,105</td>
</tr>
<tr>
<td>Use of receipts</td>
<td>-122,730</td>
<td>-128,730</td>
<td>-128,730</td>
<td>-6,000</td>
</tr>
<tr>
<td>Emergency appropriations (P.L. 109-148)</td>
<td>16,000</td>
<td>---</td>
<td>---</td>
<td>-16,000</td>
</tr>
<tr>
<td>Oil spill research</td>
<td>8,903</td>
<td>6,903</td>
<td>6,903</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total, Minerals Management Service</strong></td>
<td><strong>174,294</strong></td>
<td><strong>163,554</strong></td>
<td><strong>164,399</strong></td>
<td><strong>-9,895</strong></td>
</tr>
<tr>
<td><strong>Office of Surface Mining Reclamation and Enforcement</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipts from performance bond forfeitures</td>
<td>99</td>
<td>100</td>
<td>100</td>
<td>+1</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>108,909</strong></td>
<td><strong>112,209</strong></td>
<td><strong>112,209</strong></td>
<td><strong>+3,300</strong></td>
</tr>
<tr>
<td>Abandoned mine reclamation fund (definite, trust fund)</td>
<td>185,248</td>
<td>185,936</td>
<td>185,936</td>
<td>+688</td>
</tr>
<tr>
<td><strong>Total, Office of Surface Mining Reclamation and Enforcement</strong></td>
<td><strong>294,157</strong></td>
<td><strong>288,145</strong></td>
<td><strong>288,145</strong></td>
<td><strong>+3,986</strong></td>
</tr>
<tr>
<td><strong>Bureau of Indian Affairs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operation of Indian programs</td>
<td>1,962,190</td>
<td>1,966,594</td>
<td>1,973,403</td>
<td>+11,213</td>
</tr>
<tr>
<td>Construction</td>
<td>271,582</td>
<td>215,049</td>
<td>215,799</td>
<td>-55,783</td>
</tr>
<tr>
<td>Indian land and water claim settlements and</td>
<td>34,243</td>
<td>33,946</td>
<td>39,213</td>
<td>+4,970</td>
</tr>
<tr>
<td>miscellaneous payments to Indians</td>
<td>6,255</td>
<td>6,262</td>
<td>6,262</td>
<td>+7</td>
</tr>
<tr>
<td><strong>Total, Bureau of Indian Affairs</strong></td>
<td><strong>2,274,270</strong></td>
<td><strong>2,221,851</strong></td>
<td><strong>2,234,677</strong></td>
<td><strong>-39,593</strong></td>
</tr>
<tr>
<td><strong>Departmental Offices</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insular Affairs:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assistance to Territories</td>
<td>48,440</td>
<td>46,641</td>
<td>49,841</td>
<td>+1,401</td>
</tr>
<tr>
<td>Northern Marianas</td>
<td>27,720</td>
<td>27,720</td>
<td>27,720</td>
<td>---</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>76,160</strong></td>
<td><strong>74,361</strong></td>
<td><strong>77,561</strong></td>
<td><strong>+1,401</strong></td>
</tr>
<tr>
<td>Compact of Free Association</td>
<td>3,313</td>
<td>2,862</td>
<td>3,362</td>
<td>+49</td>
</tr>
<tr>
<td>Mandatory payments</td>
<td>2,000</td>
<td>2,000</td>
<td>2,000</td>
<td>---</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>5,313</strong></td>
<td><strong>4,862</strong></td>
<td><strong>5,362</strong></td>
<td><strong>+49</strong></td>
</tr>
<tr>
<td><strong>Total, Insular Affairs</strong></td>
<td><strong>81,473</strong></td>
<td><strong>79,223</strong></td>
<td><strong>82,923</strong></td>
<td><strong>+1,450</strong></td>
</tr>
<tr>
<td>Departmental management</td>
<td>130,238</td>
<td>118,845</td>
<td>118,303</td>
<td>-11,935</td>
</tr>
<tr>
<td>Payments in lieu of taxes</td>
<td>232,528</td>
<td>198,000</td>
<td>228,000</td>
<td>-4,528</td>
</tr>
<tr>
<td>Central hazardous materials fund</td>
<td>9,710</td>
<td>9,923</td>
<td>9,923</td>
<td>+213</td>
</tr>
<tr>
<td>Office of the Solicitor</td>
<td>54,624</td>
<td>56,755</td>
<td>56,755</td>
<td>+2,131</td>
</tr>
<tr>
<td>Office of Inspector General</td>
<td>38,541</td>
<td>40,699</td>
<td>39,688</td>
<td>+1,147</td>
</tr>
<tr>
<td><strong>Office of Special Trustee for American Indians</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal trust programs</td>
<td>188,774</td>
<td>185,036</td>
<td>150,036</td>
<td>-38,738</td>
</tr>
<tr>
<td>Indian land consolidation</td>
<td>34,006</td>
<td>59,449</td>
<td>34,006</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total, Office of Special Trustee for American Indians</strong></td>
<td><strong>222,780</strong></td>
<td><strong>244,485</strong></td>
<td><strong>184,042</strong></td>
<td><strong>-38,738</strong></td>
</tr>
</tbody>
</table>
DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2007 (H.R.5386)
(Amounts in thousands)

<table>
<thead>
<tr>
<th>Natural resource damage assessment fund</th>
<th>6,016</th>
<th>6,109</th>
<th>6,109</th>
<th>+93</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total, Departmental Offices</td>
<td>775,910</td>
<td>754,339</td>
<td>725,743</td>
<td>-50,167</td>
</tr>
<tr>
<td>Total, title I, Department of the Interior</td>
<td>9,863,751</td>
<td>9,612,568</td>
<td>9,664,186</td>
<td>-199,585</td>
</tr>
<tr>
<td>Appropriations</td>
<td>(9,815,358)</td>
<td>(9,642,568)</td>
<td>(9,694,186)</td>
<td>(-121,172)</td>
</tr>
<tr>
<td>Emergency appropriations</td>
<td>(-81,893)</td>
<td>---</td>
<td>---</td>
<td>(-81,893)</td>
</tr>
<tr>
<td>Rescission</td>
<td>(-33,500)</td>
<td>(-30,000)</td>
<td>(-30,000)</td>
<td>(+3,500)</td>
</tr>
</tbody>
</table>
|>Title II - ENVIRONMENTAL PROTECTION AGENCY

Science and technology                   | 730,810 | 788,274 | 808,044 | +77,774 | +19,770 |
| (By transfer from Hazardous substance superfund) | (30,156) | (27,011) | (30,011) | (-145) | (+2,200) |
| Environmental programs and management  | 2,346,711 | 2,306,617 | 2,338,442 | -10,269 | +29,825 |
| Office of Inspector General            | 36,004 | 35,100 | 35,100 | -1,804 | --- |
| (By transfer from Hazardous substance superfund) | (13,337) | (13,316) | (13,316) | (-21) | --- |
| Buildings and facilities                | 39,626 | 39,816 | 39,816 | +190 | --- |
| Hazardous substance superfund           | 1,242,074 | 1,258,955 | 1,256,855 | +14,781 | -2,100 |
| Transfer to Office of Inspector General | (-13,337) | (-13,316) | (-13,316) | (+21) | --- |
| Transfer to Science and Technology      | (-30,156) | (-27,811) | (-30,011) | (+145) | (-2,200) |
| Leaking underground storage tank program | 71,953 | 72,759 | 72,759 | +806 | --- |
| Emergency appropriations (P.L.109-148)  | 8,000 | --- | --- | -8,000 | --- |
| Oil spill response                      | 15,000 | 16,506 | 16,506 | +877 | --- |
| Pesticide registration fund             | 15,000 | 10,000 | 10,000 | -5,000 | --- |
| Pesticide registration fees             | -15,000 | -10,000 | -10,000 | +5,000 | --- |
| State and tribal assistance grants      | 2,100,634 | 1,708,284 | 1,884,764 | -215,870 | +176,500 |
| Categorical grants                     | 1,113,075 | 1,089,184 | 1,122,584 | +9,509 | +33,400 |
| Subtotal, State and tribal assistance grants | 3,213,709 | 2,797,468 | 3,007,348 | -206,361 | +209,900 |
| Rescissions (various EPA accounts)      | -80,000 | --- | --- | +80,000 | --- |
| Total, title II, Environmental Protection Agency | 7,625,416 | 7,315,475 | 7,572,870 | -52,546 | +257,395 |
| Appropriations                         | (7,697,416) | (7,315,475) | (7,572,870) | (-124,546) | (+257,395) |
| Emergency appropriations               | (8,000) | --- | --- | (-8,000) | --- |
| Rescissions                            | (-80,000) | --- | --- | (-80,000) | --- |
| (Transfer out)                         | (-43,483) | (-41,127) | (-43,327) | (-166) | (-2,200) |
| (By transfer)                          | (43,483) | (41,127) | (43,327) | (-166) | (-2,200) |

TOTAL

6,016
5,806
5,806
+93
---
## DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2007 (H.R.5386)

(Amounts in thousands)

<table>
<thead>
<tr>
<th></th>
<th>FY 2006 Enacted</th>
<th>FY 2007 Request</th>
<th>Bill</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TITLE III - RELATED AGENCIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>DEPARTMENT OF AGRICULTURE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest Service</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest and rangeland research</td>
<td>277,711</td>
<td>267,791</td>
<td>260,318</td>
<td>+2,607</td>
<td>+12,527</td>
</tr>
<tr>
<td>State and private forestry</td>
<td>278,966</td>
<td>244,410</td>
<td>226,608</td>
<td>-50,358</td>
<td>-15,802</td>
</tr>
<tr>
<td>Emergency appropriations (P.L.109-148)</td>
<td>30,000</td>
<td>---</td>
<td>---</td>
<td>-30,000</td>
<td>---</td>
</tr>
<tr>
<td>National forest system</td>
<td>1,415,646</td>
<td>1,398,066</td>
<td>1,445,659</td>
<td>+30,013</td>
<td>+47,593</td>
</tr>
<tr>
<td>Emergency appropriations (P.L.109-148)</td>
<td>20,000</td>
<td>---</td>
<td>---</td>
<td>-20,000</td>
<td>---</td>
</tr>
<tr>
<td><strong>Wildland fire management:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preparedness</td>
<td>660,705</td>
<td>655,887</td>
<td>655,887</td>
<td>-4,818</td>
<td>---</td>
</tr>
<tr>
<td>Fire suppression operations</td>
<td>690,186</td>
<td>746,176</td>
<td>741,477</td>
<td>+51,291</td>
<td>-4,699</td>
</tr>
<tr>
<td>Other operations</td>
<td>395,200</td>
<td>366,132</td>
<td>413,202</td>
<td>+18,002</td>
<td>+47,070</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>1,746,091</td>
<td>1,768,195</td>
<td>1,910,506</td>
<td>+64,475</td>
<td>+42,371</td>
</tr>
<tr>
<td>Capital improvement and maintenance</td>
<td>431,334</td>
<td>382,601</td>
<td>411,025</td>
<td>-20,309</td>
<td>+28,424</td>
</tr>
<tr>
<td>Emergency appropriations (P.L.109-148)</td>
<td>7,000</td>
<td>---</td>
<td>---</td>
<td>-7,000</td>
<td>---</td>
</tr>
<tr>
<td>Land acquisition</td>
<td>41,772</td>
<td>25,075</td>
<td>7,500</td>
<td>-34,272</td>
<td>-17,575</td>
</tr>
<tr>
<td>Acquisition of lands for national forests, special acts</td>
<td>1,053</td>
<td>1,053</td>
<td>1,053</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Acquisition of lands to complete land exchanges (indefinite)</td>
<td>231</td>
<td>231</td>
<td>231</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Range betterment fund (indefinite)</td>
<td>2,920</td>
<td>3,932</td>
<td>3,932</td>
<td>+1,012</td>
<td>---</td>
</tr>
<tr>
<td>Gifts, donations and bequests for forest and rangeland research</td>
<td>63</td>
<td>63</td>
<td>63</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Management of national forest lands for subsistence uses</td>
<td>4,975</td>
<td>5,311</td>
<td>5,311</td>
<td>+336</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total, Forest Service</strong></td>
<td>4,257,782</td>
<td>4,096,728</td>
<td>4,194,286</td>
<td>-63,496</td>
<td>+97,538</td>
</tr>
</tbody>
</table>

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Indian Health Service

<table>
<thead>
<tr>
<th></th>
<th>FY 2006 Enacted</th>
<th>FY 2007 Request</th>
<th>Bill</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indian health services:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-contract services</td>
<td>2,174,802</td>
<td>2,268,241</td>
<td>2,275,877</td>
<td>+101,075</td>
<td>+7,636</td>
</tr>
<tr>
<td>Contract care</td>
<td>499,562</td>
<td>536,259</td>
<td>536,259</td>
<td>+36,697</td>
<td>---</td>
</tr>
<tr>
<td>Catastrophic health emergency fund</td>
<td>17,735</td>
<td>18,000</td>
<td>18,000</td>
<td>+265</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total, Indian health services</strong></td>
<td>2,692,099</td>
<td>2,822,500</td>
<td>2,830,136</td>
<td>+138,037</td>
<td>+7,636</td>
</tr>
</tbody>
</table>

Indian health facilities

<table>
<thead>
<tr>
<th></th>
<th>FY 2006 Enacted</th>
<th>FY 2007 Request</th>
<th>Bill</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total, Indian Health Service</strong></td>
<td>3,046,310</td>
<td>3,169,787</td>
<td>3,193,709</td>
<td>+148,399</td>
<td>+23,822</td>
</tr>
</tbody>
</table>

National Institute of Health

<table>
<thead>
<tr>
<th></th>
<th>FY 2006 Enacted</th>
<th>FY 2007 Request</th>
<th>Bill</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Institute of Environmental Health Sciences</td>
<td>79,108</td>
<td>78,414</td>
<td>79,414</td>
<td>+306</td>
<td>+1,000</td>
</tr>
</tbody>
</table>

Agency for Toxic Substances and Disease Registry

<table>
<thead>
<tr>
<th></th>
<th>FY 2006 Enacted</th>
<th>FY 2007 Request</th>
<th>Bill</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toxic substances and environmental public health</td>
<td>74,905</td>
<td>75,004</td>
<td>76,754</td>
<td>+1,849</td>
<td>+1,750</td>
</tr>
<tr>
<td><strong>Total, Department of Health and Human Services</strong></td>
<td>3,199,923</td>
<td>3,323,305</td>
<td>3,349,877</td>
<td>+150,554</td>
<td>+26,072</td>
</tr>
</tbody>
</table>

**OTHER RELATED AGENCIES**

Executive Office of the President

<table>
<thead>
<tr>
<th></th>
<th>FY 2006 Enacted</th>
<th>FY 2007 Request</th>
<th>Bill</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council on Environmental Quality and Office of Environmental Quality</td>
<td>2,677</td>
<td>2,627</td>
<td>2,627</td>
<td>-50</td>
<td>---</td>
</tr>
</tbody>
</table>

Chemical Safety and Hazard Investigation Board

<table>
<thead>
<tr>
<th></th>
<th>FY 2006 Enacted</th>
<th>FY 2007 Request</th>
<th>Bill</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and expenses</td>
<td>9,064</td>
<td>9,108</td>
<td>9,208</td>
<td>+144</td>
<td>+100</td>
</tr>
</tbody>
</table>
### DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2007 (H.R.5386)

**(Amounts in thousands)**

<table>
<thead>
<tr>
<th>Department/Program</th>
<th>FY 2006 Enacted</th>
<th>FY 2007 Request</th>
<th>Bill</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Office of Navajo and Hopi Indian Relocation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>8,474</td>
<td>5,940</td>
<td>5,940</td>
<td>-2,534</td>
<td>---</td>
</tr>
<tr>
<td><strong>Institute of American Indian and Alaska</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Native Culture and Arts Development</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payment to the Institute</td>
<td>6,207</td>
<td>6,703</td>
<td>6,703</td>
<td>+496</td>
<td>---</td>
</tr>
<tr>
<td><strong>Smithsonian Institution</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>516,568</td>
<td>537,394</td>
<td>517,094</td>
<td>+526</td>
<td>-20,300</td>
</tr>
<tr>
<td>Facilities capital</td>
<td>98,629</td>
<td>107,000</td>
<td>107,000</td>
<td>+8,471</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total, Smithsonian Institution</strong></td>
<td>615,097</td>
<td>644,394</td>
<td>624,094</td>
<td>+8,997</td>
<td>-20,300</td>
</tr>
<tr>
<td><strong>National Gallery of Art</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>95,179</td>
<td>101,794</td>
<td>101,794</td>
<td>+6,615</td>
<td>---</td>
</tr>
<tr>
<td>Repair, restoration and renovation of buildings</td>
<td>15,062</td>
<td>14,949</td>
<td>14,949</td>
<td>-1,013</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total, National Gallery of Art</strong></td>
<td>110,241</td>
<td>116,743</td>
<td>116,743</td>
<td>+5,602</td>
<td>---</td>
</tr>
<tr>
<td><strong>John F. Kennedy Center for the Performing Arts</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operations and maintenance</td>
<td>17,538</td>
<td>18,909</td>
<td>18,909</td>
<td>+1,371</td>
<td>---</td>
</tr>
<tr>
<td>Construction</td>
<td>12,809</td>
<td>19,800</td>
<td>19,800</td>
<td>+9,991</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total, John F. Kennedy Center for the Performing Arts</strong></td>
<td>30,347</td>
<td>38,709</td>
<td>38,709</td>
<td>+8,362</td>
<td>---</td>
</tr>
<tr>
<td><strong>Woodrow Wilson International Center for Scholars</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>9,065</td>
<td>9,438</td>
<td>9,438</td>
<td>+373</td>
<td>---</td>
</tr>
<tr>
<td><strong>National Foundation on the Arts and the Humanities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Endowment for the Arts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants and administration</td>
<td>124,406</td>
<td>124,412</td>
<td>124,412</td>
<td>+6</td>
<td>---</td>
</tr>
<tr>
<td>National Endowment for the Humanities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants and administration</td>
<td>125,728</td>
<td>126,049</td>
<td>126,049</td>
<td>+321</td>
<td>---</td>
</tr>
<tr>
<td>Matching grants</td>
<td>15,221</td>
<td>14,906</td>
<td>14,906</td>
<td>-315</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total, National Endowment for the Humanities</strong></td>
<td>140,949</td>
<td>140,955</td>
<td>140,955</td>
<td>+6</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total, National Foundation on the Arts and the Humanities</strong></td>
<td>265,355</td>
<td>265,367</td>
<td>265,367</td>
<td>+12</td>
<td>---</td>
</tr>
<tr>
<td><strong>Commission of Fine Arts</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>1,866</td>
<td>1,951</td>
<td>1,951</td>
<td>+86</td>
<td>---</td>
</tr>
<tr>
<td><strong>National Capital Arts and Cultural Affairs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants</td>
<td>7,143</td>
<td>6,534</td>
<td>6,534</td>
<td>-609</td>
<td>---</td>
</tr>
<tr>
<td><strong>Advisory Council on Historic Preservation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>4,789</td>
<td>5,118</td>
<td>5,118</td>
<td>+329</td>
<td>---</td>
</tr>
<tr>
<td><strong>National Capital Planning Commission</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>8,123</td>
<td>8,285</td>
<td>7,623</td>
<td>-500</td>
<td>-642</td>
</tr>
<tr>
<td><strong>United States Holocaust Memorial Museum</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Holocaust Memorial Museum</td>
<td>42,150</td>
<td>43,786</td>
<td>43,415</td>
<td>+1,265</td>
<td>-371</td>
</tr>
<tr>
<td>Presidio Trust</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2007 (H.R.5385)
(Amounts in thousands)

<table>
<thead>
<tr>
<th></th>
<th>FY 2006 Enacted</th>
<th>FY 2007 Request</th>
<th>Bill</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Presidio trust fund</td>
<td>19,706</td>
<td>19,256</td>
<td>19,256</td>
<td>-450</td>
<td>---</td>
</tr>
<tr>
<td>White House Commission on the National Moment of Remembrance</td>
<td>247</td>
<td>200</td>
<td>200</td>
<td>-47</td>
<td>---</td>
</tr>
<tr>
<td>Total, title III, related agencies</td>
<td>8,598,535</td>
<td>8,604,072</td>
<td>8,707,069</td>
<td>+108,534</td>
<td>+102,997</td>
</tr>
<tr>
<td>Appropriations</td>
<td>(8,541,535)</td>
<td>(8,604,072)</td>
<td>(8,707,069)</td>
<td>(+165,534)</td>
<td>(+102,997)</td>
</tr>
<tr>
<td>Emergency appropriations</td>
<td>(57,000)</td>
<td>---</td>
<td>---</td>
<td>(-57,000)</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TITLE IV - GENERAL PROVISIONS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Across-the-board cut (.476%) (rescission) (Sec. 439)</td>
<td>-569</td>
<td>---</td>
<td>---</td>
<td>+589</td>
<td>---</td>
</tr>
<tr>
<td>Across-the-board cut (1.0%) (rescission) (Sec. 601)</td>
<td>-1,179</td>
<td>---</td>
<td>---</td>
<td>+1,179</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grand total</td>
<td>26,085,934</td>
<td>25,532,115</td>
<td>25,944,125</td>
<td>-141,809</td>
<td>+412,010</td>
</tr>
<tr>
<td>Appropriations</td>
<td>(26,052,541)</td>
<td>(25,562,115)</td>
<td>(25,974,125)</td>
<td>(-78,416)</td>
<td>(+412,010)</td>
</tr>
<tr>
<td>Emergency appropriations</td>
<td>(146,803)</td>
<td>---</td>
<td>---</td>
<td>(-146,893)</td>
<td>---</td>
</tr>
<tr>
<td>Recissions</td>
<td>(-113,500)</td>
<td>(-30,000)</td>
<td>(-30,000)</td>
<td>(+83,500)</td>
<td>---</td>
</tr>
<tr>
<td>(Transfer out)</td>
<td>(-43,498)</td>
<td>(-41,127)</td>
<td>(-43,327)</td>
<td>(+166)</td>
<td>(-2,200)</td>
</tr>
<tr>
<td>(By transfer)</td>
<td>(43,498)</td>
<td>(41,127)</td>
<td>(43,327)</td>
<td>(-166)</td>
<td>(+2,200)</td>
</tr>
</tbody>
</table>
Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset, I want to thank Interior Subcommittee Chairman CHARLES TAYLOR and his staff for the fairness with which the minority has been treated in the development of this bill. We have been consulted throughout the process. As a result, the bill reflects our input in a number of places.

From a process point of view, this bill will allow how the majority and minority should work together to produce legislation. Unfortunately, as Chairman TAYLOR and I have discussed throughout the year, a fair process cannot produce a good bill when the Interior Subcommittee is given an inadequate allocation. What we were given to work with for 2007 is, once again, inadequate.

The $25.9 billion allowed by the full Appropriations Committee for Interior and environment programs is actually at the FY 2006 enacted level. This is roughly $800 million below the level necessary to maintain current services for the programs funded by the Interior Subcommittee.

The bill in which our parks, refuges and forests are again to be squeezed to cover fixed costs. It means funding for clean water and clean air programs at the EPA are going to be substantially reduced. It means critical new investments requested by the President in areas like homeland security and diesel emissions reductions are dramatically reduced or in some cases not funded at all. Assistance to our States with their environmental and conservation programs is dramatically reduced.

It means the very real problem of global warming will not be adequately addressed. And I assume that when consideration of the bill is completed, the provision approved by the Appropriations Committee acknowledges the existence of global climate change and the human involvement in that change will no longer be part of it. I will talk about my disappointment over that later.

I won't go through all the numbers today, but I think it is important that Members are aware of some of the most troubling recommendations. Despite facility maintenance backlogs of at least $15 billion in our parks, refuges and forests, funding for construction projects throughout the bill are cut by $216 million below last year and more than $400 million below the level in 2001. There is no funding at all for new schools on Indian reservations. Park Service construction is cut by $190 million.

In most cases, this bill has only been able to fund 70 percent of the increases mandated by law for Federal pay and for other fixed costs. As our recent GAO report on the parks made clear, this inevitably will mean cutbacks in staff and cutbacks in visitor services for people who visit our parks, refuges and other Federal facilities. Staffing in our wildlife refuges has been cut by more than 700 FTEs over the past 5 years.

Funding for the Clean Water Revolving Fund is cut by another $200 million below the 2006 level. Over the last 3 years, the Clean Water Program, which EPA cites as one of its most effective, has been reduced by $662 million, or nearly 50 percent. This means either that essential infrastructure repairs for this country's aging water infrastructure will not be done, that local water and sewer rates will increase as communities pick up the Federal share of these costs.

Other State grant programs broadly supported in the House are cut below the current rate. This includes a $14 million cut in PILT, as well as a significant reduction in State Wildlife grants and the North American Wetlands programs. Statewide Conservation grants are completely eliminated. Funding to the Interior Department to purchase land for the Federal Government to manage. Unfunded acquisitions include smaller parcels in icon parks such as Valley Forge, Grand Teton, and Acadia. These purchases are the highest priorities of the Bush administration and are ready to go in 2007 if we had funding.

I want to express my strong support for the cuts totaling $20 million to the Smithsonian contained in this bill, which Chairman TAYLOR and I believe is the best way for the Interior Subcommittee to express our extreme displeasure with recent actions taken by the Smithsonian. This situation involves the recently negotiated commercial venture with Showtime, the details of which have been kept from Congress by the Smithsonian.

II 1230

On a more positive note, and one our constituents who visits D.C. certainly will appreciate, the bill makes an important down payment towards the much needed improvement of the infrastructure at the National Zoo. This will be a multiyear task to upgrade the zoo's facilities to a level where they should be. In a smart move, tackling the most important tasks first, this bill has placed significant emphasis on replacing and upgrading the fire protection and emergency systems.

As I mentioned earlier, Chairman TAYLOR and I have discussed previously the problems with the Interior subcommittee repeatedly being given inadequate allocations to meet the needs of this country in terms of taking care of our Federal lands and protecting the environment. This is not a pretty picture.

Mr. Chairman, I hope we can improve the bill as it moves forward, but this is not a bill in my opinion which adequately addresses our country's needs. Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. Mr. Chairman, I rise in support of H.R. 5386, the Department of Interior Appropriations bill for fiscal year 2007.

Mr. Chairman, I commend the distinguished chairman, Mr. TAYLOR, and his committee for including funding in the Indian Health Service facilities budget for joint venture projects. I believe the Service should take advantage of opportunities like the joint venture program to leverage tribal dollars with Federal dollars.

In my State of Oklahoma, I am pleased to note that the Chickasaw Nation pledged an unprecedented $135,000 million in tribal funds to design, construct, and equip a new state-of-the-art medical center to meet the needs of its people, its community, and neighboring tribes.

Congress and the Indian Health Service should look favorably upon tribes willing and able to make those investments back into their community and provide the necessary supplemental resources.

Mr. Chairman, I urge the support of H.R. 5386.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, the majority party believes that if we just keep drilling for more gas and oil then our energy crisis will be over. Unfortunately, they are not looking for a solution to our energy crisis and a solution to our rising gas prices. They are just looking short term for false security solutions that ultimately line the pockets of big oil companies.

Mr. Chairman, that is why we are here today discussing offshore oil drilling instead of promoting efficient and renewable energy policies. The people that I am fortunate to represent in Marin and Sonoma Counties north of San Francisco, across the Golden Gate Bridge, do understand. They get it. The coast of my district is one of the most biologically productive regions in the world, and it would be threatened, threatened by oil and gas exploration if this bill passes as it is.

For this reason, I have introduced a bill to extend the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries along the entire coast of Sonoma to protect it from offshore drilling threats.

The coastal communities in my district rely on tourism and fishing, industries that would be severely hurt if offshore drilling was permitted. If you were to visit this beautiful stretch of coast you would understand why, and you would know that we must protect it.
Mr. Chairman, the people who live in my district strongly oppose offshore drilling. They understand that we need an energy policy that focuses on investments in energy efficiency and renewable energy sources, not on oil rigs and the endless depletion of our natural resources.

I want to urge my colleagues to join me in supporting the Capps-Davis amendment. Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. DIAZ-BALART of Florida. Mr. Chairman, first I want to thank the chairman for the incredible job that he has done on this bill. It is one of the toughest pieces of legislation that Congress has been asked to consider this year, and he has done an incredible job. His staff is always willing to listen to all of us and put up with all of us, I thank them as well, and they know who I am referring to.

But I do need to say, Mr. Chairman, that there was an amendment put on during this process that I think would have, could have a devastating effect on the State of Florida, and that it would potentially allow for the drilling of natural gas, potentially up to just 3 miles off the coast of Florida.

And I do not need to remind everybody how important tourism is for the economy of Florida. $57 billion to the economy. We depend on that environment being pristine. There is a consensus in Florida, among the people in Florida and just about all of the elected officials of Florida, that this could be devastating for the State of Florida.

There will be an amendment by Mr. PUTNAM and others to try to remedy that. I will support that. I want to thank the chairman and staff again for always listening to us, and we hope that the great will could be improved by taking out that part that can be very devastating to Florida.

Mr. DICKS. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I would like to further elaborate on the drilling issue that has been discussed by the last two speakers, Democrat and Republican.

Mr. Chairman, since 1981, this Congress has included language in this Interior spending bill that says that we draw a line as far as the extent to which we are willing to risk oil spills off the coast of Florida and off the coast of the United States in return for drilling. It has been a matter of balance.

This bill today contains a provision that repeals this language, that has been there since 1981 and, as was mentioned earlier, will allow the possibility of leasing or gas and oil as close as 3 miles off the east coast of Florida and 9 miles off the west coast of Florida, my home.

The risk of a spill to the State of Florida is devastating, and to be perfectly honest, it is entirely uncertain to all of us what the risk is. But it is a risk that we do not want to accept in Florida, particularly because the quantities are so modest in return as far as what this would give.

Now the language in the bill, which I would like to discuss, it is important to point out what it does and what it does not do. It gives the White House the authority to issue leases should it choose to do so right off the coast of Florida.

The language says, it is only for natural gas. But if you look at the record, including the President's own leader in the Department of Interior, he says when you go to drill you get what you get. If you make an investment as a company to drill for gas and you get oil, you are going to take oil. So this is about having an oil spill as well as gas.

Secondly, there has been a presentation made of drilling off the coast of Florida and other parts of the United States is going to lower the price at the pump. With respect to Florida, nothing can be further from the truth. The representation is made that if we drill, it will bring a reduction in the price of our cars and trucks to natural gas, then this provision will lower the price at the pump.

The price at the pump is the problem with the price of oil. This provision is not going to benefit the Nation's needs as far as oil. It could produce enough oil to generate a spill off the coast of Florida, but it is not going to lower the price at the pump.

Let me finally just say, reasonable people can disagree on where this line should be drawn. But the way to do that is through hearings around the country, in the State of Florida. We want to be part of the solution in terms of meeting the Nation's energy needs.

Mr. Chairman, I do not question for a minute the motives behind the sponsor of this bill, but there is a right way and a wrong way to have this debate. The right way is to have an open and honest discussion in the committee, around the country. Come to Florida. Our beaches are not just a State treasure, they are a national treasure.

But the wrong way to do it is this last one, to change a balance that has existed since 1981, to have a very short debate and to simply erase what Congress has had in place for decades through other energy crises and subject the State of Florida and other parts of the country to the possibility of an oil spill that could be enormously devastating, not just to our environment, not just to our economy, but to our way of life.

Mr. Chairman, I hope that the Members of Congress will choose to take a responsible approach to this very important issue. This is not just about Florida. It is about coastlines that are pristine in terms of the entire country as well as the rest of the coastline.

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

Mr. DAVIS of Florida. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I also want to point out that this restriction, which has been in the law since 1981, was also in the President's budget. This was part of the President's budget. So we are not only overturning this congressional restriction, but we are also doing it in the face of the Bush administration's budget.

Mr. DAVIS of Florida. Mr. Chairman, reclaiming my time. I do not think anyone on the floor of this Congress is going to accuse the President of being bashful about drilling. He does not support this drilling right off the coast of Florida.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank Chairman TAYLOR as well as his excellent colleague Mr. PUTNAM for this amendment.

Chairman, I urge my colleagues to join me in supporting the Capps-Davis amendment. Mr. TAYLOR as well as his excellent colleague Mr. PUTNAM for this amendment.

There will be an amendment by Mr. PUTNAM and others to try to remedy that. I will support that. I want to thank the chairman and staff again for always listening to us, and we hope that the great will could be improved by taking out that part that can be very devastating to Florida.

Mr. Chairman, I am so proud to represent the national treasures of the Florida Keys. The Florida Keys National Marine Sanctuary is home to thousands of plants and animal species, as well as the world's third largest living coral reef system. Drilling would threaten the health of this national marine sanctuary and undermine our efforts to foster and restore sensitive areas.

Mr. Chairman, I encourage my colleagues' help in making sure that we can protect Florida's coastline and our Nation's ecosystem by adopting the Putnam amendment and rejecting the Peterson language from the bill.

Mr. Chairman, I thank again Chairman TAYLOR for his time and for this opportunity.
Mr. DICKS, Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

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

Mr. ABERCROMBIE. Mr. Chairman, it is clear that the principal issue that is going to be before us as we deal with the overall bill is going to be the lifting of the moratorium, the congressional moratorium with respect to drilling in the Outer Continental Shelf. As a supporter of a bill that Mr. PETTSON and I hope to have heard in the Resources Committee that will deal with the issue in a much broader scope, I hope I can bring some level of reality here to what this is all about.

Mr. Chairman, it is the quite true, as has been mentioned by previous speakers who want to see this amendment taken out of the overall bill, that 25 years ago the question of drilling 3 miles off of Florida or California or anywhere was an issue, and the reason that the moratorium was put in was to prevent that from happening. But that was 25 years ago, and now the issue is up for reconsideration, not to drill 3 miles, but whether there is going to be any drilling at all and whether it should take place and under what circumstances, given what has happened over the past 25 years.

The reason the Peterson amendment is in the overall bill is to give us the opportunity to start that discussion. There will be no drilling off of Florida or anywhere else if we pass this bill. It just gives us the opportunity to begin a discussion as to whether we should re-consider that position and where it should happen. That is what is at issue here, lifting the congressional moratorium. There is still a Presidential moratorium against it; there is still a 5-year moratorium that has to be implemented. We need to consider whether we want to continue with that particular approach.

So what we are asking for is every Member here to be able to vote his or her own views on whether we can have a discussion on this issue. Our problem, Mr. Chairman, is, particularly for those of us who are Democrats, that we are in the grip now of an assault by an environmental Taliban out there that has absolute revealed wisdom as to what is involved with us trying to achieve an independent energy source that we can have as an alternative energy source right now in our country, and not be in the grip of people around the world who wish us ill with regard to energy.

All we are asking for is the opportunity to be able to discuss this issue. If we defeat the Peterson amendment or have it taken out and pass the Capp-Putnam amendment and whatever other amendments are associated with it, we won’t have the chance to even begin a discussion about whether natural gas is an alternative inde-
May 18, 2006

CONGRESSIONAL RECORD—HOUSE

MESSAGE FROM THE PRESIDENT

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

The SPEAKER pro tempore. The Committee will resume its sitting.

Mr. DICKS. This could be a cata-

The former Vice President has been

An example: 10,000 years ago, at the

What it means is, that increase in

What means does that mean? Does that

Now, what does that mean? Does that

the sky is falling; don’t worry about it,

Mr. YOUNG of Florida. I thank the

I would like to speak spec-

Mr. GILCHREST. Greenland is an in-

thank the chairman of the Appropriations

back several hundred years. People

was tracking the increasing or de-

Mr. Chairman, I would like to speak

Mr. GILCHREST. New York City.

Mr. DICKS. I want that to be re-

Mr. DICKS. I want to commend the

Mr. DICKS. I want that to be re-

Mr. JAY PETERSON of Minnesota assumed the chair.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentle-

Mr. YOUNG of Florida. Mr. Chairman, 25 years ago, I stood at this very microphone at this very desk and of-

Mr. HINCHRY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).
Mr. GENE GREEN of Texas. Mr. Chairman, I was really going to wait and discuss this on the Peterson amendment or at least on the Putnam-Capps amendment to strike the Peterson language that is in the bill, but listening to all the Members, I thought maybe I at least have a voice that is on the other side.

I can’t near entertain as much as my colleague from Hawaii, who I agree with on this, and I am not going to call environmentalists Taliban, but I know we have considered this amendment for over a year and this issue has been debated on this floor many times, including the energy bill last year.

Supply and demand for energy is out of whack and our Nation needs more energy. The Federal Government tried to mandate demand reduction in the last energy crisis and it contributed to a nationwide recession we do not want to repeat. Opening the Outer Continental Shelf could save $300 billion in natural gas costs over 20 years for consumers and manufacturers. High national gas costs are sending manufacturing jobs overseas, following the cheap gas. Environmentally conscious nations like Norway, Denmark, Canada, and the United Kingdom are safely and successfully producing natural gas from their coastal waters. Canada uses natural gas only wells in Lake Erie, but right across the line the U.S. is not allowed to do the same.

No nation can produce energy more responsibly than ours. I have been on oil and gas rigs and they have such few discharges into the ocean, a medium sized fishing boat will leak more in a year.

The Peterson language is a major opportunity for us to respond to today’s energy crisis with a national solution. I feel justified in supporting the amendment because I come from a coastal district. My constituents feel the economic pressure of our energy and oil and gas exploration, processing and refining are Texas’ top coastal industries.

My colleagues from California and Florida think only they have beaches. We have coastal tourism and it is our second biggest income producer. That fact alone shows that the argument that oil and gas production and coastal tourism is mutually exclusive is just plain wrong.

I would oppose by saying if you are acting like Chicken Little and cannot point to one beach in Texas that has been ruined by oil and natural gas, then you should oppose the Putnam, Capps, et al. amendment.

There will be less need for LNG facilities and LNG tankers when we tap our own offshore resources so we can use the safest mode of transportation in the world—pipelines.

To address the needs of American families, we need a 3 pronged strategy. First, we need more production and infrastructure to meet our needs today and tomorrow.

Second, we need more conservation to keep our economy going as resources become more competitive globally.

Third we need more research to transition our economy to future sources of energy, for a time when petrochemicals are only used for, and not as an everyday fuel.

Supporting only long-term solutions and conservation is just not enough. It might be easier in the way, but it is not the right fix for today’s most pressing problems. We will need continued American energy production for some time.

If we allow domestic production to die out, conservation and research will not save us, and we will have to pay a terrible economic price.

I urge my colleagues to support oil and gas production in the Outer Continental Shelf, and oppose this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Chairman, the Interior and Environmental appropriations bill we have before us today is a responsible, balanced piece of legislation on a lot of issues that we support. It might not be a perfect bill, but it is the best possible product given the variety of Federal responsibilities, including our national parks, our Federal forests, abandoned mine reclamation, fish and wildlife resources, EPA, Indian programs, and other agencies.

This is a bipartisan bill, and it is the product of fair and impartial hearings.

I think it is fitting that this first appropriations bill of the season shows that it is funded at $211 million below the current fiscal year. We are on a track here to some fiscal sanity.

Tough choices had to be made. The chairman made the right choices.

Also important, it includes a very important amendment offered in full committee by Mr. Peterson which modifies the current congressional moratorium to allow for safe and efficient production of natural gas along our Outer Continental Shelf. This is a rational step to take in a time when we need to be increasing domestic production to meet our Nation’s energy needs.

Any effort to take this out would be the wrong thing to do right now. This is in this bill because that is where the rule is.

I believe that this bill provides the environmental, energy, resource, cultural and recreational needs of our Nation while still playing a significant role in controlling Federal spending.

Again, I commend the chairman and Mr. DICKS for their hard work in bringing this bill to the floor and I urge my colleagues to support the bill and to support the Peterson amendment.

Mr. HINCHEY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR), my friend and colleague.

(Mr. FARR asked and was given permission to revise and extend his remarks.)
needs without populating our waters with oil platforms and adding additional scars to our beautiful coastline.

The actions taken today by the House Appropriations Committee is extremely disappointing. As a result, the federal FY07 Interior Appropriations bill that you will be asked to vote on as early as next week weekends the two-year bipartisan Congressional moratorium and the protection it guarantees California’s coast. Moreover, the bill’s provisions would allow drilling to begin just three miles from our coast. Rather than watching the sun set on the western horizon each day, millions of Californians and visitors will now see grotesque oil platforms in plain sight. I urge the Delegation to oppose these provisions and work to defeat them during the House debate. California’s beautiful coastline is an integral part of our culture, our heritage and our economy. Putting it at risk would be an absolute travesty.

The price of gasoline has risen dramatically in California, but reducing our use of fossil fuels and diversifying our energy supply would have a much greater and more direct impact on prices than drilling off shore. California has gone to great lengths to do just this. We have dedicated $6.5 million to the Hydrogen Highway initiative to build hydrogen fueling stations and expand research for cars. We have implemented new car standards that will reduce emissions by thirty percent in the next ten years, cutting ozone-forming pollutants by five tons per day by 2020; we have invested $165 million to get gross polluters off of California’s streets; and finally, we have created incentives to reduce gasoline consumption by making it cheaper for people eligible to receive $1,000 when they turn in gross-polluting, inefficient vehicles. California leads the nation on these initiatives.

Enduring the current moratorium on offshore oil and gas leasing will not result in reduced prices for consumers nor is it the foundation for a sustainable energy policy. I urge your support for renewing the OCS moratorium and your continued support for California’s economy and coastal environment.

Sincerely,

ARNO LD SHWARZENEOGER
Governor

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Ms. HARRIS asked and was given permission to revise and extend her remarks.)

Ms. HARRIS. Mr. Chairman, later today, we will debate a natural gas exploration provision in this bill over which I have grave concerns. Thus, Mr. Chairman, I rise in support of the bipartisan Putnam-Capps amendment.

We are all acutely aware of the financial strain that higher gas prices place on average Americans. We imperil our national and economic security if we do not identify alternative energy sources to meet our Nation’s ever increasing need for energy.

The answer, however, not in this provision. It ends the 25-year bipartisan Outer Continental Shelf, OCS, moratorium that Chairman YOUNG spoke earlier about and, thus, allow construction of these gas wells as close as 3 miles from every coastal State.

From an economic perspective, this provision will jeopardize coastal economies that rely on healthy tourism industries for continued prosperity. Setting up natural gas wells visibly 3 miles from the shore would have a crippling effect on these coastal communities and the residents whose livelihoods they support.

Additionally, opening up our most sensitive coastlines to offshore natural gas drilling could create 32,000 jobs that could adversely impact the coastal waters, the fisheries and the marine ecosystems.

If the Putnam-Capps amendment is not adopted, be shut out from offshore oil drilling decisions.

Coastal Governors and the State legislatures would be denied a meaningful role in decisions about where and when drilling might occur. They would be silent, yet subject to a Federal mandate. Finally, the Secretary of Defense has indicated that areas east of the military mission line are vital to military operations and training. Specifically, Secretary Rumsfeld has indicated that language akin to what is currently in this bill would be in conflict with military operations and that it could be crucial to our Nation’s security.

For these reasons, I urge my colleagues to support the bipartisan Putnam-Capps amendment.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman.

It is sad that as we stand on the cusp of the most important change in our environment the civilized world has ever seen, the actions of a few in Congress can stop desperately overdue action.

The science is clear. This is not a problem of the future. It is happening now. The United Nations has declared that at least 5 million cases of illness and more than 150,000 deaths every year are attributed to global warming. The 2003 European heat wave killed over 20,000 people. The 10 hottest years in the last 15 years. Two consecutive record-breaking hurricane seasons. The problem will not fix itself.

And yet we will not allow a provision in this bill that has no timeline, no specific targets and no commitment. The committee inserted text that merely expressed the sense that we should take action on global warming, but the Rules Committee chose to leave it open to challenge by anyone, and I understand that challenge will be coming. We cannot even say we should be doing something about this.

Just how bad does it have to get?

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I rise in strong support of the Putnam amendment that will be given later here this evening.

We have heard a lot today about drilling off the coast of Florida. Let me make a parallel here and something every Member should think about. Would we allow oil rigs on the edge of the Grand Canyon, on the rim? How about at the foot of Old Faithful?

The Florida beaches are really tremendous. When you start to think about how far that this bill, as it is presently written, would bring these oil wells and gas wells into proximity to our beaches, we are talking about 3 miles. The line of sight is over 7 miles.

This bill just goes way too far in really imposing mass destruction on our beaches and our tourism. Florida’s beaches are really the most important thing that we have for our economy. It is the lifeblood of our economy, and the very thought that with the tremendous opposition that Florida has to this particular amendment that this body would do anything except strike it.

I urge all my colleagues, Democrats and Republicans, this is a bad provision. ADAM PUTNAM is going to be putting an amendment in this evening that would strip it out of this particular bill, and I think as Mr. YOUNG said earlier, that if we are going to be doing this, you need discussion and you need to talk about it.

It was said that we have talked about it. I do not remember one time that we have ever talked about bringing them within 3 miles of the coastal State of Florida.

I urge all my colleagues to vote with the Florida delegation. Kill this amendment to the appropriations bill and put it in the House Appropriations Committee and support the Putnam amendment that would strip it out.

Mr. HINCHEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, we have had a lot of discussion about the amendment that has been put forward by the gentleman from Pennsylvania (Mr. PETERSON). There are some technical problems with this amendment that I think have not been adequately addressed in the context of this debate thus far.

One of those technical amendments has to do with the fact that the experts on this issue, both within Interior and Energy, believe that it may not be possible to give leases for the extraction of natural gas alone. All the leases that we have currently are for natural gas and oil. And the reason for that is, if you drill for natural gas, the likelihood is that you are going to hit oil. And if you hit oil, and you are not capable or prepared to deal with that, then you are going to encounter some very serious problems.

The amendment that Mr. PETERSON is going to bring before the House sometime later this afternoon or this evening has within it this very serious technical problem, and for that reason alone it ought to be rejected.

The gentleman from Florida, the former chairman of the Appropriations Committee, was up here just a few minutes ago talking about the serious damage that this amendment, if it is
passed and put into action, might have on the tourist industry in Florida and on the general situation of the coastal region in Florida and California and in parts of the gulf.

So when you are thinking about this particular amendment, keep in mind that if you think we just drill for natural gas, the likelihood is if you hit natural gas you are going to hit oil too. And if you are not prepared for it, you are going to have some very serious problems. We ought to address this and put address it in a much more comprehensive way.

As has been pointed out, again by the gentleman from Florida on the other side of the aisle just a few minutes ago, we have not had adequate hearings on this. This is an issue that has not gone through the appropriate authorizing committee. We are attempting to inappropriately put it into the context of this appropriations bill, and for that reason also that amendment ought to be rejected.

Furthermore, we need to be conserving our natural resources, particularly our energy resources. Anything that you find anywhere in the world on energy resources, natural gas and oil, these materials are fungible. They go out anywhere. If we are smart about our natural resources, we ought to be doing everything we can to conserve them, keep them where they are because the value of those natural resources is going to dramatically increase over time. If we exploit them now, exhaust them now, exhaust them now, we are going to be very sorry for it later on.

In addition to that, we have another circumstance with regard to this amendment and the ideas behind it, and that has to do with the fact that we are not now receiving adequate royalties from the natural resources, particularly our energy resources. Anything that you find anyplace in the world on energy resources, natural gas and oil, these materials are fungible. They go out anywhere. If we are smart about our natural resources, we ought to be doing everything we can to conserve them, keep them where they are because the value of those natural resources is going to dramatically increase over time. If we exploit them now, exhaust them now, we are going to be very sorry for it later on.

So for those reasons I think that this amendment ought to be rejected.

Mr. Chairman, may I inquire as to how much time we have.

The CHAIRMAN. The gentleman's time has expired.

Mr. HINCHEN. The entire time for the bill?

The CHAIRMAN. The entire time for general debate has expired. The gentleman from North Carolina remains the only person with time, and he has 9½ minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the appropriations chairman, the gentleman from Florida (Mr. Lewis).

Mr. LEWIS of Florida. Mr. Chairman, I very much appreciate my chairman yielding me this time, and I want to express my deep appreciation to him for his work, as well as for Norm Dicks of Washington. This is a fabulous bill, in my view. It is the first step in the passage of 11 of our bills between now and the 4th of July break, all of them off the House floor.

This bill reflects exactly the approach and style we are attempting to take within our committee this year and in the years ahead. The total spending on this bill provides $19.5 billion in total discretionary spending. That is a $145 million decrease from the previous year, which even further pressures us.

The chairman and the ranking member are attempting to help us balance the importance of preserving our resources, our environment, and, indeed, our country as we move towards energy independence. And of the pieces of preserving our independence is to make certain that our appropriation process is spending less money, not more money, in the years ahead.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. I thank the chairman for yielding me time. Opponents of the Putnam-Capps amendment say that the underlying language does not affect the readiness of our military here in the United States, and I can say that that is 100 percent wrong.

This map is the eastern Gulf of Mexico off the State of Florida. This is a joint test range that extends from the panhandle of Florida all the way to Key West. Let me tell you, the Air Force uses this for live fire. Live fire. And the Navy uses the Gulf ranges to predeploy certification and to fire Tomahawk cruise missiles from submarines.

Now, I want to read you a list, if I can, which is just a sampling of some of the future and current missions conducted in the eastern Gulf of Mexico: the F–35 Joint Strike Fighter initial training and live fire; the F–22 pilot upgrade training, including the AMRAAM live fire; Tomahawk cruise missiles launched from submerged vessels; testing of Small Diameter Bomb program against man-made targets in the Gulf of Mexico; F–16 weapons system testing and evaluation; air dominance munitions; unmanned combat air vehicles; directed energy weapons and classified programs.

Now, the former commander of the Air Armament Center, Major General Robert W. Chedister, said last August: “Clearly, structures associated with oil and gas production are totally incompatible with, and would have a significant impact on, the mission activity in the eastern Gulf of Mexico.”

The Secretary of Defense, Donald Rumsfeld recently wrote: “Areas east of 86°41′, which is the military mission line, commonly known as the mission line, are critical to DOD.” He went on to say: “In these areas, the military mission line, drilling structures and associated development would be incompatible with military activities, such as missile flights, low-flying drone aircraft, and weapons testing and training.”

Now, let me show you where that military mission line is. The underlying language in this bill would open the door to drilling in the entire Joint Test Range and is completely incompatible with the military mission of our Air Force and our Navy. We cannot allow this area to be impacted.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Chairman, I wish to engage in a little colloquy with you.

As you know, the administration proposed $49.5 million for the National Clean Diesel Initiative, which was authorized at $200 million in the Energy Policy Act. We were only able to fund that at $26 million. I am concerned the demand will far exceed the amount the committee was able to provide.

For example, Pennsylvania's 13 school districts have filed applications with EPA for funding to retrofit diesel engines, and we are going to have a lot more of this.

I would like to yield to my friend from New York (Mr. Kuhl).

Mr. KUHL of New York. Mr. Chairman, I want to compliment my colleague from Pennsylvania (Mr. SHERWOOD) on his efforts on this particular important matter. And while he addresses the issues dealing particularly with his district in Pennsylvania, which I think is laudable, we should know that actually diesel engines play a very important role in our Nation's economy. They are, however, responsible for a substantial portion of particulate matter emissions and there are 11 million vehicles that need to be retrofitted, nearly 500,000 of which are school buses, which my colleague has addressed.

So I compliment again my colleague, Mr. SHERWOOD, for approaching this problem, and certainly I compliment the chairman for what he has been able to do. Hopefully, he will be able to supplement what has been appropriated in this bill by substantial increases in the appropriation.

Mr. TAYLOR of North Carolina. Mr. Chairman, I agree that the demand for funding for retrofitting diesel vehicles has exceeded the funding made available to date. However, it is important to note that in fiscal year 2006, funding for programs under the National Clean Diesel Initiative was less than $12 million, and the $26 million recommended by the committee for fiscal 2007 represents an increase in funding of nearly 120 percent.

I have been personally involved in programs to promote the use of diesel retrofits back in my district, and I believe that the committee will make significant strides in addressing the clean diesel program's objectives. Having said that,
I would be happy to work with my colleagues to see if we might be able to increase the funding for this program should additional funds be made available when we go to conference with the Senate.

Mr. Chairman, I yield 3½ minutes to the gentleman from Pennsylvania (Mr. Petersen).

Mr. Petersen of Pennsylvania. I thank the chairman. We are beginning the most important debate this country has had on energy in a long time, and I am glad to see we have finally moved forward.

My good friend, Bill Young, 25 years ago started the moratorium. Back then, the cost of natural gas was a dollar something a thousand. Oil was less than $10. It didn’t matter that we locked up our resources. Last year, the average price of natural gas was $9.50. At times it was 14 and 15, and the rest of the world was a fraction of that. We are putting our industries and businesses in this country in jeopardy.

We have witnessed today serious fear from coastline people, and I respect that. This is not “us against you.” This is about America. Fear is only in our hearts when we don’t have the facts, and I am put to my heart by what I see, that when we have the facts, and we debate this issue, we will do the right thing and we will figure out how to produce natural gas off our shorelines at the right distance so that we have wonderful technologies and have affordable energy so our people can stay in their homes in the north and keep warm, and our businesses can stay in this country and prosper and build our economy.

Now, this bill, if it passes, only removes the legislative moratorium. The Presidential moratorium still remains. I could not remove that because that is legislating on an appropriations bill. We still have the 5-year plan, which is a 2- or 3-year process that we all react to because a lot of drilling is done anywhere. We have to change language that we can have gas-only leases. You all know that I have a bill that gives 20 miles of shoreline protection and gives the States control over that and only allows for natural gas production.

Folks, States like Florida, that use 235 times more gas than they produce, could be self-sufficient and could bring in a lot of money to the State of Florida. California likewise, huge energy users, could bring in huge amounts of money and could produce natural gas only.

And those who say we can’t produce natural gas only just don’t understand how you drill. I grew up in this. I have never been in the oil business, but I grew up around it. You drill through the layers of the surface. You drill through oil sands, coal sands, and gas sands; and you put a steel casing down, you cement the top and the bottom, and you go back and open that casing up where you want to produce. It doesn’t all just come gushing out.

We have been drilling for oil for hundreds of years. It is a sound science today. I am not promoting oil, but the last major oil spill was Santa Barbara in 1969. How long do they have to do it right? There has never been a gas well that has polluted a beach and made it a place we wouldn’t want to be.

I have spent dozens of evenings on Florida beaches. I just spent a week at Duck. Do you think I don’t appreciate the value of that, folks? But I also want my kids and my grandchildren to have a job and to have economies, and polymers, plastics, petrochemicals, bricks, and a lot of the industries, steel and aluminum, which use huge amounts of natural gas.

The President of U.S. Steel told me his cost went up $500 million; and if we don’t get gas below $3 consistently, he cannot compete in America. Every glass company will be in South America, where gas is $1.87, and every brick company. We won’t even make bricks in America. We will bring them in from South America. The petrochemical business has 120 plants being built, with one in America. The rest will move jobs out of this country when they are completed, folks.

We don’t have a lot of time. We need to provide affordable energy.

Mr. Taylor of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. Beauprez).

Mr. Beauprez. Mr. Chairman, I want to rise to express my strong opposition to language in the bill that earmarks $13 million in funding to continue operating the existing U.S. Geological Survey mapping facility in Rolla, Missouri. This facility is planned to be closed based on a careful and thorough analysis of the 21st-century role of the USGS mapping. The amendment also prohibits the planned consolidation of the mapping functions at the USGS, which is estimated to save the American taxpayers millions of dollars.

Two formal investigations, including one by the Department of the Interior’s Inspector General, have assessed the Consolidation of the mapping functions in Rolla, Missouri. This facility is planned to be closed based on a careful and thorough analysis of the 21st-century role of the USGS mapping. The amendment also prohibits the planned consolidation of the mapping functions at the USGS, which is estimated to save the American taxpayers millions of dollars.

The apparent ease with which these small planes fly back and forth across the northern border is truly cause for alarm. In commenting on these recent smuggling incidents, the U.S. Attorney for the Eastern District of Washington was recently quoted by a northwest newspaper as saying that “a person that will smuggle drugs, guns, and cash is going to be a person who would smuggle a special-interest alien or a terrorist.” As disturbing as this prospect is, I believe that it is equally important for all of our law enforcement agencies on the northern border to have the resources available to combat these incursions, including the Colville Tribe.

Congress has in past years funded this program at the $630,000 level and our colleagues
should know that both the Colville Tribe and the Spokane Tribe contribute significant funds of their own and secure matching funds from various sources to keep these patrols running. Given the critical importance of this program to both border security and homeland security, and given modestly relatively modest request that I very much hope the Appropriations Committee can support this quest in conference, with an eye toward inclusion in the conference report.

Mr. UDALL of Colorado. Mr. Chairman, I regret that I cannot vote for this appropriations bill.

Colorado has a special stake in the bill because it provides funds for Federal agencies that are particularly important for our State, including most of the Interior Department, the Forest Service, and the Environmental Protection Agency.

And of course the bill is important for the entire country, because it provides much of the funding necessary for the Federal Government to meet its responsibilities regarding protection of the environment and the conservation of our natural, historic, and cultural resources.

If the bill dealt adequately with those matters, I would gladly support it. Unfortunately, however, it falls so far short of the mark that I do not think it should be approved.

Responsibility for the bill’s shortcomings lies with the leadership and the misguided budget resolution that they forced through the House in the very early hours of this morning. Their budget plan provides $9.4 billion less for domestic programs than the amount necessary just to maintain current services.

That is why the funds available for this bill are $145 million below this year’s level and about $800 million below what would be required to maintain current services. That is why the bill includes only about 70 percent of increases mandated by law for Federal pay and for other fixed costs for the Federal agencies covered by the bill. And that is why despite maintenance backlogs of some $12 billion in our parks, refuges and forests, funding for construction projects throughout the bill are cut by more than $98 million below last year’s funding level.

However, it is now clear that Federal assistance is necessary.

Again Mr. Chairman, I appreciate the subcommittee's inclusion of $1 million for the South Sioux City sanitary sewer crossing project. I urge my colleagues to vote for it.

Mr. HOLI. Mr. Chairman, I rise today in opposition to the Department of Interior and related agencies appropriations bill for fiscal year 2007. Today we are considering a bill that funds the majority of our Nation’s environmental programs. However, the funding levels that this bill allows are inadequate to meet the needs of our country. By passing this bill today we are turning our back on programs that conserve, protect our wildlife, and protect our environment.

I am concerned that this bill does not adequately support the needs of our environment to Walleye breeding. The Department of the Interior Appropriations Subcommittee to restore state side LWCF funding. Mr. McGovern, Mr. King and I represent a densely populated States that are combating overdevelopment.

According to the National Park Service, more than 4,000 grants to States and local governments have been funded through the LWCF State side program.

Protecting open space is not an abstract environmental matter—it is a quality of life issue. I urge my colleagues to vote against this bill and the underlying bill and demand real attention to our Nation’s environmental needs.

Mr. KING of Iowa. Mr. Chairman, I wish to take time to highlight a watershed-related project at Storm Lake, IA, in my district. As background, Storm Lake’s depth and water quality have been deteriorating since the last dredging in the early 1960s. Storm Lake is among 156 water bodies to make the U.S. Environmental Protection Agency’s list of “imperiled” streams and lakes because of siltation. Removing silt and radically improving water quality have been vital to the future of Storm Lake. It is well known for being a conducive environment to Walleye breeding. The Department of Natural Resources has come to depend on this Walleye population to assist in feeding other lakes and watersheds within the State of Iowa.

The Storm Lake community has implemented practices by both business and residents in an effort to ensure that the current dredging of Storm Lake will last for several generations to come. Finally, local agricultural producers on or near the watershed have incorporated farming practices that help curb or reduce the amount of runoff into the Storm Lake Watershed. I believe this comprehensive approach to water resource management by the Storm Lake community is to be commended.

Funds will be used to dredge 700,000 cubic yards of silt from the lake. Through decades of ground erosion and silt freely entering Storm Lake, the lake levels have diminished. In order to remove the silt and prevent the continued inflow of silt, a Lake Restoration Project was authorized to dredge a larger portion of the lake and to develop watershed protection practices. Therefore the Iowa Department of Natural Resources believes this dredging
Rural America is hurting economically. Our families are faced with the highest fuel prices in history. And this bill cuts $142 million from last year’s funding level for essential services like environmental protection.

These cuts come from state grants that help fund rural water, sewer, and infrastructure projects. They come from state wildlife preservation grants and wetland preservation funds. This bill even cuts funding to EPA programs like the clean air diesel program; all while rolling back pollution standards for power plants for the first time ever.

This bill would also allow drilling off of our pristine coastlines, and it would provide for the exploration and development of drilling in the Alaska National Wildlife Refuge (ANWR) in an area that is currently off limits for drilling, at a cost of $113 million. The priorities of this Congress are wrong for the American people. I urge my colleagues to vote against this legislation.

Mr. ETHERIDGE. Mr. Chairman, I rise today in opposition to the Interior Appropriations bill.

Given their commitment to “conservative values,” I would think that Republicans would be more committed to actual conservation. Instead, this bill shortchanges our environment, attacks our natural heritage, and recklessly endangers public health.

This bill slashes funding for environmental programs by $145 million and provides about $800 million less than is necessary to maintain current environmental protection services. Specifically, this legislation cuts land and water conservation programs, which provide funding for the acquisition of land for national parks, wildlife refuges, forests and monuments, to their lowest funding levels in 30 years. At the same time, this bill cuts the Forest Legacy Program by more than $43 million, the Fish and Wildlife Service by $55 million and the National Park Service by $100 million.

We have an obligation to ensure that future generations can enjoy the beauty of our national parks and public lands. With this bill, however, “majority” has abandoned their social and ethical responsibility to protect our environment and invest in America’s future.

This indefensible legislation not only harms our environment but places Americans’ health at risk by cutting the Clean Water State Revolving Fund. To its lowest funding level in a decade. According to the EPA, close to $20 billion—nearly 30 times the appropriated amount—is necessary to maintain our current water quality. I am not willing to endanger the health of millions of Americans by exposing them to dirtier water.

I don’t believe something as important as our natural resources should be left in the hands of Republican members of the flat-earth society who don’t even believe in global warming. There is scientific consensus that the earth is warming because of manmade greenhouse gases and the threat posed by global warming is real and immediate. Recent polls show that 85 percent of Americans believe that global warming is probably happening and 76 percent of conservatives, think the Federal government is not doing enough to address the problem. Yet Republicans are so reluctant to acknowledge global warming, they won’t even allow the House to consider the issue.

If Republicans really preach conservative values, perhaps they should start with actually conserving our most precious resources. I simply cannot vote for this mockery of environmental legislation and I encourage my colleagues to join me in opposing this bill.

Mr. HAYWORTH. Mr. Chairman, the state of Arizona has a rich history, much of it left to us by Native Americans from centuries past. One way in which the great tribal traditions and cultural stories of our native predecessors are passed down is in the form of petroglyphs. The rock carvings and designs carved into rock formations tell the stories of the first Americans, and it is important that we give special attention to the preservation of these artifacts.

One of Arizona’s largest collections of petroglyphs is housed at the Deer Valley Rock Art Center in Phoenix. Conceptualized with the intent to both preserve and educate, the center is operated and maintained by Arizona State University and the 47-acre facility is home to over 1,500 petroglyphs.

I would like to encourage the Bureau of Land Management to engage in conversations with the Deer Valley Rock Art Center in order to see where the agency might be able to provide assistance to the center. It is my hope that strengthening the relationship between the agency and the center will make it possible for Arizona’s historical treasures to continue to be preserved, allowing the center to remain a valuable educational tool for generations to come.

Mr. CARTER. Mr. Chairman, in 1991, the Texas Legislature authorized the establishment of the Texas Institute of Applied Environmental Research (TIAER) at Tarleton State University. Congress quickly recognized the merits of the effort and since 1992 has provided an average of $500,000 a year and the U.S. Department of Agriculture has added $4.5 million dollars. These dollars have been effectively leveraged, and when added to state and private funds, total funding has exceeded $45 million.

This project is an excellent example of how an agency and the center will make it possible for Arizona’s historical treasures to continue to be preserved, allowing the center to remain a valuable educational tool for generations to come.

The organization’s mission statement is: “TIAER conducts scientific research, economic inquiry, and institutional, statutory and regulatory analyses to address pressing environmental issues facing the state and nation and assists public entities in developing and implementing policies that promote environmental quality.”

The agency is at a strategic point in determining how agriculture can meet Clean Water Act objectives. ILS is TIAER’s response to the need for agriculture to become proactively involved in both policy initiatives and developing science-based programs that will lead to sustainable agricultural practices that provide for a strong economy and a healthy Earth.

Agricultural producers and TIAER work together in a unique model. Agricultural producers lead all ILS initiatives. TIAER provides staffing for ILS programs. The multidisciplinary staff of TIAER enables ILS to address proximate-to-farmer environmental issues in agriculture. TIAER is unique in other ways.

TIAER recognizes that the U.S. economy must remain strong in order to have a healthy Earth—“Strong economy, healthy Earth.”

TIAER has the capacity to more quickly to address new initiatives. The TIAER Director reports directly to the Tarleton State University President. In addition, TIAER staff work full-time, further enabling TIAER to move quickly.

The priorities of this Congress are wrong for the American people. I urge my colleagues to vote against this legislation.

The Nation is at a strategic point in determining how agriculture can meet Clean Water Act objectives. ILS is TIAER’s response to the need for agriculture to become proactively involved in both policy initiatives and developing science-based programs that will lead to sustainable agricultural practices that provide for a strong economy and a healthy Earth.

Agricultural producers and TIAER work together in a unique model. Agricultural producers lead all ILS initiatives. TIAER provides staffing for ILS programs. The multidisciplinary staff of TIAER enables ILS to address far-reaching policy initiatives in agriculture. TIAER is unique in other ways.

TIAER recognizes that the U.S. economy must remain strong in order to have a healthy Earth—“Strong economy, healthy Earth.”

TIAER has the capacity to more quickly to address new initiatives. The TIAER Director reports directly to the Tarleton State University President. In addition, TIAER staff work full-time, further enabling TIAER to move quickly.

The priorities of this Congress are wrong for the American people. I urge my colleagues to vote against this legislation.
The institute operates in an entrepreneurial manner. TIAER has no permanent funding. Therefore, the institute must address issues that are seen by TIAER clientele as pertinent and useful in addressing problems and issues they face.

As a proponent of ILS, TIAER brings together the distinct concerns of entrepreneurs and environmentalists to develop effective public policies and cooperative, science-based solutions.

In the past 30 years, efforts to improve the Nation’s waters focused on cleaning up point source discharge with great success. Now, however, water quality efforts will increasingly address non-point sources for the next increments in water quality improvements. The Clean Water Act of 1972 provided little insight into how agriculture would address polluted runoff from crop and ranch lands. It has become evident over the past decade that agricultural lands are in the crosshairs of the EPA and environmental groups. The challenge lies in developing programs that are specifically tailored to the needs of agriculture. At this fifteen-year mark, TIAER looks toward facilitating future successes in improving our Nation’s air and water quality. That is a laudable goal, and it is made possible by congressional appropriations that trigger additional financial support. That is a partnership that is made possible by congressional appropriations that trigger additional financial support. That is a partnership that makes sense.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rules, the bill shall be considered for amendment under the 5-minute rule. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read. The Clerk reads as follows:

H.R. 5386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and acquisition of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), $867,738,000, to remain available until expended, of which $1,250,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which $2,750,000 shall be available in fiscal year 2007 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

AMENDMENT OFFERED BY MS. SLAUGHTER

Mr. SLAUGHTER. Mr. Chairman, I offer an amendment. The Clerk reads as follows:

Amendment offered by Ms. Slaughter: Page 2, line 15, after the dollar amount, insert the following: ‘‘(reduced by $1) (increased by $1)’’.

Page 28, line 2, after the first dollar amount, insert the following: ‘‘(reduced by $5,000,000)’’.

Page 46, line 8, after the dollar amount, insert the following: ‘‘(reduced by $3,000,000)’’.

Page 75, line 1, after the dollar amount, insert the following: ‘‘(reduced by $2,000,000)’’.

Page 107, line 21, after the dollar amount, insert the following: ‘‘(increased by $5,000,000)’’.

Ms. SLAUGHTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD. The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Chairman, over the past 40 years the National Endowment for the Arts and the National Endowment for the Humanities have proven themselves time and time again to be among our country’s most valuable and successful organizations.

Their reach is national, their impact profound. They are tremendously beneficial to our economy, generating $134 billion annually in economic activity. Artistic endeavors return some $10.5 billion to the Federal Government in income taxes every year. And the arts support nearly 5 million full-time jobs. When our children have art education in their lives, they score higher on their SATs, have greater self-confidence, and are more focused on their studies.

I ask you today to urge stronger Federal commitment to the arts by supporting this amendment to provide modest increases to the NEA and NEH of $5 million each.

Unless we provide an overall increase for NEA, the programs like Challenge America and the Big Read, which have been so important, will be slashed. And they will reach fewer people.

Challenge America has enhanced America’s communities through direct grants for arts education, at-risk youth and cultural presentation, community arts partnerships and improved access to the arts for all Americans, with local programs in every single congressional district.

Because of the NEA, more children have music in their schools today than ever before, and high school students are participating in poetry sessions and learning more about Shakespeare. And our brave men and women serving on our military bases throughout our country are entertained by popular opera performances.

NEA’s Big Read program has resulted in committed partnerships among local government officials, schools, libraries, and arts organizations to address the feasible national decline in literary reading.

As part of the program, a book is selected and everybody is encouraged to read it. It is that simple. The first 10 pilot programs now under way have proven to be overwhelmingly successful. The neighbors talk about “Great Gatsby,” “friends are locked in heated debate about “To Kill a Mockingbird,” and coworkers are analyzing “Fahrenheit 451.”

Imagine the conversations, connections and community enrichment that will be generated if NEA expands the Big Read into 100 communities, as it currently plans.

The value of these programs should no longer have to be proved. The real question is, Will the Congress, with its patriotism and pride in America, prioritize the betterment of its culture?

In the late 1980s and 1990s, we funded the NEA at $170 million. The NEA was last funded at this amount in 1994 and has never recovered from the awful budget cut it took.

As a result, today its invaluable programs remain seriously underfunded. The increases I propose today are modest, but without adequate funding the NEA and the NEH will be unable to continue these and other important programs.

I urge Members to vote for the Slaughter-Shays-Dicks-Leach-Price amendment and to preserve its funding in the final conference report. I thank my colleagues who have joined me today.

Mr. DICKS. Will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Washington.

Mr. DICKS. I want to rise in strong support of the gentlewoman’s amendment. She has been a leader and a valued advocate on this issue for many, many years; and I am very proud to be associated with her on this amendment.

Mr. Chairman, I rise to urge support for this amendment offered by Mrs. Slaughter and Tom Wolf, which would increase funding for the National Endowment for the Arts and the National Endowment for the Humanities.

The amendment would provide an additional $10 million to be split equally between the two Endowments. The increase would be offset by a series of small cuts to several Interior Department programs.

I am gratified to note that the debate over the last few years has calmed down. The votes in favor of this annual Arts and Humanities amendment had been growing by an increasing margin. And last year, Chairman Taylor accepted this amendment without the need for a rollcall vote.

Although we offer this amendment each year, it is important that we again discuss the
I know you can think of times when a certain peal of a trumpet, or glimpse of a color trigging—something—a memory, an awareness, or an idea. Though art can trigger strong emotions, the value of these has not historically been measured. But they are no less important than the experiences that are quantifiable. NEA and NEH ensure that Americans across the country can discover and share the treasure of artistic expression while instilling a sense of historical and cultural heritage throughout the generations.

I urge my colleagues to recognize the benefits of preserving the arts and humanities by supporting this amendment's funding to NEA and NEH.

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the Dicks-Slaughter-Shays-Leach-Price amendment which will increase funding for the National Endowment for the Arts and National Endowment for the Humanities.

As Dana Goia, the NEA Chairman, said “A great nation deserves great art.”

How we prioritize the arts and humanities and their impact on our society and children's education says a lot about us as Americans.

Support of the arts should come from so many sources—individuals, foundations, arts consumers, and, yes, taxpayers. In a bill where we are spending $29.5 billion on various government programs, I believe spending $275.3 million on cultural programs is well worth the investment. It is a moderate amount of money that can have a big impact because today's economy is driven by ideas and innovation.

In fact, nationwide, there are 548,000 businesses involved in the creation or distribution of the arts and employ 2.9 million people. The fourth District of Connecticut is home to 2,841 arts-related businesses employing 14,711 people.

The Federal investment in the arts is the smallest part of arts funding. But we have a role—an important one. A stabilizing one. And a good reason.

I grew up in an arts family. My parents—both performing actors—met in the theater.

Listening to my father play the piano each night and hearing stories from their days on the stage gave me a profound appreciation for creativity—an appreciation that I know so many of the constituents I represent share.

I thank the Chairman TAYLOR and Ranking Member Dicks for their continued support of the arts and humanities.

I urge my colleagues to support this amendment.

Mr. TAYLOR of North Carolina. We accept this amendment, Mr. Chairman.

Ms. SLAUGHTER. I thank the chairman very much.

Mr. FARR. Mr. Chairman, I rise in support of the Slaughter/Shays Amendment to the FY07 Interior Appropriations Bill that would add $5 million each to the National Endowment for the Arts and the National Endowment for the Humanities.

Many of us do not recognize the role the arts play in our lives. But without the arts, our lives would be black and white. Arts add the color. Arts add the diversity and aid the understanding. Arts allow for expression and facilitate the acceptance. These experiences are truly immeasurable.

Cultures that have the ability to create, preserve and appreciate the arts are truly unique.
Even more significant is the return on the investment for the American taxpayer. While the Federal Government spends just over $250 million on the NEA and NEH annually, it collects over $10 billion in tax revenue related to the arts industry. Federal funding for the NEA and NEH is crucial to the arts community, helping leverage more state, local, and private funds. Clearly, the numbers show that investment in the arts is important not only to our national identity, but also to our national economy.

Mr. Chairman, we must act decisively to commit ourselves to our national heritage and culture, by voting to increase funding for the NEA and NEH. I urge my colleagues to support creativity and reflection, to support our economy, and to support the continued growth and expression of democracy in its fullest form.

Mr. HOLT. Mr. Chairman, I rise today in strong support of the Slaughter-Shays-Dicks-Leach-Price amendment to provide much needed funds for the National Endowment for the Arts and the National Endowment for the Humanities.

As a scientist, I am often advocating for investments in math, science, and technology research, development, and education. These are worthwhile expenditures that contribute to innovation and economic growth, but our nation requires a parallel investment in the arts to retain the cultural and creative growth that ties our diverse society together.

This modest increase in funding will build programs that use the strength of the arts and our Nation's cultural life to enhance communities in every State and every county around America. The additional funds provided through this amendment would support the very successful Challenge America program, which brings the arts to rural communities and inner-city neighborhoods whose limited resources don't always allow for community arts programs.

In 2005, the Challenge America program provided grants to towns and cities in 99 percent of Congressional districts for jazz and blues festivals, showcases for regional musicians and artists, and public-private partnerships that bring the arts into local schools. Dozens of studies have demonstrated the significant impact of arts education on students' academic performance, self-esteem, and behavior, and the Challenge America grants are an excellent mechanism to bring the arts to students who can greatly benefit from that exposure.

Similarly, the NEH serves to advance the nation's scholarly and cultural life. The additional funding contained in this amendment would enable NEH to improve the quality of humanities education to America's school children through grants that can do and accomplish learning opportunities through a range of public programs, and support new projects that encourage Americans to discover their storied and inspiring national heritage.

It is clear that increasing funding for the arts and humanities are among the best investments that we as a society can make. They help our children learn. They give the elderly sustenance. They power economic development, even in regions that are down and out. Will the projects that would be sponsored by this increase in funding help defend our country? Probably not, but they will make our country more worth defending. I urge my colleagues to support this amendment.

Ms. LEE. Mr. Chairman, I rise in strong support of the bipartisan Arts' Caucus amendment that would fully fund the National Endowment for the Arts, NEA, and the National Endowment for the Humanities, NEH.

I would like to especially thank co-chairs of the Arts Caucus and the authors of this amendment from New York (Ms. SLAUGHTER) and the gentleman from Connecticut (Mr. SHAYS)—for their leadership on this issue.

In my district, the 9th congressional district of California, more than 10,000 people are employed in arts related jobs. They play an integral role in building and sustaining our local economy.

The AXIS Dance Company, an NEA grants recipient in Oakland California, is just one example of an organization in my community that relies on these funds to sustain their programs.

The AXIS Company includes dancers with and without disabilities. Thanks to an NEA Access to Artistic Excellence Grant, the company launched their first-ever Summer Intensive session last year.

As Judith Smith, the company's artistic director, explains: "By presenting dance that includes dancers with and without disabilities we show youth what is possible when people with differences collaborate. . . . Ultimately it helps them see themselves as capable of whatever they set their mind to. This is the beauty of art."

The AXIS Company is but one example; nationally there are 548,000 arts-related businesses, but it is impossible to count how many lives our NEA investments speak for themselves—if you cut arts funding, you cut jobs and opportunities for all.

Mr. Chairman, I strongly urge my colleagues to vote "yes" on the Arts' Caucus bipartisan amendment.

Mr. Chairman, the DERA program is very important to my district. These funds play a critical role in fully integrating today's technological advances with consumer demands and environmental needs in order to provide cleaner air where our constituents live and work. And I would like just to have the chairman recognize that over the years, the Subcommittee leadership has worked hard to ensure that these funds will be made during conference to increase funding above the $26 million level, or at least to consider keeping it where it is.

So, Mr. Chairman, the DERA program is every important to my district. These funds play a critical role in fully integrating today's technological advances with consumer demands and environmental needs in order to provide cleaner air where our constituents live and work. And I would like just to have the gentleman recognize that over the years, the Subcommittee leadership has worked hard to ensure that these funds will be made during conference to increase funding above the $26 million level, or at least to consider keeping it where it is.

Mr. Chairman, I strongly urge my colleagues to vote "yes" on the Arts' Caucus bipartisan amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The amendment was agreed to.

Ms. MILLINDER-MCDONALD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the chairman. I would like to thank the gentlewoman from North Carolina in this colloquy. And, Mr. Chairman, as a resident of Southern California, I have witnessed the impact diesel emissions has had on our air quality. Our constituents are more likely to contract cancer, asthma and other respiratory problems. The emissions from heavy-duty trucks, in particular, are among the highest contributors of ground level ozone, volatile organic compounds, and particulate pollution in the country. These trucks are the highest pollutants among on-road transportation emissions sources.

As a primary player in the movement of goods, diesel engines play an important role in keeping our economy strong. While the administration has taken action with the diesel fuel engine regulations to reduce emissions, the EPA estimates that there are 11 million existing engines that still need to be fixed. This is why providing the necessary resources for the important diesel initiatives under the Diesel Emissions Reduction Act should be central to any current national transportation plan.

We have worked extremely hard to ensure that Americans may have cleaner air for their children and our Elders. I know, despite the bipartisan support we received for DERA funding, finding the funds for this program was a tough process. Ultimately, while cuts had to be made to DERA’s appropriation, I am very proud to have led the Subcommittee leadership to get the funds that we did receive. However, the fight is not over.

While the $26 million will go far in the mission for reducing diesel emissions, a great deal more is needed. Despite the fact that today’s diesel vehicles are 99 percent cleaner than their 1970 counterparts, each older truck contributes an average of 1 ton of pollutants into the air per year. We must continue to support the development of cleaner engines and fuels to ensure that our National Endowment for the Arts and Humanities is being funded at the levels it needs to reach its full potential.

Mr. TAYLOR of North Carolina. Mr. Chairman, the gentlewoman has made a huge contribution on this matter to the committee. We did increase the amount up 12 percent from where we were. But I agree with the gentlewoman, if we can do more in conference, we will try to do it because the great need is there.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, $32,066,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $867,738,000, and shall be made available to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

WILDLAND FIRE MANAGEMENT (INCLUDING REFERENCE TO APPROPRIATIONS TABLE)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance, as authorized by the Department of the Interior, $769,253,000, to remain available until expended, of which not to exceed $7,338,000 shall be for the renovation or construction of fire facilities: Provided: That funds are also available for repayment of advances to other appropriation accounts from which.
funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds expended: Provided further, That notwithstanding 42 U.S.C. 1564a, sums received by a bureau or office of the Department of the Interior for fire management, in an aggregate amount not to exceed $9,000,000, between the Depart- ment of the Interior and any non-Federal entity, may be shared among such entities, unless agreed to by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of ensuring funds reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps established pursuant to section 1602(h) of the Bankhead-Jones Farm Bill; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant number of participants. Provided further, That the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared among such entities, unless agreed to by the affected parties: Provided further, That notwithstanding the provisions of this section, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the Secretary of the Interior may use proceeds from Bankhead-Jones lands and the amount designated for range improvements under the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements under 43 U.S.C. 3181f–1 et seq., and Public Law 198–369, prior to its expiration, provided that if Federal share of receipts (defined as the portion of the receipts from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses, service charges, or forfeitures.

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities, and for reimbursement of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for on her/his certificate, not to exceed $10,000; Provided further, That notwithstanding section 44 U.S.C. 501, the Secretary of the Interior may authorize the Secretary to enter into procurement contracts, grants, or cooperative agreements with public and private entities.
$1,016,660,000, to remain available until Sep-

tember 30, 2008, except as otherwise provided

herein: Provided, That $2,500,000 is for high

priority projects, which shall be carried out by

the Fish and Wildlife Service, the National

Coastal Estuarine Reserve System, the

National Wildlife Refuge System, and other

entities, including state and local govern-

ments, for the benefit of wildlife, their habi-

tats, and fishery resources, for prevention

of pollution or other management costs.

further, That not to exceed $17,759,000 shall

be used for implementing subsections (a), (b),
(c), and (e) of section 4 of the Endangered
Species Act, as amended, for species that are

indigenous to the United States (except for

processing petitions, developing and issuing

proposed and final regulations, and taking

any other steps to implement actions de-

scribed in subsection (c)(2)(A), (c)(2)(B)(i), or

(c)(2)(B)(ii)), of which not to exceed

$12,581,000 shall be used for any activity re-

garding the Secretary or the Congress to be

accounted for solely on her certificate:

Provided further, That of the amount pro-

vided for environmental contaminants, up to

$1,000,000 shall be used for in situ surve-

y, monitoring, investigation, protection, and

utilization of fishery and wildlife resources,

and the acquisition of lands and interests there-

in: $50,756,000, to remain available until ex-

pended.

LAND ACQUISITION

For expenses necessary to carry out the

Land and Water Conservation Fund Act of

1965, as amended (16 U.S.C. 460l–4 through 11),

including administrative expenses, and for

private conservation efforts to be carried out

on private lands, $7,000,000, to be derived

from the Land and Water Conservation Fund,

and to remain available until expended:

Provided, That the amount provided herein

shall be adjusted equitably to States, terri-

ories, and other jurisdictions, including

the land area of such State bears to

other jurisdiction shall be distributed equi-

rally to States, territories, and other juris-

dictions with approved plans:

Provided further, That of the amount apportioned

under this paragraph for any fiscal year or more

than $1,000,000 and all available funds

for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisi-

tion, or removal of buildings and other fa-

cilities required in the conservation, man-

agement, investigation, protection, and uti-

lization of fishery and wildlife resources, and

the acquisition of lands and interests there-

in: $35,756,000, to remain available until ex-

pended.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the

Land and Water Conservation Fund Act of

1965, as amended (16 U.S.C. 460l–4 through 11),

including administrative expenses, and for

private conservation efforts to be carried out

on private lands, $15,000,000, to be derived

from the Land and Water Conservation Fund,

and to remain available until expended:

Provided, That the amount provided herein

shall be transferred to and merged with this

fund, and $60,346,000 is to be de-

vided:

For any State, territory, or other jurisdiction

that remains unobligated as of September 30, 2009,

in the manner provided herein: Provided further, That the non-Fed-

eral share of such projects may not be de-

frived from Federal grant programs:

Provided further, That the Secretary or the Congress to be

accounted for solely on her certificate:

Provided further, That of the amount pro-

vided for environmental contaminants, up to

$1,000,000 shall be used for in situ surve-

y, monitoring, investigation, protection, and

utilization of fishery and wildlife resources,

and the acquisition of lands and interests there-

in: $50,756,000, to remain available until ex-

pended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the


420l–420m, 420l–4213, 422l–4225, 424l–4245, and

1588), the Asian Elephant Conservation Act of

1997 (Public Law 106–96; 16 U.S.C. 420l–

420m), the Rhinoceros and Tiger Conservation


Ape Conservation Act of 2000 (16 U.S.C. 630l), and the Marine Turtle Conservation Act of

2004 (Pub. L. 108–266; 16 U.S.C. 660l), $4,000,000, to remain available until ex-

pended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to carry out sec-

tion 6 of the Endangered Species Act of 1973

(16 U.S.C. 1531–1539d), $20,507,000 to remain available until ex-

pended, of which $20,161,000 is to be derived

from the Cooperative Endangered Species

Conservation Fund.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out sec-

tion 1538), the Asian Elephant Conservation Act

that provides matching funds for the benefit of

wildlife and their habitat, including species that

are not hunted or fished, $50,000,000, to be derived

from the Land and Water Conservation Fund,

and to remain available until expended:

Provided, That the amount provided herein

shall be transferred to and merged with this

fund, and $60,346,000 is to be de-

vided:

For any State, territory, or other jurisdiction

that remains unobligated as of September 30, 2009,

in the manner provided herein: Provided further, That the non-Fed-

eral share of such projects may not be de-

frived from Federal grant programs:

Provided further, That the Secretary or the Congress to be

accounted for solely on her certificate:

Provided further, That of the amount pro-

vided for environmental contaminants, up to

$1,000,000 shall be used for in situ surve-

y, monitoring, investigation, protection, and uti-

lization of fishery and wildlife resources, and

the acquisition of lands and interests there-

in: $50,756,000, to remain available until ex-

pended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States

and to the District of Columbia, Puerto Rico,

Guam, the United States Virgin Islands, the

Northern Mariana Islands, American Samoa,

and Federally recognized Indian tribes under

the provisions of the Fish and Wildlife Act of

1956 and the Fish and Wildlife Coordination

Act, for the development and implementa-

tion of programs for the benefit of wildlife

and their habitat, including species that are

not hunted or fished, $50,000,000, to be derived

from the Land and Water Conservation Fund,

and to remain available until expended:

Provided, That the amount provided herein

shall be transferred to and merged with this

fund, and $60,346,000 is to be de-

vided:

For any State, territory, or other jurisdiction

that remains unobligated as of September 30, 2009,

in the manner provided herein: Provided further, That the non-Fed-

eral share of such projects may not be de-

frived from Federal grant programs:

Provided further, That the Secretary or the Congress to be

accounted for solely on her certificate:

Provided further, That of the amount pro-

vided for environmental contaminants, up to

$1,000,000 shall be used for in situ surve-

y, monitoring, investigation, protection, and uti-

lization of fishery and wildlife resources, and

the acquisition of lands and interests there-

in: $50,756,000, to remain available until ex-

pended.

PRIVATE STEWARDSHIP GRANTS

For expenses necessary to carry out the

Land and Water Conservation Fund Act of

1965, as amended (16 U.S.C. 460l–4 through 11),

including administrative expenses, and for

private conservation efforts to be carried out

on private lands, $7,000,000, to be derived

from the Land and Water Conservation Fund,

and to remain available until expended:

Provided, That the Secretary shall apportion the re-

mainder of the funds appropriated in 2009, in the manner

provisioned herein: Provided further, That the non-Fed-

eral share of such projects may not be de-

frived from Federal grant programs:

Provided further, That the Secretary or the Congress to be

accounted for solely on her certificate:

Provided further, That of the amount pro-

vided for environmental contaminants, up to

$1,000,000 shall be used for in situ surve-

y, monitoring, investigation, protection, and uti-

lization of fishery and wildlife resources, and

the acquisition of lands and interests there-

in: $50,756,000, to remain available until ex-

pended.

AMENDMENT OFFERED BY MR. PUTNAM

Mr. PUTNAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Putnam: Page 16, line 13, after the dollar amount in-

sert “(increased by $500,000)”.

Page 107, line 21, after the dollar amount in-

sert “(reduced by $500,000)”.

Mr. PUTNAM. Mr. Chairman, I rise today to submit an amendment to as-

States dealing with the increasing problem of alligator attacks.

As you may know, just in the past week there have been a number of at-

attacks resulting in three human fatalities

just in the State of Florida. Flori-

da is not the only State that has to

deal with this problem. Citizens across

Alabama, Georgia, Louisiana, South

Carolina, and Texas have all been vic-

tims of alligator attacks, often deadly, over the years.

The number of alligator complaints received by the Florida Fish and Wild-

life Commission continues to grow. Last year there were over 18,000 com-

plaints alone, which resulted in the re-

moval of over 7,000 alligators.

Unfortunately, with three deaths in 1 week, current efforts are insufficient to

prevent these attacks. I rise today to offer an amendment to provide $100,000 to

the monies available to the States to hire trappers and expand alligator trapping

activities.
Our support for nuisance alligator programs helps provide the critical resources States need to respond and remove these alligators, as well as educate the public on the prevention of these attacks. As the gulf coast and throughout the South, these attacks are increasing in frequency and severity and this amendment will help the States obtain the resources they need to accelerate their trapping program as we continue to face this challenge of an urban interface with wildlife that is listed as threatened only because of their resemblance to the American crocodile. □ 1345

There is no population concern whatsoever with the alligator. And I thank my colleagues for their support and urge adoption of the amendment. I see that the distinguished chairman of this subcommittee has risen, and I would be happy to yield to him for any comments.

Mr. TAYLOR of North Carolina. Mr. Chairman, I appreciate what the gentleman has to do, but I would ask him to withdraw his amendment.

The money that you want is in control of the State, and if you could withdraw, we will sit down between now and the conference and try to work with you.

Mr. PUTNAM. Mr. Chairman, re-claiming my time, certainly I recognize the difficult position that Mr. DICKS and Mr. TAYLOR are in in crafting an appropriate spending bill for this area. I appreciate the gentleman’s expression of concern about this problem. Obviously being from the South, he understands the issues we are dealing with, and I hope that we will be able to work something out in conference to that end.

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

Mr. PUTNAM. I would be happy to yield to my friend from Washington.

Mr. DICKS. Mr. Chairman, even from Washington State we understand the severity of this problem because we have seen it on national television, but I want him to know we are very willing to work with the gentleman on this issue before the conference and during the conference.

Mr. PUTNAM. We appreciate that. Obviously, the Wildlife Grant Fund is something that is a formula-driven process and was an imperfect vehicle, but we certainly wanted to take this opportunity to make the important case for doing everything we can to ameliorate what has become a deadly situation this alligator mating season.

Mr. WELDON of Florida. Mr. Chairman, I rise to express my concerns about both the underlying Peterson amendment that was adopted in the committee and the amendment offered by the gentleman from Florida. I voted against the Peterson amendment when it was offered in committee because it fails to include the 100-mile buffer along Florida’s coast that I believe is important to ensuring that we can adequately protect Florida’s shoreline. I am not opposed to the drilling for natural gas, provided we have a 100-mile buffer to protect Florida’s coast.

I want it to be very clear what I support and that is: a policy that allows for natural gas wells 100 miles or more off the coast of Florida. The amendment before us, offered by my Florida colleague, however, would ban natural gas wells not only along the Florida coast, but also along southern and northern California; Washington; Oregon; and the North Atlantic. It would not permit natural gas wells located 100 miles or more off the coast of Florida, and for that reason I will not support it.

There is some confusion that must be cleared up. No one here today is proposing that we allow natural gas wells within 3 miles of the Florida coast. In the event that the underlying bill before us is approved today the Presidential moratorium remains in place protecting Florida, and President Bush has pledged to ensure that Florida is permitted to maintain this exclusive economic buffer. Moreover should the Presidential moratorium be removed, the Congress must enact legislation for the Department of Interior on where to permit Outer Continental Shelf (OCS) leases. This is not a one step process.

Some have suggested that Florida has a natural gas wells will do little to address the energy costs in the United States. This claim simply is not based on sound economics. As many of my colleagues know, over the past decade there has been a dramatic increase in the use of natural gas to produce electricity. Switching to natural gas for electric power generation has been a very quick and cost effective way to reduce greenhouse gas emissions. According a 2005 report from the Florida Public Service Commission, in 2003, 26 percent of Florid’s electric power was generated using natural gas. By 2013, just seven years from now, the FPSC projects that over 50 percent of Florida’s electric power will be generated using natural gas. Clearly, Florida is increasingly relying on natural gas to meet our every-day energy needs and ensuring a longer-term affordable supply will help keep Florida consumer’s power bills affordable.

When you consider this growing reliance on clean burning natural gas along with price increases we have seen, it is clear that Florida consumers will continue to pay higher costs for electricity if we don’t address natural gas supply concerns. According to the U.S. Department of Energy, the costs of natural gas for electric power generation increased 300 percent between 2000 and 2005.

I look forward to working with my colleagues to support an amendment that provides Florida with an adequate protective buffer while looking to meet our long-term clean energy needs.

Mr. PUTNAM. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

At the request of the gentleman from Florida, and the Committee on Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 54 passenger motor vehicles, of which 54 are for replacement only (including 15 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; and the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation and refuge property.

Furthermore, the United States Fish and Wildlife Service shall implement quality standards:

The Service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: Provided further, That the Service may accept donated aircraft replacements in craft: Provided further, That, notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act to purchase any of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming provisions contained in the budget resolution of the managers accompanying this Act.

Mr. EHlers. Mr. Chairman, I move to strike the last word.

I rise to engage the distinguished chairman of the subcommittee in a colloquy, along with Mr. Kink from Illinois.

Chairman TAYLOR, let me first thank you and the committee for the funding you provided to the Science and Technology Account of the EPA. This important funding will address a wide range of environmental and health concerns, including both long-term basic research and near-term applied research in order to discover knowledge and develop technologies necessary to protect our environmental resources and prevent future harm. I recognize that the apparently dramatic increases are primarily due to transfers of funds from other accounts, and for that reason I would strongly discourage any Member from offering an amendment to appropriate funds for long-term basic research. The underlying bill before us is approved today the Presidential moratorium remains in place protecting Florida, and President Bush has pledged to ensure that Florida is permitted to maintain this exclusive economic buffer. Moreover should the Presidential moratorium be removed, the Congress must enact legislation directing the Department of Interior on where to permit Outer Continental Shelf (OCS) leases. This is not a one step process.

Some have suggested that Florida has a natural gas wells will do little to address the energy costs in the United States. This claim simply is not based on sound economics. As many of my colleagues know, over the past decade there has been a dramatic increase in the use of natural gas to produce electricity. Switching to natural gas for electric power generation has been a very quick and cost effective way to reduce greenhouse gas emissions. According a 2005 report from the Florida Public Service Commission, in 2003, 26 percent of Florida’s electric power was generated using natural gas. By 2013, just seven years from now, the FPSC projects that over 50 percent of Florida’s electric power will be generated using natural gas. Clearly, Florida is increasingly relying on natural gas to meet our every-day energy needs and ensuring a longer-term affordable supply will help keep Florida consumer’s power bills affordable.

When you consider this growing reliance on clean burning natural gas along with price increases we have seen, it is clear that Florida consumers will continue to pay higher costs for electricity if we don’t address natural gas supply concerns. According to the U.S. Department of Energy, the costs of natural gas for electric power generation increased 300 percent between 2000 and 2005.

I look forward to working with my colleagues to support an amendment that provides Florida with an adequate protective buffer while looking to meet our long-term clean energy needs.

Mr. PUTNAM. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

At the request of the gentleman from Florida, and the Committee on Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 54 passenger motor vehicles, of which 54 are for replacement only (including 15 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; and the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation and refuge property.

Furthermore, the United States Fish and Wildlife Service shall implement quality standards:

The Service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: Provided further, That the Service may accept donated aircraft replacements in craft: Provided further, That, notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act to purchase any of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming provisions contained in the budget resolution of the managers accompanying this Act.

Mr. EHlers. Mr. Chairman, I move to strike the last word.

I rise to engage the distinguished chairman of the subcommittee in a colloquy, along with Mr. Kink from Illinois.

Chairman TAYLOR, let me first thank you and the committee for the funding you provided to the Science and Technology Account of the EPA. This important funding will address a wide range of environmental and health concerns, including both long-term basic research and near-term applied research in order to discover knowledge and develop technologies necessary to protect our environmental resources and prevent future harm. I recognize that the apparently dramatic increases are primarily due to transfers of funds from other accounts, and for that reason I would strongly discourage any Member from offering an amendment to appropriate funds for long-term basic research. The underlying bill before us is approved today the Presidential moratorium remains in place protecting Florida, and President Bush has pledged to ensure that Florida is permitted to maintain this exclusive economic buffer. Moreover should the Presidential moratorium be removed, the Congress must enact legislation directing the Department of Interior on where to permit Outer Continental Shelf (OCS) leases. This is not a one step process.

Some have suggested that Florida has a natural gas wells will do little to address the energy costs in the United States. This claim simply is not based on sound economics. As many of my colleagues know, over the past decade there has been a dramatic increase in the use of natural gas to produce electricity. Switching to natural gas for electric power generation has been a very quick and cost effective way to reduce greenhouse gas emissions. According a 2005 report from the Florida Public Service Commission, in 2003, 26 percent of Florida’s electric power was generated using natural gas. By 2013, just seven years from now, the FPSC projects that over 50 percent of Florida’s electric power will be generated using natural gas. Clearly, Florida is increasingly relying on natural gas to meet our every-day energy needs and ensuring a longer-term affordable supply will help keep Florida consumer’s power bills affordable.

When you consider this growing reliance on clean burning natural gas along with price increases we have seen, it is clear that Florida consumers will continue to pay higher costs for electricity if we don’t address natural gas supply concerns. According to the U.S. Department of Energy, the costs of natural gas for electric power generation increased 300 percent between 2000 and 2005.

I look forward to working with my colleagues to support an amendment that provides Florida with an adequate protective buffer while looking to meet our long-term clean energy needs.
plagued by contaminants from years of industrial pollution that have settled into the sediments of tributaries to the lakes. These pollutants degrade the health of both humans and wildlife and disrupt the beneficial uses of those waters. To take to task these areas, the greater likelihood that the sediment will be transported into the open waters of the Great Lakes where cleanup is virtually impossible.

The Great Lakes Legacy Act, which was enacted in 2002 in response to slow cleanup progress, authorizes the EPA to clean up contaminated sediments in the Areas of Concern in the Great Lakes. This Legacy Act has an added advantage in that 35 percent of the funding comes from the local communities and the States. The Legacy Act program was funded at about $29 million last year, and the authorization is $50 million. The bill your committee drafted small amounts in the Legacy Act, but permits an estimated $29.6 million. Frankly, I considered offering an amendment to boost this total to that recommended by the President, to near full funding of $49 million disappointing me disappointed me to authority in the $500,000 cut to the Great Lakes National Program Office, which operates the Legacy Act program, directs other EPA cleanup and protection activities in the lakes, and helps to coordinate the activities of other Federal agencies within the region. But I decided against offering an amendment because I recognize that limited resources are available to you in this bill because of your small allocation.

I cannot stress that I am not the only one concerned about these funding levels. Last year over 1,500 Federal, State, and local government officials, scientists, engineers, and other stakeholders participated in the President’s groundbreaking Great Lakes Regional Collaboration. This diverse group of experts and advocates developed a strategic action plan for restoring the Great Lakes. Among the recommendations was $150 million in annual funding for the Legacy Act. This level was justified because of the success of the six projects that are completed or underway or in the pipeline and nine other potential projects being considered by the EPA. In fact, Federal and State officials involved in cleaning up contaminated sediment have recently estimated that 75 million cubic yards of sediment need to be remediated at a total cost range of $1.6 billion to $4.4 billion. The comparatively small amounts is the Legacy Act will help leverage State, local, and private dollars and get some of these ready-to-go projects off the ground.

Chairman TAYLOR, I urge you to work closely with your colleagues on increasing funding for this important, oversubscribed program, and help to jump-start restoration efforts for this national treasure. We simply cannot wait.

I yield now to my friend from Illinois, a stalwart champion of Great Lakes restoration and my Cochair of the Great Lakes Task Force, Mr. KIRK.

Mr. KIRK. Mr. Chairman, I thank my friend for yielding and strongly share his sentiments regarding the importance of funding the Great Lakes and especially the Great Lakes Legacy Act.

As the gentleman from Michigan noted, the Great Lakes are a national treasure. Our history is filled with supporting these national treasures, and in 2000 Congress and the administration rose to the occasion, providing a restoration plan for the Everglades that yielded impressive results.

Today the beginning to recognize a new effort. The Great Lakes Regional Collaboration brought together local, State, and national officials and interests, including the administration, to work on a coherent plan, a thorough plan for Great Lakes restoration and protection. Last December all Great Lakes Collaboration members met and endorsed this process. But we must go further. We must waste no time in moving forward with tangible objectives and funding. The Great Lakes face a myriad of threats, from invasive species to mercury contamination to the effects of long-term pollutants which are awaiting cleanup. These same Great Lakes are also a resource for drinking water, recreation, and transportation purposes. And to protect them we must increase coordination and funding of Great Lakes programs.

The Great Lakes Legacy Act provides an essential function: addressing sediment contamination in areas of concern in the Great Lakes. My district contains Waukegan Harbor, a contaminated area that, if properly cleaned, would increase the economic value of lakefront property by over $800 million. Mr. KIRK. Mr. Chairman, I move to strike the last word.

The Great Lakes Legacy Act funding cleans one of our national treasures while simultaneously adding value to the areas it serves. I strongly urge the chairman to lend his support to this program as we move through the committee process. More funding for the Great Lakes Legacy Act is extremely important in the overall effort to clean up the Great Lakes and to restore the economy of our region.

Mr. Chairman, I yield to the chairman of the subcommittee.

Mr. TAYLOR of North Carolina. Mr. Chairman, I recognize the comments of the gentleman from Michigan and the gentleman from Illinois. I recognize the importance of the Great Lakes as a natural resource and an issue of national importance. I commend those involved in the Regional Collaboration for their work which will guide research managers and policymakers with a helpful guide in setting priorities and implementing critical resource and protection programs.

The committed allocation did not allow us to achieve sizable increase in the funding for the Great Lakes Legacy Act. Indeed, many programs in the bill are funded substantially below the 2006 level while the Great Lakes program received an increase, albeit a small one.

I would be happy to work with my colleagues to see if we might increase funding for this program should additions of funds be available. When we go to conference with the Senate.

Mr. EHLERS. Mr. Chairman, what the gentleman yield?

Mr. KIRK. I yield to the gentleman from Michigan.

Mr. EHLERS. Mr. Chairman, I thank the gentleman for his assurance. I thank him for his consideration.

And I also wish to thank the Chairman of the Committee of the Whole for being generous with his time and also for his continuing work over the years in working for the Great Lakes.

Mr. KIRK. Mr. Chairman, I thank these two chairmen.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,754,317,000, of which $9,829,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $86,164,000, to remain available until September 30, 2008, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service and supporting facility management software system, and comprehensive facility condition assessments; and of which $1,909,000 is for the Youth Conservation Corps for high priority projects; Provided, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law enforcement and order incident pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police facilities, and those funds necessary to reimburse the United States Park Police account for the un budgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office; Provided further, That in this account may be spent without regard to the “no net loss” of law enforcement personnel policy.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER. Page 20, line 3, after the first dollar amount, insert the following: “(increased by $100,000).” Page 46, line 8, after the dollar amount, insert the following: “(reduced by $1,000,000).”

Mr. WEINER. Mr. Chairman, on September 11, like so many institutions of the Federal Government, everything came to a halt, including all the facilities supporting the Emergency. Immediately thereafter, we began a process to reopen them. We reopened them literally but we also reopened them...
symbolically to say, in the words of Secretary Norton from September 12 of that year, “Even though atrocities such as those of September 11 can affect us, they cannot close us down.” She said that while standing above Hoover Dam, “I do not know how they can figure it out. I have shown great creativity in the past.”

Today, after a period of a couple of months after September 11, all of the facilities of the national parks were reopened. Today these many years later, all of them are reopened except one, perhaps the most iconic national park that there is, the Statue of Liberty. The Statue of Liberty is still not reopened. Why? Well, it is not for lack of money. We in Congress have allocated more than $19 million to do security upgrades, to do improvements to the facilities. In fact, there has been over $6 million that was raised privately. We all remember the Statue of Liberty Foundation, major companies lined up, people sent in their coffee tins. Boys and girls from around the country collected pennies and dimes and nickles to help reopen the Statue of Liberty. So it is not for lack of funding.

Frankly, the reason that the Statue of Liberty is still closed is the lack of imagination and will on the part of the Park Service. Over the course of years, we in this House have said in many different ways either open it or tell us why you cannot. And each time they said things like, well, we are still thinking, we are pondering it, we are trying to figure it out.

The final analysis is quite clear. They do not want to reopen it. They are concerned they cannot possibly make it safe. Some of us have suggested why not have no bags permit? Why not say only a limited number of people can go in? Why not suggest that you have reservations in advance? Why not come to us and say maybe we need additional security? No. In fact, what is claimed is you cannot go up the part that was built here in the United States, but the iconic Statue of Liberty that all of us remember climbing up to when we were children is closed. It is the only national park that is.

It is a shame. In fact, in the words of the Daily News, it is worse than a shame. It says we need to break the dam open. It is the only national park of Liberty. So it is not for lack of funds. It is an iconic structure. It is a historic structure, it is a symbolic structure, it is an iconic structure.

To simply say, well, you can go visit the island and pat Lady Liberty’s toes it is not good enough. This is an opportunity for us to do something.

If they have a legitimate concern, we are Americans, we can solve those concerns. This might be a difficult challenge, but we need not to be narrow. It is an old structure, it is a historic structure, it is a symbolic structure, it is an iconic structure.

To simply say, well, you can go visit the island and pat Lady Liberty’s toes is not good enough. This is an opportunity for us to do something. We have reopened the White House with very intricate security concerns. Certainly, with all of us putting our minds together, with the resources that we have, certainly we can figure out a way. For example, we could say you can have no bags. We will have a zero security check and limit it only to a few dozen people a day. The symbolism is so important. I can’t imagine we are technically unable to secure this site.

Mr. TAYLOR of North Carolina. I am concerned that the narrowness of the stairwell is such an inhibitor. We have some awful narrow passageways in this building. We have reopened the White House with very intricate security concerns.

On my own last year, Mr. Chairman, last year in October I did go to the Statue of Liberty to ask similar questions. The island is open. The statue is open. Why? Well, it is not for lack of funds. We have reopened the White House to the equipment account to help them provide security. But there are concerns, and it is a chance for all of us in the House to go on record and say reopen Statue of Liberty. If you need to come back, if you need to say to us there are considerations that we need to take into account, we have never before been asked in this House in a bipartisan fashion of accommodating the Park Service and every other agency of government.

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

Mr. TAYLOR of North Carolina. I yield to the gentleman from New York. Mr. WEINER. Mr. Chairman, I am concerned that the narrowness of the stairwell is such an inhibitor. We have some awful narrow passageways in this building. We have reopened the White House with very intricate security concerns.

The statue has long been recognized by the intelligence community as one of the highest profile targets for terrorists. After the events of 9/11, the Department of the Interior made the decision to close the statue to assess its vulnerability to attack.

The Interior Department asked the Defense Threat Reduction Agency and other recognized experts to conduct bomb blast and other security analyses on the statue. Based on the results, the Park Service spent nearly $20 million on numerous safety and security improvements.

They did open the statue, except for the crown. The decision was made that visitors could not be properly protected on the narrow spiral staircase in the crown, the thinnest part of the statue, and the Department of the Interior made the decision not to open that section. So I would urge defeat of this amendment.

Mr. WEINER. Mr. Chairman, I ask the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from New York.
Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Washington.

Mr. DICKS. Are you suggesting a public hearing?

Mr. PEARCE. Yes, I would be happy to do public hearings. Since I have been chairman, just almost a year, I suspect we have been hearing of business plans and the numbers of visitors coming into parks. We have done two field hearings. We have done hearings on access for the handicapped.

So we have done multiple, multiple oversight on subjects such as this. I would be happy to work with the gentleman.

Mr. MALONEY. Mr. Chairman, I rise in support of my colleague from New York’s amendment that would re-open all of the Statute of Liberty, the symbol of American freedom. When our Nation was attacked on September 11, 2001, a number of our national landmarks were temporarily closed to the public for security reasons. It is now four and a half years since that terrible day, and only one of these national treasures remains closed—Lady Liberty. Visitors to Liberty Island, which remains open while most of the statute is closed, have been down as much as 50 percent from pre-9/11 levels, and that hurts the economy of New York City.

Mr. Chairman, when terrorists attacked our country, they hoped that they could restrict our freedom and our way of life. They miscalculated the strength of the freedom-loving spirit of New Yorkers and Americans, who have shown their resilience. But it would be a tremendous additional display of our Nation’s ever-lasting freedom to re-open the Statue of Liberty and to welcome visitors from around the world back to the statute that has long been a signal of hope. The Park Service shouldn’t have to resort to essentially holding a bake sale for private donations to try to get it re-opened. Our Nation’s beacon of liberty deserves better than that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WEINER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

Mr. MCHENRY. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the chairman.

Chairman Taylor, thank you for your leadership for North Carolina. We are so grateful for your leadership and dedication to the cause of decreasing the size and scope of government. I just want to commend you for that work.

I would like to discuss an important issue that faces four counties in western North Carolina.

In recent months, one of the most pressing matters that the Unifour Air Quality Committee, which is comprised of representatives from various organizations in western North Carolina, has been dealing with is the accurate monitoring and control of fine particulate matter emissions, better known as PM 2.5, specifically in Catawba County.

You know, PM 2.5 monitor readings at the Water Tower monitoring site, maintained in Catawba County by the North Carolina Division of Air Quality, recently indicated an annual average of also 15 micrograms per cubic meter for PM 2.5, although the measurement was within the equipment’s margin of error. Thus, Catawba County has been placed in non-attainment status for PM 2.5.

Mr. TAYLOR of North Carolina. I am aware of this situation. I understand that the Environmental Protection Agency should soon be releasing the results of the March audit for the Catawba area.

Mr. MCHENRY. I thank the chairman. It is also my understanding of the EPA audit. We hope to have the results of the audit as soon as possible so the Unifour Air Quality Committee can best determine what proactive steps need to be taken to control and monitor PM 2.5 emissions effectively.

We also hope that the EPA has given careful consideration in its audits to the maps and other data the Unifour Air Quality Committee provided to the EPA in an attempt to provide additional monitoring data in context.

Mr. TAYLOR of North Carolina. I thank you, Congressman MCHENRY. I appreciate your leadership on this important issue and assure you that I will look forward to working with you on this issue. The committee will be in contact with EPA on the monitoring of PM 2.5 emissions in the Catawba area of North Carolina. Thank you for your effort.

Mr. MCHENRY. Thank you, Mr. Chairman.

Mr. PEARCE. Mr. Chairman, I move to strike the last words for purposes of entering into a colloquy with the chairman of the Interior Appropriations Subcommittee.

Mr. Chairman, as chairman of the House Resources Subcommittee on National Parks, I am deeply concerned about the future of parks along our southern border. Organ Pipe Cactus National Monument, Coronado National Monument, Big Bend National Park, Amistad National Recreation Area, Padre Island, National Seashore and others. Both staff and I have seen firsthand the detrimental effects of illegal immigration and drug-running has had on some of our most fragile desert environments in our country.

It has become so bad at Organ Pipe Cactus National Monument that up to one-third of the park is now closed to the public because the area is occupied by armed drug traffickers, and park employees cannot work throughout the park without an armed escort. We are not talking about past problems or future problems. These damages are occurring as we speak.

I believe the National Park Service has blatantly ignored the congressional mandate to conserve these resources, including a number of endangered species, unimpaired for the enjoyment of future generations.

While the U.S. Border Patrol is doing what it can to slow the flow of illegal activities through our parks, resource protection is not their priority. The National Park Service must be given the manpower to protect the visiting public and the national resources.

Mr. TAYLOR of North Carolina. I, too, am aware of this increasingly difficult situation, not just in the national parks, but along other public lands funded in this bill. They comprise 43 percent of the border, the southern border. We need to work together; I would like to travel to that area. Perhaps we could hold a hearing in that area to draw the attention necessary. We need to work with our friend and former colleague, Rob Portman, once he is confirmed as the new director of OMB to ensure that adequate funds are provided to protect these lands.

We have very little money for park rangers for 43 percent of the border. However, I believe that this is primarily the responsibility of Homeland Security. This subcommittee has expressed its concerns to the administration over the past 4 years about additional Homeland Security duties imposed on agencies like the Park Service without providing additional funds. We also find in many other tribal lands that we are having some of the same problems.

Mr. PEARCE. I would like to thank the chairman for his recognition of a serious problem and take seriously his commitment to meet with both Director Mainella and incoming OMB Director Portman to discuss what we can do. I think if we address this serious growing problem, then your willingness to work with us will cause the situation...
to become much better for the public to be better served and for the Park Service to be better served. I thank the chairman for his indulgence.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $84,775,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation and preservation programs, $84,775,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $8,658,000, to be derived from the Fund and remain available until September 30, 2008, of which $15,000,000 shall be for Save America’s Treasures for preservation of nationally significant properties, structures, and objects, and of which $3,000,000 shall be for Preserve America grants to States, Tribes, and local communities for projects that preserve important landscapes through the promotion of heritage tourism: Provided, That any individual Save America’s Treasures or Preserve America grant shall be matched by non-Federal funds; Provided further, That individual projects shall only be eligible for one grant: Provided further, That competitive projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations and with the Advisory Council on Historic Preservation prior to the commitment of Preserve America grant funds.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modification of the Everglades National Park Protection and Expansion Act of 1989, $339,000,000, to remain available until expended: Provided, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of $5,000,000, without advance approval of the House and Senate Committees on Appropriations: Provided further, That notwithstanding any other provision of law, the National Park Service shall not be obligated to fund or construct any new visitor centers, interpretive centers, or other new physical facilities on the grounds of a park without advance approval of the House and Senate Committees on Appropriations: Provided further, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation if any of the funds appropriated to the Army Corps of Engineers for the purpose of implementing modified water deliveries are used for detailed engineering and design documents for a bridge or series of bridges for the Tamiami Trail component of the project, becomes available prior to the expiration of the term of a single contract at the benefiting unit and to expend any portion of the funds; Provided further, That none of the funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation if any of the funds appropriated to the Army Corps of Engineers for the purpose of implementing modified water deliveries to Everglades National Park is terminated prior to the achievement of the requirements for the components under paragraphs (A) and (B) in Appendix H: Provided, That none of the funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation only if matching funds are available for expenditure consistent with the requirements of the 10 parts per billion numeric phosphorus criterion throughout the A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park: Provided further, That hereafter, notwithstanding any other provision of law, procurements for the National Mall and Memorial Park, Ford’s Theatres, the National Historical Site accessibility and infrastructure improvements may be issued which include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause “availability of funds” found at 48 CFR 32.232.18.

LAND AND WATER CONSERVATION FUND

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 6601–6601a), $29,995,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $1,625,000 is for the State assistance program administration: Provided, That none of the funds provided for the State assistance program may be used to establish a continuing fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 233 passenger motor vehicles, of which 200 shall be for replacement only, including not to exceed 190 for police-type use, 11 buses, and 6 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days not including any day in which either House of Congress is not in session because of adjournment (other than for the purpose of a recess of more than 3 days) or a recess of not more than 3 days, including not to exceed 100 for police-type use, 11 buses, and 6 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days not including any day in which either House of Congress is not in session because of adjournment (other than for the purpose of a recess of more than 3 days) or a recess of not more than 3 days, including not to exceed 190 for police-type use, 11 buses, and 6 ambulances: Provided, That none of the funds appropriated to the National Park Service under this heading in Public Law 108–108: Provided further, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation if any of the funds appropriated to the Army Corps of Engineers for the purpose of implementing modified water deliveries are used for detailed engineering and design documents for a bridge or series of bridges for the Tamiami Trail component of the project, becomes available prior to the expiration of the term of a single contract at the benefiting unit and to expend any portion of the funds; Provided further, That none of the funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation only if matching funds are available for expenditure consistent with the requirements of the 10 parts per billion numeric phosphorus criterion throughout the A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park: Provided further, That hereafter, notwithstanding any other provision of law, procurements for the National Mall and Memorial Park, Ford’s Theatres, the National Historical Site accessibility and infrastructure improvements may be issued which include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause “availability of funds” found at 48 CFR 32.232.18.

UNITED STATES GEOLOGICAL SURVEY SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey for surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to miners and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into economic conditions and minerals, materials and processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 89g(1)) and related purposes as authorized by law; and to publish and disseminate data relating to the foregoing activities; $991,447,000, of which $84,171,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $7,882,000 shall remain available until expended for satellite operations; of which $2,083,000 shall be available until September 30 of the year 2008 for the operation of facilities and deferred maintenance of which $2,000,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost; of which $175,597,000 shall be available until September 30, 2009, for the biological research activity and the operation of the Cooperative Research Units, and of which $13,000,000 shall be available only for the Mid-Continent Mapping Center (MCMC) in Rolla, Missouri to continue functioning as a full service mapping organization. That none of the funds made available under this Act may be used to consolidate the functions, activities, operations, or archives of the Mid-Continent Mapping Center (MCMC), which is located in Rolla, Missouri, into the National Geospatial Technical Operations Center.
Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. TANCREDO:

Page 28, line 14, strike "and of which" and all that follows through "Provided further," on line 22.

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment. We have not seen the amendment. The gentleman has not shown us the amendment.

The CHAIRMAN. The point of order is reserved.

Mr. TANCREDO. Mr. Chairman, this amendment will strike language added during the committee markup that prevents the U.S. Geological Survey from consolidating its older and obsolete mapping centers into a single consolidated national geospatial technical operations center.

According to the agency, the consolidation is critical to the USGS's ability to lead the Nation in facilitating and leveraging geospatial information services.

The centers USGS is attempting to consolidate were established many years ago to support a large field-based workforce spread out across the country who conducted individual, exhaustive field surveys and were more manually intensive. That was fine back then, but it makes no sense now.

USGS, by their own admission, no longer manually collects and plots this kind of information, nor do they print a large volume of maps. Advanced technologies like remote sensing, we have all seen Google Earth, along with consumer demand for easy access to digital products have the USGS role.

The language in my amendment would like needlessly imposing a 20th century paradigm on an agency that is desperately trying to make its way into the 21st century. This consolidation is not only saving taxpayers money, but it will create a more effective, efficient and modern USGS that is better prepared to work with partners in the State, local and private sectors.

In addition, it will make the agency more user friendly, a better place to respond to the needs of the most important customers, the U.S. taxpayer. This plan announced in September of last year has been rigorously reviewed twice, once by an internal USGS review team and again by the Interior Department Inspector General.

Both found the process leading to the decision to consolidate the facilities was open, fair and adequate. The mission of the USGS is to serve the Nation by providing reliable, scientific information to describe and understand the Earth, minimize loss of property from natural disasters, manage water, biological energy and mineral resources and enhance and protect the quality of life.

Its mission is not to maintain antiquated facilities or outdated paradigms to serve the parochial interests of the State or the Nation.

Mr. Chairman, I do intend to withdraw this amendment, but I first would yield to my colleague from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, the gentlemen makes a compelling point that we would be following the recommendations of a number of groups. Primarily the Bush administration has pointed out that this is a sound business decision that is fair to the taxpayers.

I believe the gentlemen's amendment should be supported today, but we will support whatever decision he decides is appropriate.

The amendment would remove language from the bill requiring the USGS to have a "full service mapping organization" at a specific location.

The Interior Department says that this would require them to continue to use outdated technology and would block them from their plans to consolidate mapping operations.

The Bush Administration objects to the language in my amendment.

In a letter to the appropriations committee, the Interior Department describes their plans as being "a sound business decision" that is "fair to the taxpayers."

I think that description is accurate, showing that even this Administration sometimes gets it right.

So, I think that on this matter we should do what they suggest.

I urge adoption of the amendment.

Mr. TANCREDO. I yield to the gentleman from Colorado.

Mr. BEAUPREZ. I thank the gentleman for yielding.

Mr. Chairman, I would join with my additional colleague from Colorado in supporting the gentleman's amendment. I entered into a colloquy earlier on the debate over the underlying bill and had that colloquy with the chairman of the subcommittee, and so my comments are in the Record. But I too am very supportive. I want to be on record as supporting the gentleman's amendment in every way, shape and form, and join my colleague, Mr. UDALL, as well.

Mr. TANCREDO. Mr. Chairman, reclaiming my time. I hope we can work together on this issue.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.
the gentlewoman from southeast Missouri knows is so important in response to the New Madrid fault. USGS is not obsolete. It does play a critical role in Rolla in disaster response, and is the best and most affordable North Carolina functionality.

Mrs. EMERSON. Mr. Chairman, claiming my time, I want to thank the gentlemen from Missouri. I also want to point out to my colleagues from Colorado that the USGS facility in Rolla provides data to the border health issue, which I know is of great interest to the gentlemen. And I do want to correct a mistake. I did say that Denver scored 2.84 out of 5 as compared to Rolla, which was 4.18. Denver actually scored 3.11 out of 5, as compared to 4.18 for Rolla.

Mr. TANCREDO. Mr. Chairman, I move to strike the last word. I would like to engage in a colloquy with the chairman.

Mr. Chairman, I had intended to offer an amendment that would prevent the use of funds to delay action on a petition to remove the so-called Preble's Jumping Mouse from the Endangered Species List. I say so-called, because in December of 2005, a scientific study conducted by biologists and the Chair of the Denver Museum of National History's zoology department, concluded that the Preble's Mouse is, in fact, not really a valid subspecies at all.

Ms. RAMEY's findings contradicted a 1950 study based on just three museum specimens. That was the basis of the original "threatened" designation. Ironically, the Arizona professor who conducted the study a half century ago himself now agrees that Ramey's research invalidates his findings.

In early 2005, in the wake of Ramey's study, the U.S. Fish and Wildlife Service determined the petition to delist the mouse was warranted, and the agency was delisting the process. Better late than never, although that belated policy shift is not much of a consolation to those who have coughed up an estimate $8 to $17 each year in compliance costs.

Mr. Chairman, I believe that Dr. Ramey's work and the courage of former Interior Secretary Gail Norton to take action on it were important steps in our effort to base conservation decisions on science instead of politics or emotion.

Unfortunately, however, progress is stalled. In January of this year, the bureaucracy questioned the Ramey study, and in February the agency pushed back a decision on the delisting petition for another 6 months.

Mr. Chairman, I feel the agency is falling back into the all too familiar analysis paralysis that has become the hallmark of the Federal resources agency.

Quick action on this petition is extremely important to the people of my congressional district. I hope we can work together to ensure the agency's bureaucrats do not successfully subject this delisting petition to death by delay.

Mr. TAYLOR of North Carolina. Will the gentleman yield?

Mr. TANCREDO. I yield to the gentleman from North Carolina.

Mr. TAYLOR. Mr. Chairman, I sympathize with the gentleman's position. The Director of the Fish and Wildlife Service has informed the committee that he does not anticipate further delays in this decision.

I would be happy to work with the gentlemen to ensure that the Service lives up to that commitment. I appreciate the gentleman calling that to our attention.

Mr. TANCREDO. I appreciate the chairman's attention to this issue. It is an extremely critical one in my area.

Mr. STEARNS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had an amendment that I was going to offer and then withdraw it. So I think all I am going to do today is place my statement in the Record and pursue a colloquy with the chairman about this.

Mr. Chairman, I want to bring to my colleagues' attention a very important site called Fort King, which is in Florida. It is in my hometown of Ocala. It is a very prominent place in American history. Fort King is a site where Chief Osceola fought against the United States in the chapter of American history, the Second Seminole War. This is from 1835 to 1842.

This site in Ocala, Florida is represented by my good friend, Congressman KELLER, who also supports the idea of making Fort King part of a National Historic Landmark, because it played such a distinct role in the founding of our wonderful State of Florida.

Secretary of the Interior Gail Norton designated Fort King a National Historic Landmark on February 24, 2004, and we were greatly pleased. Then in November, 2005, Fort King entered a draft special resource study and environmental impact statement public comment period.

This continuing, Mr. Chairman, and we look forward to moving Fort King along in the process, and so now I am working toward preserving Fort King in perpetuity as a National Park.

Mr. Chairman, I would like to bring this to your attention. We have put in a request to fund it, and I think my only purpose today is to bring it to the chairman and his staff's attention how important it is to the history of Florida and its founding, and then if you in the future would consider it, that would be utmost appreciated.

Mr. Chairman, I would like to yield to Chairman Taylor.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman. I do recognize and appreciate you drawing it to our attention, the significance of the history of this matter, and we will take a look at it and see what we can do to work on the gentleman.

Mr. STEARNS. Mr. Chairman, reclaiming my time. I thank the gentleman.

Mr. Chairman, I would like to take this opportunity to talk about an important site called Fort King, Florida, a site prominent in American history. Specifically, Fort King is the site where Chief Osceola fought against the United States, in a chapter of American history, the Second Seminole War from 1835–1842.

Then, in November 2005, the Fish and Wildlife Service, (and the House and Senate Appropriations Committees) enacted a Draft Special Resource Study and Environmental Impact Statement public comment period. This continues, and we look forward to moving Fort King along in the process of preservation. And now, I am working towards preserving Fort King in perpetuity as a National Park. My good friend and colleague in the neighboring District, the Honorable Ric KELLER, who also represents Ocala, has collaborated with me on this effort.

Historic sites are a vital link between current and future generations of Americans and those who came before us. These landmarks give context to the national experience and help us understand our past so that we can envision our future.

What happened at Fort King? It is a very long story, about which I will elaborate longer on another occasion. The abbreviated story is that on December 28, 1835, Fort King was the site of an outbreak of hostilities between the United States Government and the Seminole Indians. The Seminoles were led in this attack by Chief Osceola. This attack began the Second Seminole War, which lasted longer than any other United States armed conflict, except for the Vietnam War.

Chief Osceola's first appearance to the world was at Fort King in October 1834. The defiant young war chief rejected the U.S. orders to leave Florida and threatened war unless the Seminoles were left alone. There was no trust left between the U.S. Army and the Seminoles. Then came the fateful day of December 28, 1835. That morning 40 miles to the south along the Fort King Road, the Seminoles ambushed and annihilated two companies of U.S. Army regulars in route to Fort King. That afternoon, Osceola shot and killed the Indian Agent Wiley Thompson outside the walls of Fort King. The Second Seminole War had begun.

During the 7 year guerrilla war that followed, every major general and every regiment of the U.S. Army was stationed at or passed through Fort King: men who would gain fame in the Mexican and Civil Wars. And here stood the enlisted men: Bemrose, Clarke, and hundreds of others who served in the Florida War.

Following the initial series of engagements, most of which the Seminoles won, U.S. forces withdrew from the interior of Florida abandoning Fort King in May 1836. The Seminoles stood victorious, and, burned the hated Fort King to the ground. But it would be a short lived victory, when the Army returned a year later and rebuilt Fort King.

When it finally ended in 1842, most of the Seminoles had been killed or captured and relocated to Indian Territory in Oklahoma. These native Americans constitute the Seminole Nation of today. An unconquered and defiant few
In 1843, Fort King was abandoned by the U.S. Army for the last time and transferred to the people of Marion County. The Fort was left in the county's first courthouse and public building. In 1846, it was dismantled by the citizens of Marion County for its lumber.

Fort King and the surrounding area contain artifacts used in the attack and in the life of the Seminole Indians. Preserving our past for our children and grandchildren is imperative. Fort King is a historical gem that should be accessible to all. This site is significant, not only in Florida’s history, but to the history of the Nation. I have been working on advancing Fort King through National Historic Landmark status towards hopeful, eventual National Park Service status, for the past several years, and I am looking forward to see this project come to fruition. Representative KELLER and I hope that I can count on the Chair’s support to preserve this unique historic site for future generations.

**Fort King History**

Fort King was originally constructed in 1827 to implement the conditions of the Treaty of Moultrie Creek, which restricted Floridians to specified reservation boundaries, but authorized persons from entering the reservation. The fort, which was located at the edge of the Seminole Reservation, provided protection and security for the inhabitants of Florida.

On December 28, 1835 a band or Seminoles led by Osceola attacked and killed the Seminole Indian Agent Wiley Thompson and several others at Fort King. Simultaneously, a force of Seminole and Black Seminoles attacked 100 federal troopers making their way to Fort King from Fort Brooke. Only one soldier survived the attack. Most scholars consider these two events as the beginning of the Second Seminole War.

Fort King played an important military role throughout the Second Seminole War by serving as a council site for negotiations between Seminole and the U.S. Government and as head quarters for the U.S. Army of the South.

**Chronology of Endeavors to Save the Fort King Site**

The Ocala Chapter of the Daughters of the American Revolution purchased one acre of land that was thought to have the Fort King cemetery located on it in the 1960s. Hurricane Gladys blew over a pine tree in 1968, exposing a cellar from a building associated with Fort King.

1988–1991: Ocala received matching grants from the Florida Department of State, Division of Historical Resources, for archaeological studies to find the location of Fort King. The grants totaled $56,000. Ground penetrating radar was used and foundations from structures were recorded on the high ground.

In August 1991, the Marion County Board of County Commissioners voted to proceed with the attempt to purchase the Fort King site, using funds from the “Pennies for Parks” program.

The Marion County Commission with the help of the McCall family, City of Ocala, Bureau of Historic Preservation and Trust for Public Lands pursued the acquisition of the site from 1988 to 2001.

2001 the County, City, and State purchased the entire Fort King site with the City agreeing to maintain and protect the site.

On June 12, 2003 the National Park System Advisory Board unanimously recommended Fort King for National Landmark status.

On February 24, 2004 Fort King was designated as a National Landmark.

**Why a National Park?**

Since the early 1900s local citizens recognized the historical value of this site not only to our community but to the nation. On a national scale Fort King played a key role in the Second Seminole War and is strongly associated with broader national themes of Indian Removal and Jacksonian Democracy, Manifest Destiny and Westward Expansion. The fort also had strong ties to persons, such as the famous Seminole leaders Osceola and General Lewis Archibald Wiley Thompson, who are significant in the history of our country. Most of the West Point graduates during this time period served at Fort King.

Compared to other Second Seminole War sites, Fort King contains the greatest wealth of intact subsurface features and artifacts presently documented. Archaeologists have also found that the site contains several pre-contact American Indian components, which with further research could answer important questions about the transition between the Archaic (circa 2300-500BC) and Cades Pond (circa AD100-600) periods. Archaeological studies have already identified structures and features that relate to the early post-military use of Fort King. This site has the potential to provide important information about the establishment, early settlement and expansion of the Florida peninsula.

The City of Ocala and Marion County were politically and geographically established with Fort King. This site has the potential to provide important information about the establishment, early settlement and expansion of the Florida peninsula.

The designation of Fort King as a National Park will provide citizens the opportunity to experience the interpretive and educational benefits that the site has to offer. It will also create a new recreational opportunity, which is currently unavailable within the region. A National Park will attract visitors not only to this region of Florida but to the state.

Most importantly, the citizens of Ocala/Marion County are very proud of their heritage and have gone to great lengths to continue to protect and save it. In the early 1990s, the City of Ocala, Marion County, the Historic Ocala Preservation Society, the Marion County Black Archives, the Marion County Historical Society, the Marion County Museum of History, the Seminole War Foundation and many individuals have worked tirelessly to save buildings, sites and historic information as well as to create local preservation laws. These preservation efforts would not have been possible were it not for the continuous help and support from the State of Florida.

Mr. RENZI, Mr. Chairman, I rise to strike the last word for the purpose of engaging the chairman in a colloquy.

Mr. RENZI. Mr. Chairman, I want to begin by thanking the chairman for his hard work on the National Fire Plan and the $2.7 billion in funding under the National Fire Plan increases the amount over last year by $80 million. It is essential in preventing forest fires throughout our Nation.

This map here shows the largest stand of heavy fuel loads left in the forest, which are providing large-scale size forest fires throughout Arizona.

The last fire we had in our State broke the State record from the previous fire, which was over 560,000 acres. Communities like Flagstaff and Payson, Prescott was hit with a fuel load around them that is making it a threat to live in this community and causing the insurance rates to skyrocket.

Severe drought, bark beetle infestation, and poor forest management have all led to this kind of a condition. I would ask, please, and would ask both gentlemen that the report language include some of the boundary projects that need to go in place for people who do live in the forest, who make their living there, who raise their families there, to be able to survive through the next forest fire season. Our forest fire season begins in February, the earliest in the country, and goes all the way to the end of autumn. And I would like to thank both gentlemen for their work on this effort.

Mr. TAYLOR of Arizona. If the gentleman will yield, I realize the threat of the forest fires in Arizona, and I appreciate the hard work this gentleman has done on this issue. I will be happy to work with you to encourage the Forest Service to work on the fire breaks and the hazardous fuel projects in the vicinity of the Payson and other areas such as the gentleman represents in these important needs.

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

Mr. RENZI. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to associate myself with the chairman’s remarks and the gentleman’s remarks. The very severe drought we are facing would just say one thing: also in this bill is a sense of Congress on global warming, the warming of our climate; and one of the things that the scientists talk about is more severe droughts. And this warming will exacerbate this problem if we don’t do something about it.

So I just would say to the gentleman, because I know he is extremely sincere in his efforts to deal with protecting and allowing the clearing out of this understanding, you have got to also think about the forest fires and these droughts which is being made worse by the warming of the climate. So they are interrelated.

Mr. RENZI. Reclaiming my time. I appreciate the gentleman’s comments. We in Arizona understand warming, the sunshine State; and our initiatives are more towards the area of trying to thin the forest. We are so far behind in getting those fuel loads out, and I know the gentleman recognizes that. And I do appreciate the chairman’s talkling about the town of Payson, Arizona, which we almost lost last year, an entire community where the fire was burning so hot and so fast it actually...
Mr. POMBO. Mr. Chairman, as chairman of the Resources Committee, I have fought to add more domestic water supplies to blunt the effects of drought, population growth, and environmental mandates. We have made significant progress in this effort, but more can be done to make existing programs more effective with greater supplies. One needed reform is to the State Water Research Institute’s program, which is funded through the USGS in this bill. This program needs to be reauthorized and changed to reflect current-day water supplies. In fact, the Resources Committee held a hearing just last week on Mr. Doolittle’s bill to reauthorize the program by adding water supply creation as a focus and to create better transparency and results-oriented research.

I do not concur with the appropriation in this bill to a program in desperate need of change, but I want to work cooperatively with the distinguished gentleman from North Carolina to resolve this concern. Absent such authorization, it will be difficult for Congress to continue its support for this program in the future.

Mr. TAYLOR of North Carolina. I want to ensure that my colleague from California is aware that the Resources Committee is advancing Mr. Doolittle’s bill and that reauthorization is needed. I look forward to working with my colleague on this important issue and thank him for bringing that to our attention.

Mr. POMBO. I thank the gentleman very much.

The CHAIRMAN. The Clerk will read the amendment.

Mr. POMBO. Mr. Chairman, I move to strike the last word.

The amendment was agreed to.

The Clerk read the amendment as follows:

AMENDMENT NO. 11 OFFERED BY MRS. MALONEY

 jerked embers a mile and a half in the air as they were landing in and near that community. So I thank you very much for your comments. Mr. Chairman, I thank you for your hard work on the National fire plan.

Mr. POMBO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage Chair TAYLOR in a colloquy regarding the State Water Research Institute’s program.

Mr. TAYLOR of North Carolina. Mr. Chairman, I would be happy to discuss the matter with the distinguished chairman of the Resources Committee.

Mr. POMBO. Mr. Chairman, as chairman of the Resources Committee, I have fought to add more domestic water supplies to blunt the effects of drought, population growth, and environmental mandates. We have made significant progress in this effort, but more change can be made to existing programs and greater supplies. One needed reform is to the State Water Research Institute’s program, which is funded through the USGS in this bill. This program needs to be reauthorized and changed to reflect current-day water supplies. In fact, the Resources Committee held a hearing just last week on Mr. Doolittle’s bill to reauthorize the program by adding water supply creation as a focus and to create better transparency and results-oriented research.

I do not concur with the appropriation in this bill to a program in desperate need of change, but I want to work cooperatively with the distinguished gentleman from North Carolina to resolve this concern. Absent such authorization, it will be difficult for Congress to continue its support for this program in the future.

Mr. TAYLOR of North Carolina. I want to ensure that my colleague from California is aware that the Resources Committee is advancing Mr. Doolittle’s bill and that reauthorization is needed. I look forward to working with my colleague on this important issue and thank him for bringing that to our attention.

Mr. POMBO. I thank the gentleman very much.

The CHAIRMAN. The Clerk will read the amendment.

Mr. POMBO. Mr. Chairman, I move to strike the last word.

The amendment was agreed to.

The Clerk read the amendment as follows:

AMENDMENT NO. 11 OFFERED BY MRS. MALONEY

Under “Minerals Management Service_royalty and offshore minerals management” after the first paragraph insert “(increased by $1,000,000)” (reduced by $1,000,000)

Mrs. MALONEY. Mr. Chairman, the Maloney-Miller amendment would direct $1 million of the overall appropriation for the Minerals Management Service to States and tribes for auditing purposes. I understand that the majority will accept this amendment, and I want to thank Chair TAYLOR and Ranking Member DICKS and their staff for their assistance and support.

I also want to thank Representative GEORGE MILLER for working with me to provide this critical funding to the States and tribes to perform these audits. According to data collected from MMS in previous years, the States and tribes collect $5 for every dollar spent on audits. I believe this amendment is an important step in ensuring that the companies responsible for remitting royalties from minerals produced from Federal and Indian leases do so in compliance with applicable lease terms, regulations, and policies governing the valuation of the produced minerals, at a time of increased values for gas and oil. States and tribes should be given more resources to ensure that royalty payments are paid in full.

Mr. Chairman, I yield to the chairman of the committee, and hopefully he will support this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I am willing to accept this amendment and work with the gentleman and the Department to increase State and tribal auditing funds. Thank you very much for bringing it to our attention.

Mrs. MALONEY. I thank the chairman and Ranking Member DICKS.

The CHAIRMAN. The amendment is on the amendment offered by the gentleman from New York (Mrs. MALONEY).

The amendment was agreed to.

The Clerk read the amendment as follows:

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4203, title VII, and title VIII, section 6201 of the Oil Pollution Act of 1990, $6,903,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended:

Office of Surface Mining Reclamation and Enforcement Regulation and Technology

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-62, as amended, including the purchase of not to exceed 8 passenger motor vehicles, for reimbursement only in liquidation under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices, to remain available until expended;
Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement-sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses for carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, to purchase or acquire more than 10 passenger motor vehicles for replacement only, $185,936,000, to be derived from receipts of the Abandoned Mine Reclamation Fund available for expenditures, of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned seams of coal or for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2007: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That such funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such funds are available for the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That amounts allocated under section 402(g)(3) of the Act, as amended, but not appropriated as of that date, are reallocated to the allocation established in section 402(g)(3) of the Act: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement-sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for contracts, software and other technical equipment to State and Tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS OPERATION OF I NDIAN PROGRAMS

For necessary expenses for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools and Early Childhood Education Assistance Act of 1998 (20 U.S.C. 1257 et seq.), including the cost of the relocation of the Surface Mining Reclamation Project may be transferred to the Bureau of Land Management: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such costs are available to subside total loan principal, any part of which is to be guaranteed, not to exceed $87,376,744.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $6,262,000, of which $626,000 is for administrative expenses, as authorized by the Indian Guaranted Loan Program Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such costs are available to subside total loan principal, any part of which is to be guaranteed, not to exceed $87,376,744.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may make advances in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

INLAND WATER澤 CLAIM SETTLEMENTS AND MISCELLANEOUS APPROPRIATIONS (INCLUDING TRANSFER OF FUNDS)

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $39,213,000, to remain available until expended, for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 107–331, and 108–477, and for implementation of other land and water rights settlements, of which $316,000 shall be available for payment to the Quinault Indian Nation pursuant to the terms of the North Boundary Settlement Agreement dated September 1, 2000, for providing for the acquisition of perpetual conservation easements from the Nation and of which $5,067,000 shall be for the Idaho Salmon and Clearwater River Basin’s Habitat Account pursuant to the Snake River Water Rights Act of 2004 and of which $200,000 shall be transferred to the “Bureau of Land Management, Management of Lands and Resources” account for mitigation of land transfers associated with the Snake River Water Rights Act of 2004.
Mr. TAYLOR of North Carolina. I agree with the gentleman that plans that identify locally supported and on-the-ground recovery projects are an important part of solving the problem. I would like to express my support for the middle-class business that is working to support the gentleman by directing the Fish and Wildlife Service work with NOAA fisheries and the local stakeholders.

Further, the Committee would be glad to facilitate a meeting as soon as possible with the Director of the Fish and Wildlife Service on this important issue. I thank the gentleman for bringing this to our attention.

Mr. THOMPSON of California. I thank the chairman for his cooperation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Appropriations made available in this or any other Act for schools funded by the Bureau shall be used to support expanded grades for any school that currently beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school that currently beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds available to the Bureau may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 116 of the Education Amendments of 1978 (20 U.S.C. 275)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school prior to September 1, 1995, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buildings and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools shall have the right to negotiate with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be considered as Federal employees for purposes of chapter 171 of title 28, United States Code.

Provided further, That any appropriation for disaster assistance under this Act or prior appropriations Acts may be used as non-Federal matching funds for the purpose of mitigating the effects of drought pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $3,362,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 223 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compact of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and 99–659.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $118,303,000; of which $7,915,000, to be used for appraisal services and to take pride in America activities; of which $65,074,000, to be derived from the Land and Water Conservation Fund and shall remain available until expended; of which not to exceed $8,500 may be for official reception and representation expenses; and of which not to exceed $1,000,000 shall be available for workers compensation payments and unemployment compensation payments payable to employees associated with the closure of the United States Bureau of Mines.

Provided, That none of the funds in this Act...
Mr. CANNON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.
The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CANNON:

Page 46, line 8, after the dollar amount insert `\$34,000,000'.

Page 47, line 1, after the first dollar amount insert `\$16,000,000'.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that the amendment, as designated, be printed in the Record, and this amendment that I offer on behalf of Mr. CANNON, Mr. RAHALL, Mr. GIBBONS, and the Western Caucus, I know well that my colleagues and I represent in Congress a majority of public lands in the West. The map I have here has all 650 million acres of land, most of it in the West. The Federal Government owns nearly 650 million acres of land, most of it in the West. The map I have here has all land owned or held in trust by the Federal Government in red. As you look at this map, you can see that we have a problem: the Federal Government owns the bulk of the West. That means that we do not tax those lands, and that means that in the western United States we pay less per child for education but we tax our people more per family because we are supporting the Federal Government.

As the chairman of the Congressional Western Caucus, I know well that my fellow colleagues in the West struggle with these issues. It is only fair that we pay a reasonable amount in lieu of taxes to cover this shortfall. The Payment in Lieu of Taxes program was created in 1976 to provide payments to counties to make up for the property taxes they are prevented from collecting on Federal lands located within their borders. This year, the Administration's budget proposed to cut PILT by $34 million, a paltry 56 percent of the authorized level. Under Chairman Taylor's leadership, and I might say also Ranking Member DICK'S, we have been able to achieve historic levels of PILT funding. We thank them both for that and for their efforts this year that have nearly restored last year's PILT funding levels.

While the number currently in the bill is significantly above the administration's recommendation, it is still well under last year's level and far from what it should be, and our counties are bearing the brunt of it.

While the Department's administrative budget has doubled since 2001, PILT funding levels have not kept pace, and this is not acceptable. It is imperative that we keep fighting for funding so our rural counties will not have to continue to foot the bill for lands owned by the Federal Government.

I urge my colleagues to support the amendment to bring PILT funding levels to the nearly 70 percent of authorization and support the counties that host our federal lands.

This amendment will add a modest sum to the PILT program, a sum that is important to the American people who live in and around these federal lands and those who travel to them and enjoy them from around country.

Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I rise in support of this important amendment. The amendment would increase funding for the so-called PILT program, the Payment in Lieu of Taxes, by $16 million. It would bring the total in the bill to about 81 percent of the authorized amount. In my opinion, that is still not enough down in Colorado. We have a great payment and a definite improvement in PILT funding over a 3-year period, and this, too, would be an improvement over the current situation.

One of the many problems with this bill is the cuts to the Clean Water State Revolving Fund and the State Tribal Assistance Grants, and probably the most frustrating part of this bill is the lack of adequate funds for payment in lieu of taxes. As my colleague Mr. UDALL said, we have introduced legislation that would actually make it an automatic funding.

In fact, my district has 29 counties and over 60 percent of that in Federal ownership. This is lost revenues to these counties, and all 29 counties receive PILT payments.

Through legislation passed, the PILT funding program is authorized for $350 million in funding for fiscal year 2007. Yet, after 2 years, this funding program does not receive the adequate, authorized funding needed.

This year, the Appropriations Committee chose to only fund $225 million. This is $122 million short. My colleagues and I offer this amendment to help provide needed funding. This is vital to Western States. It is vital to rural America, and I would like to thank Mr. CANNON, Mr. UDALL of Colorado, Mr. Bishop of Utah, Mr. RAHALL and Mr. GIBBONS for their hard work on this issue.

I urge my colleagues to support the passage of this amendment.
Mr. CANNON. Mr. Chairman, I want to thank the gentleman from Colorado for his comments, and I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I want to thank the gentleman from Colorado for yielding 3 minutes to me, and Mr. Chairman, I am grateful to stand here in support of this bipartisan amendment, grateful not just as a Member of Congress from Nevada, but as member of the Western Caucus as well.

Mr. Chairman, as you can see, in Nevada, the Federal Government owns more than 60 million acres of land, which equates to nearly 87 percent of the State. More often than not, for those of us in the West, the Federal Government is not just our neighbor, it is the neighborhood. With such a large Federal presence comes significant challenges, especially in our rural communities.

The PILT program helps compensate for the responsibility of our rural communities to generate sufficient property tax revenues needed for schools and local infrastructure because of the overwhelming Federal land ownership, and since Nevada cannot generate revenue from nearly 87 percent of the State, PILT funding is vital. Yet the program has never been adequately funded.

In my congressional district alone, Nevada has lost more than $88 million over the last 10 years because PILT has not been fully funded.

I want to thank the chairman, Mr. TAYLOR, for his efforts to increase PILT this year. The $198 million requested by the administration was very disappointing and would only serve to exacerbate the current funding discrepancy and increase the burden on our rural communities.

Chairman Taylor added $30 million to the PILT this year above the administration’s request, and for that we are grateful but we cannot stop there.

This amendment will allow all communities, and especially our rural communities, to continue to provide not only for their residents but for essential services for visitors to our public lands such as law enforcement, emergency health care, and search and rescue.

It bears mentioning again that Nevada cannot raise revenue from more than 87 percent of the State and many counties across the country face similar loss of tax based revenue.

I strongly encourage all of my colleagues to support this bipartisan amendment that will help the Federal Government fulfill its commitment and obligations to these communities and ease the burden of heavy Federal land ownership in our rural communities.

Mr. CANNON. Mr. Chairman, I yield the remaining 1 minute to the gentleman from Utah (Mr. BISHOP). Mr. Chairman, the other maps were in green and red. Mine is in blue, and my chart is to show in the blue the total amount of each State’s land that is now combined and controlled by the Federal Government.

You can see an obvious change in States here that in the West who, when they were admitted to the States, were admitted with certain conditions for yield of their State land. It was unilaterally changed by the Federal Government in the 1950s, and in the 1970s when the PILT program came into effect, it was somehow to try and offset the impact of those particular changes.

The Department of the Interior said 2 years ago when they took over the funding of the PILT issue they would ensure appropriate emphasis. It has not happened to this date.

This amendment would actually do that by putting PILT up to what was appropriated last year and to where the Senate purports to be at the end of this year’s session.

Let me just say that in the short time I have to finish, the Washington Post has endorsed this amendment. You may not have known that because they do not know it either, but last year, they wrote the Federal Government is the largest landowner in Washington and since this land cannot be taxed, the Federal Government is the principal contributor to the district’s chronic fiscal imbalance.

That is our point for those of us in the West exactly. This is the problem that we have, and PILT is the one that tries to change that economic impact to mitigate the losses that we indeed have. The Department of the Interior has a commitment to make sure PILT was fully funded. All we are trying to do with this amendment is to help the Department of the Interior to maintain their commitments.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Department of Energy, the Department of Agriculture, and the Department of Interior have always supported my efforts to increase this funding, and I am grateful for their support.

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The amendment is to increase the PILT funding by $30 million.

Mr. BISHOP of Utah. Mr. Chairman, I yield the gentleman from Maine to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I yield the remaining 1 minute to the gentleman from Utah.

Mr. BISHOP. Mr. Chairman, the amendment we are supporting, $30 million, will fulfill the gentleman’s amendment, and we will accept his amendment, knowing that in conference we may not be able to hold this third increase.

Mr. RAHALL. Mr. Chairman, I rise in strong support of the amendment to increase funding for PILT.

I am proud to join my colleagues from Western States to make the point that PILT is a vital part of communities across this great land. PILT funds help make communities safer, cleaner and healthier. 49 of our 50 States—from Maine, to West Virginia, to California. In seeking adequate PILT funding, we are truly all in this together.

Now some may say that, in the grand scheme of our Federal budget, PILT payments are just not important. Well I can tell you that the PILT funding received by Greenbrier County or Pocahontas County in West Virginia is crucial to their ability to provide the quality and quantity of local services the families of West Virginia deserve.

I am also here to support more funding for PILT because I support public land ownership and acquisition, where it is appropriate. As the ranking member on the House Resources Committee, I have the privilege of working with the other committee members to oversee our public lands. These lands are part of our national identity and they are a birthright we will pass on to future generations of Americans.

But along with responsibility for these public lands comes a responsibility to the surrounding local communities. PILT payments compensate these local communities for lost revenue due to public land ownership. Making good on those payments is part of being a good steward but it is also part of being a good neighbor, and that is something we take very seriously in West Virginia.

The budget priorities chosen by this administration and this Congress force many very painful decisions. However, funding for a program as broad and important to local governments as PILT must be funded adequately. I urge adoption of this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. CANNON). The amendment was agreed to.

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The amendment offered by Mr. SANDERS:

Page 46, line 8, after the dollar amount insert: ‘‘(reduced by $1,800,000).’’

Mr. RAHALL. Mr. Chairman, I rise in strong support of the amendment to increase funding for PILT for energy efficiency and the Environment Star Program in K-12 school systems by $1.8 million offset by a reduction in administrative expenses for the Department of the Interior.

Mr. Chairman, our Nation’s 17,450 school districts are facing serious problems. Their budgets are threadbare, and many can barely pay their teachers a living wage. To make matters worse, America’s school buildings are aging. The average age of over 42 years, and...
In short, Mr. Chairman, the EnergyStar Program helps our Nation’s schools to implement energy saving strategies that save money, help children learn about energy and create improved teaching and learning environments. This amendment would add $1,800,000 to help school districts save big on energy, help school districts to save big on energy, help children learn about energy and create improved teaching and learning environments. This amendment would provide an increase of $1.8 million, and while I do not approve of the proposed offset, I am prepared to accept the amendment and we will do that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS). The amendment was agreed to.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

PAYMENTS IN LIEU OF TAXES

For expenses authorized to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $228,000,000, of which not to exceed $400,000 shall be available for administrative expenses; funds shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior, and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,825,000, to remain available until expended.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $56,755,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $40,000,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $150,006,000, to remain available until expended, of which not to exceed $45,000,000 from this or any other Act, shall be available for surplus properties. Funds made available for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs trust account that has not had activity due to old and poorly functioning equipment, poor insulation, and outdated technology. Unfortunately, school administrators are often hard pressed to allocate any of their limited funds toward improving the energy efficiency of their buildings and systems, even when it is clear that such improvements would save them substantial sums of money that could help pay for their other needs.

Fortunately, the EPA has an energy conservation program that can help these schools do just that: to implement energy-saving strategies that save money, help children learn about energy, and create improved teaching and learning environments.

In short, Mr. Chairman, the EnergyStar Program helps our Nation’s schools to implement energy saving strategies that save money, help children learn about energy and create improved teaching and learning environments. This amendment would add $1,800,000 to help school districts save big on energy, help children learn about energy and create improved teaching and learning environments. This amendment would provide an increase of $1.8 million, and while I do not approve of the proposed offset, I am prepared to accept the amendment and we will do that.

These efforts deserve our support. These efforts deserve our support.

Unfortunately, school administrators are often hard pressed to allocate any of their limited funds toward improving the energy efficiency of their buildings and systems, even when it is clear that such improvements would save them substantial sums of money that could help pay for their other needs.

Fortunately, the EPA has an energy conservation program that can help these schools do just that: to implement energy-saving strategies that save money, help children learn about energy, and create improved teaching and learning environments.
Mr. CONAWAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONAWAY:

Page 54, beginning at line 15, strike section 104.

Mr. CONAWAY. Mr. Chairman, I rise today to talk about an issue that is in every paper and on every television program almost, on every news channel, and that is the supply of oil and gas that this country not only uses but in particular produces.

For 25 years now, we have used this appropriations bill to unnecessarily restrict access by those who would explore for oil and gas to lands and properties and, in this instance, the Outer Continental Shelf, where it is clear that significant supplies of oil and natural gas exist. The additional production that would be gained from these areas would be a small part as to the values of it, not only the balance of payment, because every MCF of gas that we produce from these lands would offset that gas that is imported, and any number of jobs are created when we are drilling for oil and gas on our own properties and our own lands.

The industry’s safety record over the last 25 years has continued to improve. The risks to the beaches in this area is not as bad as the discussions in the mini-meetings. The safety record is exemplary not only in the drilling phase but also in the production phase.

With respect to the production phase, you cannot paint a worse scenario to go through the Gulf of Mexico and destroy those production platforms than Hurricane Katrina in August. As a result of the sub-sea engineering that is in place to protect against oil and gas spills, when Hurricane Katrina came through the upper Gulf of Mexico, there was no release of crude oil and natural gas into the environment.

The estimates for the amounts of oil and gas in this region range from trillions of cubic feet of natural and billions of barrels of oil, all of which would go to reduce America’s dependence on imported crude oil and natural gas. So my amendment would simply strike those provisions that have unnecessarily restricted access to these waters.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise to oppose the amendment, and I would ask the gentleman to withdraw the amendment.

I would say to the gentleman that I am concerned about high energy prices, and I would agree with him that it would be better to increase the production of oil and gas, and other renewable waters, but this year I think the oil moratorium should be addressed with comprehensive authorizing legislation which would guide the appropriate leasing.

I would say to him that we would commit to working with him on this issue and ask that he withdraw his amendment.

Mr. Chairman, I yield to the gentleman from Texas.

Mr. CONAWAY. Mr. Chairman, I appreciate that. It was my intent to withdraw this amendment but after a discussion with my colleague from Florida, I could have that discussion, sir.

Mr. PUTNAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage my good friend from Texas. This is an issue that the State of Florida and other coastal areas have been dealing with for the past 25 years in terms of the appropriateness of the moratorium. This particular issue is one that has obviously reached critical mass, with the belief of certainly the Florida delegation that we are facing and the high price of gas that consumers are dealing with.

However, this is an important balancing act that this Congress must consider very carefully. Whatever we do as it relates to offshore drilling ought to be done in a comprehensive manner, it ought to have the input of the States, and it ought to recognize the sensitive areas.

My friend from Texas makes a very important point about the economic necessity and, frankly, the improvements in technology that allow for safer production and safer exploration capabilities. But it is my belief, and the belief of certainly the Florida delegation, that we must deal with this separate and apart from the spending bill.

We must also deal with it in a way that does not expose an area as close to the beaches as 3 miles to the prospect of oil and gas rigs, and one which allows a range of input from throughout the membership so that we can move forward with the goal of dealing with our national energy crisis, do it in a safe and comprehensive way, and do it in a way that respects the rights of States to opt in or opt out, as appropriate, dealing with their own individual environmental sensitivities.

We recognize our obligation as Floridians as major energy consumers, that we have an obligation to review our previous positions. We recognize the improvements in technology. But, frankly, 3 miles off of our coast is an unacceptable limit, and we believe that the issue is best served as a stand-alone comprehensive bill.

Mr. CONAWAY. Mr. Chairman, in the spirit of cooperation with my colleague
from Florida and the chairman, and in the interest of working on a comprehensive solution that addresses the supply issues that face our Nation, as well as the States’ rights issues that are very legitimate concerns as to where the drilling begins off a particular State’s coast, and the opportunity to allow each State to make that decision for their own, as Texas has done for many, many years, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the gentleman’s amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 104. No funds provided in this title shall be used to conduct oil preleasing, leasing and related activities in the outer Continental Shelf, except for the purposes of conducting oil preleasing, leasing and related activities in the Mid-Atlantic and related areas.

AMENDMENTS OFFERED BY MR. POE.

Mr. POE. Mr. Chairman, I offer three amendments, and I ask unanimous consent they be considered en bloc.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, reserving the right to object, and I will not object, with the understanding with the gentleman that he will agree with a unanimous consent request that I will make to limit debate on the amendment to 10 minutes, with 5 minutes divided on each side. Does the gentleman share that understanding?

Mr. POE. That is correct, Mr. Chairman.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. Poe:

Page 54, beginning at line 15, strike section 104.

Page 54, beginning at line 24, strike section 105.

Page 55, beginning at line 6, strike section 106.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that the debate on this amendment and any amendments thereto be limited to 10 minutes to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Without objection, they may be considered under that limitation.

There was no objection.

Mr. POE. Mr. Chairman, the United States has to be more self-sufficient when it comes to energy. We import 60 percent of our crude oil from foreign countries. In doing so, we are subject to the illegal price-fixing cartel known as OPEC. The Gulf of Mexico is responsible for one-third of the domestic oil production and 20 percent of the domestic natural gas production. My amendment would extend the congressional moratorium on energy exploration along the Outer Continental Shelf.

Right now, Mr. Chairman, the areas shaded in blue are where we drill offshore. We drill offshore of the coast of Texas, Mississippi, and Alabama. All of the red on the West Coast, East Coast, and the other parts of the Gulf of Mexico are prohibited by law. Since the 1980s, Congress has been placing appropriations moratoriums on drilling in all these red areas that are outlined on the map, which is about 90 percent of the Outer Continental Shelf that is off limits to energy development.

All of these areas in these coastal States support cheap gasoline, and they want natural gas, but they do not want to drill in their neighborhoods. They would rather that Texas and Louisiana keep drilling in our neighborhoods. We can’t have it both ways, cheap gasoline and refuse to drill offshore. It seems to me to be somewhat hypocritical, because this does not make sense.

In the Outer Continental Shelf there are about 300 trillion cubic feet of natural gas and more than 50 billion barrels of oil yet to be discovered. That is enough natural gas or oil to replace current imports from the Persian Gulf for 60 years and produce gasoline for 116 million cars for 15 years. And these are conservative estimates, since these areas are largely unexplored. There is going to be drilling off this area because Cuba and China are already making plans to drill 47 1/2 miles off Florida in those rich gulf reserves. It seems to me that we should take advantage of those reserves.

While people talk about the pollution that comes from drilling, many of the problems have been overstated. According to the 2002 National Academy of Sciences report, the largest cause of pollution is from nature. Shown by this chart, 60 percent of the pollution to our shores is by nature itself. So the best way we prevent the number one cause of pollution to our shores is to eliminate this drill for it.

Boating: All of those boats off the shores of our coasts are producing 32 percent of the oil seepage. Tankers from the Middle East are 3 percent. And offshore drilling only accounts for 2 percent of the pollution to our shores.

It obviously makes sense to drill offshore, Mr. Chairman, because nature is the primary cause of the pollution to our beaches.

When Katrina and Rita hit the gulf coast this last year, over 100 platforms were damaged, but seepage from the Gulf of Mexico almost did not exist because the valves and the pumps for these offshore rigs were shut off immediately. So it seemed that opening up these areas would be an obvious choice.

We are the only major industrial power in the world that has this silly rule about not drilling offshore. They have in Europe and around the world, and they do so safely. It is important that we use some commonsense.

Americans worry about skyrocketing energy prices, and lack of energy and energy solutions. A decision where we drill is going to have to be made and made very soon by Americans. This is a price issue, but it is also a national security issue. Those who say “no” to offshore drilling have no solutions to this problem. We can drill offshore safely, environmentally correct; and when we get over the fear factor and take control of our own energy needs, this country will be better off.

I yield 1 minute to Mr. GREEN from Texas.

Mr. GENE GREEN of Texas. Mr. Chairman, Members, I want to thank my colleague for yielding me a minute. I support his amendment. Obviously, I think that would be the ideal provision we want to do to eliminate moratorium. The committee, I think, has struck a compromise on natural gas, although Congressman Poe and I know the difficulties of just drilling for one substance over the other. But obviously I support that, and I think the committee, though, came up with a compromise, and we will fight that battle later.

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

Mr. TAYLOR of North Carolina. I yield 2 minutes to the gentleman from Florida.

Mr. FOLEY. Mr. Chairman, I certainly understand the politics of petroleum. But I represent Florida, and I represent the coast as another valuable resource for tourism, the environment, the ecology.

Let me remind my colleagues the area that they are proposing to drill both oil and natural gas wells has recently been referred to as Hurricane Alley. The gulf coast, we all know now, after Katrina, is responsible for 25 percent of U.S. production of natural gas. Following Katrina and Rita, almost 75 percent of the natural gas production in the gulf was shut down and not producing.

As of May 3, almost 13 percent of natural gas production in the Gulf of Mexico was still offline 9 months later. So it begs the question, why would you put more rigs in a vulnerable place? We understand some States like drilling, like oil and like offshore rigs. And my question, or my statement, to you is, have at it. But I do want to have the opportunity as a Floridian to defend ourselves from having oil drilling rigs off our coastline.

Several Governors are opposed to the provisions, including Governor Schwarzenegger; my own Governor...
Mr. TAYLOR of North Carolina. I yield 1 minute to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, this is not some political issue. This is serious business. You are dealing with some of the most fragile marine ecosystems in the world. This moratorium was put on here for a good reason. And I mentioned earlier during general debate, it has evolved into a workable, effective protection for those ecosystems.

The ecology of some of those Florida waters is just unbelievable. Now, the authorizing committee has been working on this issue for several months trying to come up with a good answer, a good responsible answer. Now, this is being offered without any hearings by the subcommittee, no hearings by full committees, just as a whim to accomplish something that some special interests want to see accomplished. This is not good government. This is a bad amendment, and we need to be very careful about what we do, not only on this amendment today, but on the Peterson amendment that we will deal with later.

The CHAIRMAN. All time for debate pursuant to the unanimous consent request has expired.

The question is on the amendments offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Chairman announced that the nays appeared to have it.

Mr. POE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendments offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

S 107. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

S 108. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by reprogramming funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds. An tribe may retain and use any such reimbursement until expended and without further appropriation.
(1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100-386, 18 U.S.C. 458zz.

Sec. 115. Nothing in this Act or any other provision of law, the Inspector General in carrying out the provisions of the Inspector General Act of 1980, as amended, shall be used to study or implement any plan or project to drain Lake Powell or to restructure the water levels below the range of water levels required for the operation of the Glen Canyon Dam.

Sec. 118. Nothing in this Act shall be used to study or implement any plan to drain Lake Powell or to restructure the water levels below the range of water levels required for the operation of the Glen Canyon Dam.

The United States Fish and Wildlife Service rate of pay for the Washington-Baltimore metropolitan area, for the years 2007 and 2008, and the first year after fiscal year 2008 shall be at the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $13,000,000. Nothing in this Act shall be used to study or implement any plan or project to drain Lake Powell or to restructure the water levels below the range of water levels required for the operation of the Glen Canyon Dam.

Sec. 120. Notwithstanding any implementation by the Department of the Interior’s trust reorganization or reengineering plans, or the implementation of the “To Be” Model, funds appropriated for fiscal year 2007 shall be available for the tribes within the Cali

The United States Fish and Wildlife Service rate of pay for the Washington-Baltimore metropolitan area, for the years 2007 and 2008, and the first year after fiscal year 2008 shall be at the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $13,000,000. Nothing in this Act shall be used to study or implement any plan or project to drain Lake Powell or to restructure the water levels below the range of water levels required for the operation of the Glen Canyon Dam.

The United States Fish and Wildlife Service rate of pay for the Washington-Baltimore metropolitan area, for the years 2007 and 2008, and the first year after fiscal year 2008 shall be at the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $13,000,000. Nothing in this Act shall be used to study or implement any plan or project to drain Lake Powell or to restructure the water levels below the range of water levels required for the operation of the Glen Canyon Dam.
shall not serve as the Inspector General for the Chemical Safety and Hazard Investigation Board.

**BUILDINGS AND FACILITIES**

For construction, repair, improvement, expansion, and purchase, installation, or purchase attendant equipment or facilities of, or for use by, the Environmental Protection Agency, $39,816,000, to remain available until expended.

**Hazardous Substance Superfund**

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including section 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities supported by section 502 of the Project, $2,256,855,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2006, as amended by section 111(a) of CERCLA: Provided, That the funds appropriated under this heading may be allocated by the Office of Inspector General to remain available until September 30, 2008, and $15,930,000 shall be transferred to the Office for the Drinking Water State Revolving Fund to remain available until expended.

$39,816,000, to remain available until expended.

**Oil Spill Response**

For expenses necessary to carry out the Environmental Protection Agency’s responsibilities under the Oil Pollution Act of 1990, $16,506,000, to be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

**State and Tribal Assistance Grants**

(INCLUDING RESCISSION OF FUNDS)

For environmental programs and infrastructure assistance, including capitalization grants for state revolving funds and performance partnership grants, $3,007,348,000 to remain available until expended, of which $687,355,000 shall be for making capitalization grants to the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the “Act”); of which up to $50,000,000 shall be available for loans, including interest free loans as authorized by 33 U.S.C. 1383(d)(1)(A), to municipal, inter-municipal, interstate, or State agencies or nonprofit entities for projects that provide treatment for or that minimize sewage or stormwater discharges using one or more approaches which include, but are not limited to, decentralized or distributed wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration; $841,500,000 shall be available for grants to the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended; $24,750,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water quality projects in the area of the United States-Mexico border, after consultation with the appropriate border commission; $14,650,000 shall be for the Administrator to address the needs of drinking water and waste infrastructure needs of rural and Alaska Native Villages: Provided, That, of these funds: (1) the State of Alaska shall address 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead costs; and (3) Alaska shall make awards consistent with the State-wide priority list established in 2004 for all water, sewer, waste disposal, and similar projects carried out by Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $200,000,000 shall be for making special project grants of drinking water, wastewater, and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified in section 1544 of title X of Public Law 103–322 as an explanatory statement of the managers accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 25 percent of the project cost unless the grantee is approved for a waiver by the Agency; $80,119,000 shall be to carry out section 104(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program costs; $26,000,000 shall be for the national grant and loan program authorized by section 792 of the Energy Policy Act of 2005 for the National Clean Diesel Initiative, and $1,122,584,000 shall be for grants, including associated program support costs, to States, federally-recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities to carry out program requirements pursuant to the rules of the Administrator under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for precursor monitor and data collection activities subject to terms and conditions specified by the Administrator of $49,495,000 shall be for carrying out section 104(h) of CERCLA, as amended, $14,850,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, not more than 25 percent of the funds available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning or permit requirements to control the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That of the funds made available under this heading in Division A of Public Law 103–447, $500,000 is for Monticello, AR water and wastewater infrastructure improvements and $500,000 is for Pine Bluff, AR water and wastewater infrastructure improvements: Provided further, That funds that were appropriated under this heading for special project grants in fiscal year 2001 or earlier that have not been obligated on an approved grant by September 1, 2007, are rescinded.

**AMENDMENT OFFERED BY MR. TAYLOR OF NORTH CAROLINA**

Mr. TAYLOR of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Taylor of North Carolina:

On page 67, line 2, strike "$3,007,348,000" and insert in lieu thereof "$3,003,348,000".

On page 68, line 2, strike "$26,000,000" and insert in lieu thereof "$23,000,000".

Mr. TAYLOR of North Carolina. Mr. Chairman, this amendment would increase the EPA State and Tribal Assistance Grants account by $2 million for the National Clean Diesel Initiative. This is an important initiative that was authorized by the Energy Policy Act of 2005. These funds will be used to retrofit school buses and heavy duty trucks and contribute significantly to reducing harmful emissions into the air.

I urge a “yes” vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. Taylor).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:
For fiscal year 2007, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency’s function to implement directly federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized tribes or Intertribal consortia, if authorized by their member tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (as added by subsection (c) of the Pest Control Act, as amended, section 106 (Water Pollution) grants that incorporates financial incentives for States that implement the Right-to-Know Act, as amended, section 106 (Water Pollution) grants that incorporates financial incentives for States that implement adequate National Pollutant Discharge Elimination System fee programs.

POINT OF ORDER

Mr. DUNCAN. Chair, I raise a point of order against the paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DUNCAN. Chair, on behalf of the Transportation and Infrastructure Committee, I raise a point of order against the provision beginning on page 73, line 3 and ending on line 8.

This provision violates clause 2 of rule XXI. It changes existing law and thereby constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. TIAHRT. Chair, I move to strike the last word.

Mr. CRANENBURG. Mr. Chairman, I move to strike the last word.

Mr. TAYLOR for being open to discuss this important information to those who need it, it also has been extremely successful at getting companies to voluntarily reduce their toxic releases. Since the program started, overall toxic releases have gone down 90 percent around the country.

In fact, the chemical industry themselves thinks this is a good program. Earlier this year the Washington Post quoted Michael Walls, manager of Regulatory and Technical Affairs for the American Chemistry Council, saying, ‘It’s one of the most successful regulatory programs we have been involved in.’

Unfortunately, Mr. Chairman, the EPA does not want to agree. Last year they proposed a set of changes that would seriously undermine the intent of the program.

First, they are proposing to eliminate reporting for more than 22,000 facilities that release up to 5,000 pounds of toxic chemicals every year. These facilities would switch to a simple form merely indicating what chemicals they have on site, not how they are released and in what quantities.

Second, they are proposing to eliminate the same type of detailed reporting from facilities that manage up to 500 pounds per year of persistent bio-accumulative chemicals, some of the deadliest substances used in industry today. These chemicals, which include mercury and lead, can cause serious harm even in tiny quantities.

And, third, EPA is proposing to require that companies report only every other year rather than every year as the program currently requires. This final change makes the least sense of all. EPA themselves point out that data for certain chemicals can swing widely from year to year depending on the actions of one particular facility such as a large mining operation.

The EPA would gut the intent of the TRI program, and I would like to remind my colleagues that this program was created in the wake of the Bhopal disaster in India, where toxic chemicals posed serious threats to public health.

So I would like to emphasize again to my colleagues that our amendment is really about protecting community right to know. It is about standing up for the principle that your constituents should be able to find out what toxic chemicals might be getting dumped in area streams, pumped out into the air, or trucked to a nearby landfill. And it is also about protecting a successful program, one of the few that has been consistently recognized even by industry as being effective and worthwhile.

Mr. Chairman, I ask that my colleagues join me in supporting this amendment, and I would like to thank Chairman TAYLOR for being open to discuss this issue, and I hope that we can continue to work together.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this proposal, this amendment, and I want to tell you it is really difficult for me to see us put more and more barriers in the way of keeping and creating jobs in America.

What the gentleman is doing with his amendment is striking language that will allow reforms to the Toxic Release Inventory annual reporting requirements. The reason it is important is because it directly affects small businesses. In fact, it has a tremendously greater impact on small businesses than it does on large ones.

There was an example given by W. Mark Crain in a report called The Impact of Regulatory Costs on Small Firms. It was done by the Small Business Administration Advocacy Group, the overall regulatory burden was, as estimated by Mr. Crain, to exceed $1.1 trillion in 2004. The costs have gone up since then. But for manufacturing firms of fewer than 20 employees, the annual regulatory burden of 2004 was $251 per employee—a half times greater than the $8.748 burden per employee with firms of 500 or more employees. So by striking this language, you target the small businesses, and in Kansas small businesses are four times greater. So you assault on the jobs in America because it raises costs making us less competitive.

Now, the EPA has followed the proper process of reform. In response to the ongoing calls for this Toxic Release Inventory annual reporting system, EPA conducted stakeholders outreach meetings in 2003. It took public
But striking this language will not make the environment any cleaner. It will only cost us jobs. Again, ninety-nine percent of the same information will still be reported under the reforms conducted by EPA and put in place correctly by EPA.

So for that reason I rise in opposition to the gentleman’s proposal, and I encourage all my colleagues to vote against this amendment.

Mr. TAYLOR of North Carolina, Mr. Chairman, I move to strike the requisite number of words.

The amendment would block the EPA from changing the reporting requirements for toxic releases. I appreciate the proponent’s concerns that the information on toxic releases should be reported in a timely manner and that this information should be publicly available. These concerns are shared by many State and local officials.

On the other hand, I believe that some accommodation should be made by EPA for small businesses that have no toxic releases or have only trace amounts of toxic releases.

I am prepared to accept the amendment today with the understanding that we will work with EPA to determine how we can accomplish the amendment’s goals without placing unnecessary reporting burdens on businesses that release no toxic or have only trace amounts.

I commend the amendment’s authors for pursuing this and look forward to working with EPA on that matter.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisition number of words.

The Acting CHAIRMAN (Mr. FOLEY). The question was taken; and the Act.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. PALLONE).

The amendment would block the EPA from changing the reporting requirements for toxic releases. I appreciate the proponent’s concerns that the information on toxic releases should be reported in a timely manner and that this information should be publicly available. These concerns are shared by many State and local officials.

On the other hand, I believe that some accommodation should be made by EPA for small businesses that have no toxic releases or have only trace amounts of toxic releases.

I am prepared to accept the amendment today with the understanding that we will work with EPA to determine how we can accomplish the amendment’s goals without placing unnecessary reporting burdens on businesses that release no toxic or have only trace amounts.

I commend the amendment’s authors for pursuing this and look forward to working with EPA on that matter.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisition number of words.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. PALLONE).

The amendment would block the EPA from changing the reporting requirements for toxic releases. I appreciate the proponent’s concerns that the information on toxic releases should be reported in a timely manner and that this information should be publicly available. These concerns are shared by many State and local officials.

On the other hand, I believe that some accommodation should be made by EPA for small businesses that have no toxic releases or have only trace amounts of toxic releases.

I am prepared to accept the amendment today with the understanding that we will work with EPA to determine how we can accomplish the amendment’s goals without placing unnecessary reporting burdens on businesses that release no toxic or have only trace amounts.

I commend the amendment’s authors for pursuing this and look forward to working with EPA on that matter.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisition number of words.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. PALLONE).

The amendment would block the EPA from changing the reporting requirements for toxic releases. I appreciate the proponent’s concerns that the information on toxic releases should be reported in a timely manner and that this information should be publicly available. These concerns are shared by many State and local officials.

On the other hand, I believe that some accommodation should be made by EPA for small businesses that have no toxic releases or have only trace amounts of toxic releases.

I am prepared to accept the amendment today with the understanding that we will work with EPA to determine how we can accomplish the amendment’s goals without placing unnecessary reporting burdens on businesses that release no toxic or have only trace amounts.

I commend the amendment’s authors for pursuing this and look forward to working with EPA on that matter.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisition number of words.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. PALLONE).

The amendment would block the EPA from changing the reporting requirements for toxic releases. I appreciate the proponent’s concerns that the information on toxic releases should be reported in a timely manner and that this information should be publicly available. These concerns are shared by many State and local officials.

On the other hand, I believe that some accommodation should be made by EPA for small businesses that have no toxic releases or have only trace amounts of toxic releases.

I am prepared to accept the amendment today with the understanding that we will work with EPA to determine how we can accomplish the amendment’s goals without placing unnecessary reporting burdens on businesses that release no toxic or have only trace amounts.

I commend the amendment’s authors for pursuing this and look forward to working with EPA on that matter.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisition number of words.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. PALLONE).

The amendment would block the EPA from changing the reporting requirements for toxic releases. I appreciate the proponent’s concerns that the information on toxic releases should be reported in a timely manner and that this information should be publicly available. These concerns are shared by many State and local officials.

On the other hand, I believe that some accommodation should be made by EPA for small businesses that have no toxic releases or have only trace amounts of toxic releases.

I am prepared to accept the amendment today with the understanding that we will work with EPA to determine how we can accomplish the amendment’s goals without placing unnecessary reporting burdens on businesses that release no toxic or have only trace amounts.

I commend the amendment’s authors for pursuing this and look forward to working with EPA on that matter.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisition number of words.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. PALLONE).

The amendment would block the EPA from changing the reporting requirements for toxic releases. I appreciate the proponent’s concerns that the information on toxic releases should be reported in a timely manner and that this information should be publicly available. These concerns are shared by many State and local officials.

On the other hand, I believe that some accommodation should be made by EPA for small businesses that have no toxic releases or have only trace amounts of toxic releases.

I am prepared to accept the amendment today with the understanding that we will work with EPA to determine how we can accomplish the amendment’s goals without placing unnecessary reporting burdens on businesses that release no toxic or have only trace amounts.

I commend the amendment’s authors for pursuing this and look forward to working with EPA on that matter.
An amendment by Mr. TAYLOR of North Carolina regarding funding for various accounts;
An amendment by Mr. BEAUPREZ regarding funding for wildland fire management;
An amendment by Mr. FLAKE regarding any Iowa State University project on mitigating emissions from egg farms;
An amendment by Mr. FLAKE regarding funding for Neosha National Fish Hatchery;
An amendment by Mr. FLAKE regarding funding for the Blackwater National Wildlife Refuge;
An amendment by Mr. FLAKE regarding Santa Ana River Wash program;
An amendment by Mr. FLAKE regarding staffing for the National Zoological Park;
An amendment by Mr. FLAKE regarding NFS recreation sites in North Carolina;
An amendment by Mr. FLAKE regarding citrus studies in Florida;
An amendment by Mr. FLAKE regarding the Pacific Crest National Scenic Trail;
An amendment by Mr. FLAKE regarding the Florida National Scenic Trail;
An amendment by Mr. FLAKE regarding the Continental Divide National Scenic Trail.

Each such amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Interior, Environment, and Related Agencies each may offer one pro forma amendment for the purpose of debate, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debateable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?
Mr. OBEY. Mr. Speaker, reserving the right to object, I don’t intend to object, but I do want to point out to each and every Member that if this unanimous consent agreement is accepted by the body, the way I count it, that means that we will go to about 12 o’clock tonight before we begin to vote.

I ask that Members remember that as they are entertaining their enthusiasm for offering a number of these amendments tonight, it just seems to me that Members need to know that this is going to take a long, long time; and we would appreciate it being shortened by people whenever it is possible to do so.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?
There was no objection.


The SPEAKER pro tempore. Pursuant to House Resolution 818 and rule XVIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the further consideration of the bill, H.R. 5386.

1553

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5386, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, with Mr. FOLEY (Acting Chairman) in the Chair.

The Clerk read the title of the bill. The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. PLATT) had been postponed and the bill had been read through page 73, line 8.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The Clerk will read. The Clerk read as follows:

GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

SEC. 201. None of the funds made available by this Act, that not less than two years have intervened, or to delay the implementation of Executive Order No. 12898 of February 11, 1994 (59 Fed. Reg. 7628; relating to Federal actions to address environmental justice in minority populations and low-income populations).

SEC. 202. None of the funds made available in this Act may be used in contravention of section 15 U.S.C. 3006(d), or to delay the implementation of that section.

TITLE III—RELATED AGENCIES

FOREST SERVICE

For necessary expenses of forest and rangeland research as authorized by law, $200,319,000, to remain available until expended: Provided, That of the funds provided, $62,329,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including pest and disease control, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $228,608,000, to remain available until expended by law which of $9,280,000 is to be derived from the Land and Water Conservation Fund: Provided, That none of the funds provided for the purposes described in this heading shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Energy and Natural Resources, in writing, of specific contractual and grant details including the non-Federal cost share.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service for administration, protection, improvement, and utilization of the National Forest System, $1,445,659,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 666d–6a(a)(1); Provided, That unobligated balances under this heading available at the start of fiscal year 2007 shall be displayed by budget line item in the fiscal year 2008 budget justification.

WILDLAND FIRE MANAGEMENT

INCLUDING TRANSFER OF FUNDS

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of lands burned over National Forest System lands and water, $1,810,566,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperative entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal years 2006 and 2007 shall be transferred to the fund pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.) if necessary to reimburse the fund for unpaid past advances: Provided further, That notwithstanding the provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research Appropriations, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency fire suppression and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities:

For necessary expenses of the Forest Service for forest and rangeland research as authorized by law, $200,319,000, to remain available until expended: Provided, That of the funds provided, $62,329,000 is for the forest inventory and analysis program.
Renewable Resources Research Act, as amended (16 U.S.C. 161 et seq.), $43,000,000 is for State fire assistance, $12,810,000 is for volunteer fire assistance, $14,800,000 is for forest health activities on Federal lands and $10,000,000 is for forest health activities on State and private lands: Provided further, That amounts in this paragraph may be transferred and supplemented with Federal, State and private funds and State and private fire assistance funds and shall be available to the Forest Service under the National Forest System Restoration Act, Public Law 106-393, title VI, and any portion of such funds shall be available for use on non-Federal lands that have the potential to place such communities at risk.:

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. BEAUPREZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

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

Mr. Chairman, simply put, this amendment will reduce funding for the National Endowment for the Arts by $30 million and transfer those funds to the United States Forest Service to reduce the threat of catastrophic wildfires.

Earlier this week, I was pleased to support the passage of the Forest Emergency Recovery and Research Act because it will expedite the restoration of forest land affected by catastrophic wildfires. However, we can all agree that prevention comes first. Additional resources are needed if we are to get a handle on the wildfire crisis gripping the West.

In 2002, the American taxpayers spent over $1.5 billion containing these devastating blazes. When Congress spends so much annually to put out wildfires, doesn’t it make more sense to spend that money on additional thinning treatments that could help prevent these fires from starting in the first place?

According to the House Resources Committee, 190 million acres of BLM and Forest Service land are at risk to catastrophic wildfire. To put that in perspective, this area is larger than the States of California and Arizona combined.

The Wall Street Journal reported that parts of the National Forest system contained more than 400 tons of dry fuel per acre, or 10 times the manageable or appropriate level. Disease and insect infestation have also contributed to an increase in combustible fuels.

In Colorado alone, my State, surveys have recorded that approximately 1.2 million acres were killed by mountain pine beetle outbreaks in 2004. This is nearly 100 times the mortality rate reported in 1996, the first year a study was released by the Colorado Forest Service on pine beetles damage.

Unfortunately, beetle kill leaves behind the kind of timber that turns small fires into the kinds of infernos that have devastated Colorado and other western States of recent years, destroying homes, poisoning the air, scorching critical habitat, and choking streams and rivers with tons of sot and sediment.

Even with increased attention to thinning and fuel treatments efforts with legislation like the Healthy Forest Initiative, more funding is needed.

Since the majority of our forests are federally owned, the burden to protect our States and local communities from the devastating effects of forest fires falls with the Federal agencies designated to protect them. Congress must fully fund their needs.

The question arises, Why take funding from the NEA? I actually applaud the progress that has been made recently by the NEA in repairing a very damaged image in the view of many Americans. It is important, however, to recognize that only a small percentage of funding for the arts comes from the Federal Government. In 2001, Americans spent $27 billion on non-profit arts funding. At $124 million, the NEA funding is just a drop in the bucket for an art industry that seems to be doing exceedingly well.

Congress has to choose its fiscal priorities and obligations responsibly. This amendment amounts to one-tenth of one percent of total arts funding, but it is a massive help to ensure the safety of our western communities, prevent forest fires and save lives.

Anybody who has witnessed the devastation to life, property, wildlife, water and air from the monster that is a forest fire understands that investing in prevention infinitely outweighs the incomparable costs of a forest fire. This amendment allows us to invest in prevention, Mr. Chairman, and I urge its adoption.

Mr. Chairman, I reserve the balance of my time.
I also want to point out that this bill has increased funding for forest health management, an important key for preventing forest fires by $31 million above the President’s request, and I want to point out that the Forest Service was able to carry over extra wild-fire suppression funds from 2003 to this year.

So they have or should have plenty of funds for the fire season absent a catastrophic season. Despite the good intentions behind this amendment, we do not need this additional increase for the fund’s work at this time. We should not gut the administration’s effort in the NEA. Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to say to the gentlemen, our committee has been a great advocate for money for fire, $31 million, $79 million, for fire in the bill. $500 million of the fire emergency funds are still available. We just increased the NEA by $5 million to $132 million, and NEA still is $40 million below its high point back in 1994. We fund programs in all States. This would be a devastating cut, and we do not need the money for fire. And I have offered amendment after amendment after amendment to put emergency fire money in when it is necessary. Also, the agencies can borrow money internally if necessary to deal with the problem. So I urge a no on this amendment. I think it is well intended, but simply not necessary and would do great damage to the NEA.

Mr. Chairman, I urge a no vote.

Mr. BEAUPREZ. Mr. Chairman, I appreciate the chairman. I will be brief. I respect and appreciate the effort put forth by the minority as well as the majority side of the committee on this issue. But with all due respect, I would point out again that the private sector, and a very large private sector, supports our arts industry. The public sector, we in government, have an obligation to look after the government’s assets and people’s lives, and that is what is at stake with this amendment. With all due respect to the comments that have already been made, no one looks after our national forests other than we in government, and I would encourage both the chairman and the ranking member at the next opportunity to come out to the West and visit and see the devastation the pine beetle damaged has created in our forests. We are sitting literally on a matchbox awaiting someone to light the first match.

I urge the adoption of this amendment. I think it is common sense. I think it is about us in government establishing priorities to protect and defend our Nation’s assets and our citizens’ lives.

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

The Acting CHAIRMAN (Mr. Bishop of Utah). The gentleman from North Carolina has 1½ minutes remaining.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield ½ minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the gentleman for yielding.

Mr. Chairman, I do not disagree with what the gentleman from Colorado is saying. There has been devastation in my district, and the funding for firefighting and so forth. But I will tell you that taking it out of the NEA is the wrong place in the bill.

Mr. Chairman, they have done a tremendous job under the chairmanship of Gioia. They have brought the NEA back to what we originally intended it to be, and that is a means of getting the arts out to the rest of America, to rural America, particularly.

And if you will look at some of the programs that they have, their masters program and more program and others, they have done a great job of getting the rest of rural America exposed to those types of things. That is what the NEA is all about.

And yes, there is private organizations that fund a lot of these. But oftentimes it is in conjunction with private and public financing. Sometimes they just finance a very small portion of it. So I think that while I agree with the gentlemen’s intent in terms of fire protection, they are saying the money out of the NEA, which is substantially below what it was in its high peak as was mentioned, I think is the wrong direction to go and would set this program back, when it is moving in the direction that we all hope it will go.

Mr. Chairman, I appreciate the gentleman’s amendment, but I will be voting against it.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. BEAUPREZ).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BEAUPREZ. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CAPITAL IMPROVEMENT AND MAINTENANCE (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $411,022,000, to remain available until expended for construction, reconstruction, maintenance, and acquisition of, buildings and other facilities, and for construction, rehabilitation, and replacement of roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205. Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decennialation of roads, including unimproved roads, as a part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That $400,000 of the funds made available in section 8098(b) of Public Law 101–287, to construct a wildfire management training facility in San Bernardino County, shall be transferred within 15 days of the enactment of this Act to the Forest Service. “Wildland Fire Management” account and shall be available for hazard fuels reduction, hazard identification, and rehabilitation activities of the Forest Service in the San Bernardino National Forest so long as this funding is necessary and for construction, reforestation, and rehabilitation.

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $7,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That the Forest Service may not use funds in fiscal year 2007, including funds made available in Public Law 96–586 or any other Act, to purchase land for the Tahoe National Forest Project in Lake Tahoe, California.

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $7,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That the Forest Service may not use funds in fiscal year 2007, including funds made available in Public Law 96–586 or any other Act, to purchase land for the Tahoe National Forest Project in Lake Tahoe, California.

For acquisition of lands within the exterior boundaries of the National Forests in States other than the States of Alaska, the States of the North Western States, pursuant to section 401(b)(1) of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 532–538 and 23 U.S.C. 101 and 230), to the extent provided by law, $1,053,000, to be derived from forest receipts.

For acquisition of lands within the exterior boundaries of the National Forests in States other than the States of Alaska, the States of the North Western States, pursuant to section 401(b)(1) of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 532–538 and 23 U.S.C. 101 and 230), to the extent provided by law, $1,053,000, to be derived from forest receipts.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 532–538 and 23 U.S.C. 101 and 230), pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 494a), to remain available until expended.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by section 162 of title 16 of the U.S.C., $83,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

Manager of National Forest Lands for Subsistence Use

For necessary expenses of the Forest Service to manage Federal lands in Alaska for
null
organizations operating health facilities pursuant to Public Law 93-638 such individually identifiable health information related to disabled children as may be necessary for the purposes and functions described in this Act and for the benefit of the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.).

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and management of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indian Health Service, $363,573,000, to remain available until expended:

Indian Health Service shall be available for services necessary to carry out any Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $363,573,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, and operation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related auxiliary facilities; provided, further, that no more than $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for direct benefit to the Indian Health Service and tribal facilities; Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities for new housing units, including developments authorized by grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to be included in this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That no more than $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376, $3,000,000 for official reception and representation expenses, $2,627,000: Provided, That in performing any such health assessment or study, evaluation, or activity, the Administrator of the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, or the Indian Health Service may contract or enter into any agreement with the Department of Health and Human Services, relating to the eligibility for the health services of the Indian Health Service until the Indian Health Service has subsequently deducted the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, or the Indian Health Service may contract or enter into any agreement with the Department of Health and Human Services, relating to the eligibility for the health services of the Indian Health Service until the Indian Health Service has subsequently deducted the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will not exceed the maximum rate payable for senior-level positions under 5 U.S.C. 5376, $9,208,000:

Toxic substances and environmental public health

For necessary expenses for the Agency for Toxic Substances and Disease Registry in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 110 of the Superfund Amendments and Reauthorization Act of 1986, as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $76,754,000, of which up to $1,500,000, to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry:

That in performing any such health assessment or study, evaluation, or activity, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, and medical monitoring to credit to accredited health care providers: Provided further, That funds paid for administrative costs to the Council on Environmental Quality shall not exceed 7.5 percent of the funding provided under this heading: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(c) of CERCLA during fiscal year 2007, and existing profiles may be used as necessary.

OTHER RELATED AGENCIES

SALARIES AND EXPENSES

For necessary expenses in carrying out activities set forth in section 112(c)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor under 5 U.S.C. 5901–5902; and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376, $9,208,000: Provided, That the Chemical Safety and Hazard Investigation Board...
Board (Board) shall have not more than three career Senior Executive Service positions: Provided further, That in fiscal year 2007 and thereafter, notwithstanding any other provision of law, the Office of the Inspector General of the Federal Bureau of Investigation, Office of the Inspector General Protection Agency Inspector General shall not serve as the Inspector General for the Board: Provided further, That up to $600,000 of the fiscal year 2006 funds may be used for personnel compensation and benefits for the Members of the Board.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $3,195,000, to remain available until expended: Provided, That funds provided in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Hopi family who, as of November 30, 1985, was physically domiciled on the land acquired by the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with a new or replacement home until the Hopi Tribe submits a plan acceptable to the Secretary of the Interior for relocation of skeletal remains program shall be used by the Office of Navajo and Hopi Indian Relocation to relocate a Navajo family who, as of November 30, 1985, was physically domiciled on the lands that are or were selected as a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 610d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56310a), $6,703,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research and administrative support, museum and library services and facilities, operations and maintenance, repair, renovation of buildings of the National Gallery of Art, by contract or other arrangements or services are available to members of art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; and printing and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5909), $1,043,000,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to effect any change to the existing Smithsonian science programs including closing of facilities, relocation of staff or redirection of functions and programs without the prior approval of the House and Senate Committees on Appropriations.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration, renovation of art museum buildings and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $14,999,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That notwithstanding any other provision of law, a single procurement contract for the Master Facilities Plan renovation project at the National Gallery of Art may be issued which includes the full scope of the work, including, but not limited to, planning, design, and engineering services; Provided further, That the solicitation and the contract shall contain the clause “availability of funds” found at 48 CFR 32.232-18.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration, renovation of art museum buildings and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $14,999,000, to remain available until expended: Provided, That none of the funds in this or any other Act may be used in the fiscal year 2007 and thereafter, notwithstanding any other provision of law, to acquire, construct, expand, or renovate any foreign art gallery, museum, or site of international importance.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Arts Grant Act of 1968 (62 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 1901, $9,438,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $2,900,000, to remain available until expended.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $124,412,000, to remain available until expended.
education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, including $14,097,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts “Matching Grants” account and “Challenge America” account may be transferred to and merged with this account: Provided further, That funds appropriated herein shall be expended in accordance with sections 509 and 311 of Public Law 108-108.

NATIONAL ENDOWMENT FOR THE HUMANITIES
GRANTS AND ADMINISTRATION
For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $126,049,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS
To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $14,906,000, to remain available until expended, of which $9,618,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS
None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of the following: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for the making purposes pursuant to: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson: Provided further, That 20 U.S.C. 954(c) shall not apply to grants and contracts funded solely with nonappropriated monies.

COMMISSION OF FINE ARTS
SALARIES AND EXPENSES
For expenses necessary for the operation of the National Capital Arts and Cultural Affairs Commission, including not more than $5,534,000 for salaries and expenses of the Chairperson and not more than $1,514,000 for representation expenses: Provided, That none of the above-mentioned totals shall be used for the purpose of compensating the Chairperson of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION
SALARIES AND EXPENSES
For necessary expenses, as authorized by Public Law 110-108 (20 U.S.C. 71-71h), including services as authorized by 5 U.S.C. 3109, $7,623,000: Provided, That none of the funds appropriated herein shall be expended in compensation of level V of the Executive Schedule or higher positions.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM
HOLOCAUST MEMORIAL MUSEUM
For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 231a–231r), of which $515,000 for the equipment replacement program shall remain available until September 30, 2009; and $1,900,000 for the museum’s repair and rehabilitation program and $1,264,000 for the museum’s exhibition design and production program shall remain available until expended.

PRESIDIO TRUST
PRESIDIO TRUST FUND
For necessary expenses of carrying out title I of the Omnibus Parks and Public Lands Management Act of 1996, $19,256,000 shall be available to the Presidio Trust, to remain available until expended.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE
SALARIES AND EXPENSES
For necessary expenses of the White House Commission on the National Moment of Remembrance: Provided, That none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

EXCEPTIONS—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary of the Interior on or before December 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein and lode claims and sections 2323 and 2324 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

DEPARTMENTAL REPORT—On September 30, 2007, the Secretary of the Interior shall transmit to the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources a report on actions taken by the Department under the plan submitted pursuant to section 31(c) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

MINERAL EXPLORATION—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral exploration of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the
and related activities under either the Min-
eral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.) within the boundaries of a Na-
tional Monument established pursuant to section 1001(a)(3) of Public Law 106–113; 113 Stat. 1060 (May 18, 2006). Such appropriations may be used to acquire lands for Everglades restoration purposes.

SEC. 418. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby provided immunity from the Letter of Obligation and post-competition accountability guidelines with respect to competitive sourcing studies conducted prior to fiscal year 2006, if the competitive sourcing studies were conducted before the Secretary of Agriculture and the Secretary of the Interior are authorized through 1000(a)(3) of Public Law 106–113; 113 Stat. 1060 (May 18, 2006). Such appropriations may be used to acquire lands for Everglades restoration purposes.

SEC. 418. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby provided immunity from the Letter of Obligation and post-competition accountability guidelines with respect to competitive sourcing studies conducted prior to fiscal year 2006, if the competitive sourcing studies were conducted before the Secretary of Agriculture and the Secretary of the Interior are authorized through 1000(a)(3) of Public Law 106–113; 113 Stat. 1060 (May 18, 2006). Such appropriations may be used to acquire lands for Everglades restoration purposes.

SEC. 418. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby provided immunity from the Letter of Obligation and post-competition accountability guidelines with respect to competitive sourcing studies conducted prior to fiscal year 2006, if the competitive sourcing studies were conducted before the Secretary of Agriculture and the Secretary of the Interior are authorized through 1000(a)(3) of Public Law 106–113; 113 Stat. 1060 (May 18, 2006). Such appropriations may be used to acquire lands for Everglades restoration purposes.

SEC. 418. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby provided immunity from the Letter of Obligation and post-competition accountability guidelines with respect to competitive sourcing studies conducted prior to fiscal year 2006, if the competitive sourcing studies were conducted before the Secretary of Agriculture and the Secretary of the Interior are authorized through 1000(a)(3) of Public Law 106–113; 113 Stat. 1060 (May 18, 2006). Such appropriations may be used to acquire lands for Everglades restoration purposes.

SEC. 418. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby provided immunity from the Letter of Obligation and post-competition accountability guidelines with respect to competitive sourcing studies conducted prior to fiscal year 2006, if the competitive sourcing studies were conducted before the Secretary of Agriculture and the Secretary of the Interior are authorized through 1000(a)(3) of Public Law 106–113; 113 Stat. 1060 (May 18, 2006). Such appropriations may be used to acquire lands for Everglades restoration purposes.

SEC. 418. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby provided immunity from the Letter of Obligation and post-competition accountability guidelines with respect to competitive sourcing studies conducted prior to fiscal year 2006, if the competitive sourcing studies were conducted before the Secretary of Agriculture and the Secretary of the Interior are authorized through 1000(a)(3) of Public Law 106–113; 113 Stat. 1060 (May 18, 2006). Such appropriations may be used to acquire lands for Everglades restoration purposes.

SEC. 418. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby provided immunity from the Letter of Obligation and post-competition accountability guidelines with respect to competitive sourcing studies conducted prior to fiscal year 2006, if the competitive sourcing studies were conducted before the Secretary of Agriculture and the Secretary of the Interior are authorized through 1000(a)(3) of Public Law 106–113; 113 Stat. 1060 (May 18, 2006). Such appropriations may be used to acquire lands for Everglades restoration purposes.

SEC. 418. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby provided immunity from the Letter of Obligation and post-competition accountability guidelines with respect to competitive sourcing studies conducted prior to fiscal year 2006, if the competitive sourcing studies were conducted before the Secretary of Agriculture and the Secretary of the Interior are authorized through 1000(a)(3) of Public Law 106–113; 113 Stat. 1060 (May 18, 2006). Such appropriations may be used to acquire lands for Everglades restoration purposes.

SEC. 418. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby provided immunity from the Letter of Obligation and post-competition accountability guidelines with respect to competitive sourcing studies conducted prior to fiscal year 2006, if the competitive sourcing studies were conducted before the Secretary of Agriculture and the Secretary of the Interior are authorized through 1000(a)(3) of Public Law 106–113; 113 Stat. 1060 (May 18, 2006). Such appropriations may be used to acquire lands for Everglades restoration purposes.
and (2) will encourage comparable action by states a legislative sentiment of the Congress on global warming. This language clearly constitutes legislation in appropriations bills, and such violates clause 2 of rule XXI.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. DICKS. Mr. Chairman, I would like to be heard on the point of order. This is my amendment, and I want the gentleman to understand that this doesn’t have anything to do with authorizing language either for Interior or for Agriculture and that this amendment is in severe conflict with the core fundings contained in this Act.

Now, I don’t see, and it would seem to me that the gentleman from Alaska would be more concerned about the global warming issue because of the consequences for his State. So I am very surprised that he is offering this point of order against my amendment, and I would hope he would reconsider.

The Acting CHAIRMAN. Does the gentleman from Alaska wish to be heard further?

Mr. YOUNG of Alaska. Mr. Chairman, I offer this amendment simply to have an opportunity to comment on what has just transpired on the House floor.

My great mentor and friend through my service in public life has been Gaylord Nelson, the founder of Earth Day, and perhaps the greatest environmentalist who ever served in the United States Senate. Just before he died, I had my last conversation with him about environmental issues, and he made quite clear that he thought the greatest environmental threat to mankind over the next 100 years was the issue of global warming. And it is time this Congress face up to that fact and does something about it.

I don’t know what it takes to have this government get off its you-know-what and start dealing with the most critical environmental problem that confronts the entire planet. If we just take a look at a few of the pieces of evidence that are before us, just the core drillings in glaciers around the world enable us to study bubbles that go back as far as 300,000 years, and we see that we have a higher concentration of carbon dioxide than we had in the karstic karst of the past.

Since 1970, the duration and intensity of hurricanes has increased by 50 percent, the number of tornadoes in this country has now reached the highest number in recorded history, some 1,700 in one year. Two hundred western cities have broken heat records in the past 2 years.

Glaciers, which are serving really as the proverbial canaries in the mines, are trying to tell us something. Twenty-five of the 38 glaciers in Glacier Park are gone, and the rest of them are likely to be gone before this century reaches its halfway point. The Larsen ice shelf, 700 feet thick, was expected to last 100 years; it suddenly began to collapse in two weeks. The Arctic ice cap has lost half of its thickness in the last half century. The Greenland ice cap, as was referred to on that side of the aisle earlier, is melting at a highly accelerated rate. And, if it goes on like this, all of Florida good and dry will be underwater. If it goes, it could shut down the major Atlantic Ocean current. The current that drives the gulf stream has already decreased 30 percent in 50 years, and that is driven by differences in temperature and salinity of the water.

So this to me is not just an environmental problem; it is a moral problem. All of you who are in my generation are going to be gone within 20 years. But it most certainly is going to affect our kids, it most certainly is going to affect our grandkids. And I would hope that we would demonstrate that we
care more about the welfare of the planet than we care about committee jurisdictional dung hills.

But what is apparent today is that this Congress is going to be prevented from making a simple statement of fact that humans and human activity are driving, the problem of global warming and that we have an obligation to do something on the national level and the international level to deal with it, and we have an obligation to do it now.

John Sawhill, who served a variety of Republican administrations in a variety of capacities, said this just before he died: “In the end, our society will be defined not only by what we create, but by what we refuse to destroy.” And I think we ought to remember that when we think of this issue.

To me, I think we need to remember what those who were present saw in 1933 at FDR’s inaugural when he took the oath of office on the very steps of this Capitol. He is remembered mostly for saying that “we have nothing to fear but fear itself.” But the line that got the greatest reaction from the crowd at that time was when FDR said, “We need action, and we need action now.”

I yield myself only 2 minutes. And I regret very much that the gentleman felt it necessary to knock out this language. If he is going to do that, then I would suggest that the authorizing committees have an obligation to sit down with the White House and be in immediately, not 6 months, not 6 years from now, the real process of producing actions that will indeed save this planet from what is most assuredly going to occur if we continue the drift that is implied by this action today.

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

Mr. YOUNG of Alaska. Mr. Chairman, I have the greatest respect for the gentleman who just spoke. My interest is in the science, what can be done on appropriations bills. And I do believe we have the opportunity to in fact have good hearings on this issue, because there is a difference of opinion.

Do me a favor, my friends, and go back and read 1972, 1973, 1974 and 1975. You were here, Mr. OBEY. I believe you were. I was. Maybe you weren’t.

Mr. OBEY. Yes.

Mr. YOUNG of Alaska. We call that the Ice Age. Every scientist of any renown faced with an ice age. It was irreversible. We were going to be faced with famines. The world was coming to an end. And we had to do something about it immediately. We had to do something about it as the Congress.

Check the records. That is the reality. What concerns me the most is the possibility of a fear tactic being implemented in the warming threat.

Let’s have a good study. Let’s have a debate and a division of what is occurring by scientists. Let’s look at the model. Yes, the Earth is warming, in some areas. I just read a report, in fact, that Greenland is cooling. The thing I think strikes me the most is if you will take the time to study the globe, the world as we know it, and look at what has occurred in the past and possibly will occur in the future, we are now pumping 1 million barrels a day from Prudhoe Bay. Prudhoe Bay, the most northern point on this continent, we are pumping that oil.

Now, I ask you, my friends, if you studied science, where does oil come from? What occurred on this globe at that time to allow mastodons, ferns, tree withers and atmosphere to be there to create that oil? And that is the reality.

I ask you, secondly, if you go back to the Ice Age, and we have had four ice ages, three majors and one minor, if you go to New Mexico 12 million years ago, there was 287 feet of ice in New Mexico. I won’t ask you what created that ice. But I will ask each and every one of you and everybody watching and everybody talking this fear tactic what makes you go all the way to the North Pole before mankind set foot on this continent. It certainly wasn’t hair spray or freon or automobile emissions. It melted, 287 feet of ice, before we set foot.

I am a little bit concerned when everything that is wrong is our fault, that the human factor creates all the damages on this globe. That is pure nonsense. That is nonsense.

And so I am asking you, let’s have the hearings. Let’s have the scientists. Let’s have some debate about really what is occurring here instead of having hysteria and saying it is all our fault.

And, by the way, it is always the fault of the Americans. It is never the fault of the bigger countries that burn as many barrels of oil as we are doing today, not per capita but as many barrels of oil, and burn the coal as we are trying to do. It is never their fault. It is never the fault of the Americans. It is never the fault of the Americans. It is never the fault of the Americans. And I think we have to legitimately and not respond to the fear tactic. Read the book, Controlled By Fear. It is very interesting you can frighten people into doing most anything, including taking away the economy and the opportunity for future generations, easily done.

That is what I do not want us to fall into. If we are the driving factor, I am not going to accept that responsibility and do something of it, but again, go back to the history of this globe and what has occurred. It is ironic when I go into many of these States and I see seashells at 11,000 feet, seashells. This continent was covered with water at one time, retreated and allowed humanity to grow. Now, keep that in mind. Do not keep getting caught in the idea that everything that is here now is permanent. The Earth is a natural driving phenomenon.

That is all I am asking people to do. It is not to be caught into the fear and driving and say it is all our fault what is occurring. If that is the case through such studies, then let us accept that, but right now it has not been proven. There is a large division that says this is not happening because of humanity.

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

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

If you shut down the ocean currents’ conveyors, you are going to have an ice age in one heck of a hurry. So I would suggest the gentleman has committee responsibilities. If he does not want this committee to meet our responsibilities, as we have tried to do, then it is about time you meet yours and actually do something about it rather than denying that this is a real problem.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself 2 minutes.

I thank the gentleman, again, for his presentation. I am glad he gave us an additional 2 years because the way I record it we have been in power for 12 years, not 14 years. I would gladly take two more. Maybe that is an omen of this next election, but I am just saying we have actually been going on 12 years.

Lastly, let us say this is not about the action itself. It is about legislating on appropriation, but I do, and ask you sincerely, I do not have jurisdiction with that committee. Thank God, I do not really run the White House, but I think we have to legitimately and not respond to the fear tactic. Read the book, Controlled By Fear. It is very interesting you can frighten people into doing most anything, including taking away the economy and the opportunity for future generations, easily done.

That is what I do not want us to fall into. If we are the driving factor, I am not going to accept that responsibility and do something of it, but again, go back to the history of this globe and what has occurred. It is ironic when I go into many of these States and I see seashells at 11,000 feet, seashells. This continent was covered with water at one time, retreated and allowed humanity to grow. Now, keep that in mind. Do not keep getting caught in the idea that everything that is here now is permanent. The Earth is a natural driving phenomenon.

That is all I am asking people to do. It is not to be caught into the fear and driving and say it is all our fault what is occurring. If that is the case through such studies, then let us accept that, but right now it has not been proven. There is a large division that says this is not happening because of humanity.

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

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

I would simply say to my good friend that just about the only scientists left in the world who do not recognize that this is a serious and real problem are
those who have an economic interest in not recognizing it, and that, in my view, is an absolute fact.

The gentleman talks about not wanting to fall into a trap. What you are going to fall into if we listen to the gentleman is a 20 to 30-foot high, 20 to 30-foot deep ocean, and you are going to be under water, and New Orleans is going to be the norm rather than the unhappy exception. That is what the world is going to face if we do not deal with it now, and begin to deal with it while we still have time.

Mr. Chairman, how much time do we have remaining on each side?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 7½ minutes remaining. The gentleman from Alaska (Mr. YOUNG) has 9 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding.

I am sorry that the gentleman from Alaska has raised this point of order because planet Earth is warming. Climate scientists of all persuasions agree that the average surface temperature of the Earth has risen by about 2 degrees Fahrenheit since 1850, and all agree that the accurately measurable concentration of carbon dioxide in our atmosphere has risen from about 280 parts per million in 1850 to over 380 parts per million today. Furthermore, 75 of that 100 parts per million rise has occurred in just the last 40 years.

As a scientist, my attention became totally focused on global warming some 15 years ago by the elegant and powerful measurements of carbon dioxide trapped in ice cores taken as much as 2 miles deep from the great East Antarctica ice sheet.

Those data give a continuous 400,000-year record of concentration of CO₂ in the atmosphere at the time the snow that now makes up that great ice sheet fell. Through four successive cycles of deep cold followed by interglacial periods of warming, in the coldest part of each cycle the concentration of CO₂ in the atmosphere never fell below 190 parts per million, and in the warmest period of each cycle never rose above 280 parts per million.

Suddenly, within the last 40 years, concentration of carbon dioxide in our atmosphere has smashed through the 400,000-year maximum of 280 parts per million to a 380-part-per-million level and continues to rise.

Since 1850, burning of fossil fuels, coal, oil and natural gas has increased 100 times to produce energy as the world has industrialized to serve the world’s more than 6 billion and growing population. The scientists who do climate research understand that much of the ever increasing concentration of CO₂ in the atmosphere since 1850 can be attributed to burning those fossil fuels to produce the energy that drives industrialization.

With this chart, let me touch one facet of the climate crisis that we are dealing with. 6.3 billion people, on average, produce four tons of CO₂ every year. That comes to a total of slightly more than 25 billion tons of CO₂ produced every year. Our 290 million people produce five tons per person, and China, with its almost 1.3 billion people in 2003 produced 2.7 tons per person of CO₂.

We all know that China is industrializing at a growth rate of 8 to 10 percent a year. China is on track to pass the U.S. as the largest economy in the world in 20 to 25 years, and China is determined to give its people a chance at this high standard of living that we enjoy.

Consider a hypothetical case. If every country except China stayed exactly where they are on population and energy usage, and China alone industrialized to our level, using the same mix of energy sources that the U.S. uses in emulating the same 20 tons of CO₂ per person that the U.S. emits, it is a simple calculation to reach a number by taking the 1.3 billion Chinese and multiplying it by the difference between 20 and 2.7, 17.3 additional tons per person, and that is 22.5 billion tons of CO₂ added over what is presently emitted by the whole world. That is 90 percent as much as as being produced by the whole world today.

The industrialization of China alone would increase by 90 percent the concentration of CO₂ in our atmosphere and would at least increase the atmospheric CO₂ by at least another 100 parts per million.

That simple example tells why climate scientists are so concerned about the lack of effective measures to curb CO₂ emissions, to develop new technology, to produce energy that does not produce CO₂, to increase efficiency of present technology and, frankly, to conserve energy.

The sense of the Congress resolution on which a point of order has been raised recognizes the looming crisis that human life faces if we continue to produce the energy needed by methods that disrupt the Earth’s climate by adding enormous amounts of CO₂ into our atmosphere. It is a critical first step in any effort to address global warming.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank and appreciate the gentleman from Alaska for the time.

The issues that we are debating here, the sense of Congress, is to ask the Members of Congress to take a look at a potential problem of global warming that human activity is causing by burning fossil fuel and adding increasing amounts of CO₂ to the atmosphere that worsens the greenhouse effect.

Carbon dioxide makes up less than 0.0004 percent of the atmosphere, a very, very tiny amount. Yet that tiny amount has a large impact on the heat balance or the climate of the planet, and so if you can take an analysis, which we can, without dispute from the scientific community, over the past 10,000 years, you can actually go back 5 million years, but if you look at the last 100 years, you can see the increase in CO₂ by a natural amount from 180 parts per million of CO₂ to 280 parts per million. It took 100 years to increase the amount of CO₂ in the atmosphere by 100 parts per million.

Now, it is still a very tiny amount. Even if the human input to the increasing CO₂ is only 4 percent, when we are working at levels of hundredths of a percent, that 4 percent is significant.

So we are seeing, as a result of the change in CO₂, warming temperatures of the atmosphere, warming temperatures of the oceans, receding glaciers, and that is not to scare people.

We, as adults, always want better science for our students in our schools. We want better science for our students in our schools. We need to do a better job of presenting the science here on the House floor. If you look at the Greenland ice sheet 25 years ago, 20 cubic miles of that ice sheet was flowing into the North Atlantic. Today, just a few decades later, 33 cubic miles a year of the Greenland ice sheet is flowing into the North Atlantic, and like the gentleman from Wisconsin said earlier, if the Greenland ice sheet were to go, and it is growing, we should recognize a potential for a 23-feet increase in the sea level.

So, all we are asking for on the House floor is let us look at the data. Let us acknowledge our future.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to remind people, this is an appropriations bill, and we can go through the process. I think the debate has been good. We have had some good presentations. It is just a matter of difference of opinion, and some day we will decide who is right, and when I become the correct one I hope you all recognize that.

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

Mr. OBEY. Mr. Chairman, let me yield the remaining 2 minutes of my time to the distinguished gentleman from Washington (Mr. DICKS), who was the originator of the language which was stricken.

Mr. DICKS. Mr. Chairman, I am going to be brief here.

The reason I offered this global warming amendment is because I believe this is a serious problem.
you have six former administrators of the Environmental Protection Agency saying this is a reality, when you have just heard Congressman GILCHREST talk about the increases in parts per million of carbon dioxide, and when you have said that this is a real issue that affects everyone on the Earth.

While Alaska melts away, their Congressmen will be down here in D.C. and everybody will be wondering whatever happened to Alaska.

All I am saying is this is a serious problem, and it is time for serious people to get serious, including the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. DICKS. Mr. Chairman, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I just want to remind him, if you look at any of the studies that are taking place now, the polar bear pack is very healthy and, in fact, increasing. Keep that in mind. Read something that really has some merit to it. Do not just read the fear tactic. This is science from the Fish and Wildlife people. Read that. They will tell you we are increasing the numbers, not decreasing. Where you got this idea, I have no idea. Because someone told you that.

Mr. DICKS. Mr. Chairman, I do not think you and I will be here to figure out who was right. I would rather do some serious research about it now than wake up 10 years from now and find out if we would have acted back in 2006 and done something about this, we might have been able to save all of humanity.

I mean, this is real and it is an important issue, and I hate to see it be treated so frivolously by the gentleman from Alaska.

Mr. OBEY. Mr. Chairman, I yield for the purpose of a unanimous consent request to the gentleman from New Mexico (Mr. UDALL).

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

Mr. UDALL of New Mexico. Mr. Chairman, I support keeping the language in because, as the gentleman from Washington has said, it is very, very important to deal with this problem.

Mr. Chairman, I am extremely disappointed that the Rules Committee did not protect the global warming language in the Interior Appropriations Bill. Global warming is real and human activities are largely to blame. Many scientists believe the erratic and record-breaking weather events we are seeing across the country, such as the prolonged droughts in my home state of New Mexico, are the direct result of global warming. The United States must act, and we must act soon.

The language that was removed from the Interior Appropriations Bill today declared the need for a mandatory cap on greenhouse emissions. Stripping this language further sidelines a key issue for the House of Representatives on this issue. Mr. Chairman, global warming is perhaps the biggest problem that present and future generations of Americans will face. We cannot leave this to our children.

Our colleagues in the Senate have already begun the much needed debate on this issue. In fact, they passed a sense of Congress exactly the same as the one that was stripped today. In addition, they held a day-long climate change forum that gathered stakeholders on this issue, including the leadership of numerous top American companies such as GE and Walmart. Many positions and recommendations for federal greenhouse gas control legislation were aired and debated. It is way past time for the House of Representatives to join the debate. At this point, Mr. Chairman, our neglect has become just plain negligence of duty.

Several pieces of legislation have already been introduced on the monumentally important and complex issue of global warming. Certainly, it will take considerable time, effort and investment to mitigate the negative effects of greenhouse gases. And, this must be done equitably and without unnecessary harm to hard-working Americans.

Fortunately, much is already known on what we can do. Research and development on creative solutions to global warming has been underway for some time. Indeed, there is a lot of optimism that we can control the worst effects if we make the commitment. Many companies, states and cities around the country have begun the process. The United States House of Representatives remains silent.

We have not had a single hearing on global warming legislation. In the mean time, the United States continues to increase its greenhouse gas emissions levels and China and India are developing fossil fuel dependent, carbon-intensive economies at astounding rates. Mr. Chairman, the process must begin. The United States must be a leader on this issue.

Included in the list of legislation foundering in the House is a bill that the Gentleman from Wisconsin, Mr. PETRI, and I introduced. H.R. 5049, the Keep America Competitive Global Warming Policy Act, is a bipartisan policy that will address greenhouse gas emissions but not America's jobs at risk. This monumental step of putting a price on carbon will stabilize and eventually reduce emissions, finally putting the United States on the road toward curbing the effects of global warming.

Mr. Chairman, I urge the House of Representatives to immediately begin the debate on solutions to global warming.

Mr. OBEY. Mr. Chairman, I want to congratulate the gentleman from Alaska. He always does the best job possible in selling a very bad case.

Mr. PETRI. Mr. Chairman, I would like to take this opportunity to encourage the House to seriously look at the issue of climate change.

I agree with many of my colleagues who have spoken today on the need to address global warming and that any national policy should not significantly harm the United States economy and encourage comparable actions by other nations.

That is why I am the lead cosponsor of Congressman TOM UDALL's Keep America Competitive Global Warming Policy Act. This legislation is a mandatory, economy wide, cap-and-trade all greenhouse gas reduction policy.

It sets a reasonable standard for emissions and allows companies to buy the time they need to meet reduction requirements without incurring irreparable harm.

The bill will maintain U.S. competitiveness by encouraging research and innovation as well as tie increases in the price of an emissions allowance to the emissions-reducing actions of developing countries.

So I hope at some point we can come together and begin the discussion in a thoughtful, bipartisan manner and work to address this issue.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The amendment was rejected.

The CHAIRMAN. The Clerk will read. The Clerk reads as follows:

TITLE V—SUSPENSION OF ROYALTY RELIEF

SEC. 501. (a) REQUIREMENT TO SUSPEND.— The Secretary of the Interior shall suspend the application of any provision of Federal law under which any person is given relief from any requirement to pay royalty for production of oil or natural gas from Federal lands (including submerged lands), for leases occurring in any period after the date of the enactment of this Act with respect to which—

(1) in the case of production of oil, the average price of crude oil in the United States over the most recent 4 consecutive weeks is greater than $34.71 per barrel; and

(2) in the case of production of natural gas, the average wellhead price of natural gas in the United States over the most recent 4 consecutive weeks is greater than $3.54 per thousand cubic feet.

(b) DETERMINATION OF MARKET PRICE.— The Secretary shall determine average prices for purposes of subsection (a) based on the most recent data reported by the Energy Information Administration of the Department of Energy.

POIN T OF ORDER

Mr. PEARCE. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PEARCE. Mr. Chairman, I make the point of order that the language contained in section 501 of the bill violates clause 2(b) of rule XXI and constitutes legislation on an appropriations bill.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair will rule. The Chair finds that this section contains language impairing direction to the Executive.

The section therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the section is stricken from the bill.

The Clerk will read.
Amendment offered by Mr. Hinchey:

SEC. 502. RENEGOTIATION OF EXISTING LEASES.—The Secretary of the Interior shall renegotiate each existing lease authorizing production of oil or natural gas on Federal land (including submerged land) that was issued by the Department of the Interior before the date of the enactment of this Act as necessary to modify the terms of such lease or to suspend the requirement to pay royalties under such lease does not apply to production referred to in section 501(a).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. HINCHHEY). Mr. Chairman, I offer an amendment.

Mr. PEARCE. Mr. Chairman, I make the point of order that the language imparting direction to the Executive, the section therefore constitutes legislation in violation of clause 2(b) of rule XXI and constitutes legislation on an appropriations bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PEARCE. Mr. Chairman, I make the point of order that the language contained in section 502 of the bill violates clause 2(b) of rule XXI and constitutes legislation on an appropriations bill.

Mr. HINCHHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will rule. The Chair finds that this section contains language imparting direction to the Executive.

The point of order is sustained and the section is stricken from the bill.

Amendment offered by Mr. HINCHHEY:

Mr. Chairman, I rise to claim the time in opposition.

Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. HINCHHEY. Mr. Chairman, I rise to claim the time in opposition.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. HINCHHEY) and a Member opposed each will control 15 minutes.

The CHAIRMAN recognizes the gentleman from New York.

Mr. HINCHHEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the amendment I have at the desk is a simple one. It says that none of the funds made available in this Act may be used to issue any new leases that authorize production of oil or natural gas under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et. seq.) to any lessee under an existing lease issued by the Department of the Interior pursuant to the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note), where such existing lease is not subject to limitations on royalty relief based on market price.

Mr. Chairman, I rise to claim the time in opposition.

Mr. Chairman, I yield 3 minutes to the gentleman from Idaho.

Mr. SIMPSON. Mr. Chairman, I stand to oppose this amendment offered by the gentleman from New York. In committee, the gentleman from New York offered an amendment that conditioned eligibility for future leases on renegotiation of price thresholds in old leases. Today’s amendment seeks to obtain the same coercive result by indirect procedure.

I share the gentleman’s concern about the lack of price thresholds in leases negotiated by the Clinton/Gore administration in 1998 and 1999. The Department of the Interior’s Inspector General has appropriately launched an investigation into this, as has the Resources Committee. However, these leases were valid legal contracts signed by the government signed with these companies because they are abiding by their legal contracts.

Sure, we want them to renegotiate. We would like them to pay the royalties. But the Clinton/Gore administration at that time put these contracts in place. They were signed by the companies. They were signed by the government. And now we are going to go in and say if you want to renegotiate, you are not going to be eligible for any of these new leases. If you don’t pay royalties on these contracts, wherein you are doing exactly what you are required to do by law, if you don’t pay royalties voluntarily, then you are not going to be eligible for any of the new leases that are out there.

To me, that is discrimination against these companies. Sure, we would like them to pay the royalties. We think they should. We think they should renegotiate, but I don’t think you can go in and break the contract that the government signed with these companies by pressuring them with the threat of not being eligible for future leases.

Mr. Chairman, this is a bad amendment and we should reject it.

Mr. HINCHHEY. Mr. Chairman, I just want to point out to my friend from Idaho that the Congressional Research Service has told us that the enactment of this amendment would not constitute a taking of existing leaseholders’ rights, and goes on to say that this amendment is perfectly appropriate and should be adopted.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

What is it about the marketplace that the Republicans don’t understand? You signed a valid lease, although there were some arguments about it. But you have a valid lease and now you want to lease the space next door. You leased a couple hundred thousand square feet, and you leased a thousand square feet, and now you want to lease next door. The economy has changed. The market has changed. And so the landlord says to you, I think we will do is, we will do a wraparound lease. You want this?
This is done all the time. It is done all the time in the business world. Various assets at various prices are combined, and the landlord thinks about extracting what he can at that time when you come to renegotiate. This happens all the time in the real estate field, all the time in the minerals field.

All we are saying to the government is, these people have such a huge advantage because of the failure of the cap, we don’t think they ought to get any additional leases. They can keep those leases without the caps and not lease, or they can negotiate those caps with the government to be like the rest of the oil companies and they can lease. This is a business transaction. It just happens to be a business transaction on behalf of the people of the United States of America who own these lands.

What is it about the marketplace that you think at $70 a barrel you need royalty relief? I think you are confusing this with the idea that the oil companies are somehow royalty and we must bow down to them. At $70 a barrel, the conservative chairman of my committee, the Resources Committee, said there is no royalty relief. The President of the United States says at these prices nobody deserves royalty relief. And here you are on the floor of the House of Representatives arguing for the people who get $70 a barrel.

I talked to the CEOs of these companies when this royalty relief came up, and most of them thought it was balderdash. Most of them thought it was about trying to rescue a couple of companies that made some real bad decisions in the gulf shelf when oil was a bad price. Fine, we agreed that under $34 a barrel you can have some royalty relief. Oil today, my friends, maybe you haven’t been out of the Chamber here, it is $70 a barrel; and that is why we are working to make the marketplace work on behalf of the taxpayers of the country who are paying $3.50 for gasoline.

The gentleman’s amendment should be unanimous in this House on behalf of people who are buying gas and commuting to work and are paying that price every day. Why do they now have to pay it through this tax break through this royalty relief?

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Thank you, Mr. Chairman. I appreciate what the gentleman from California was saying, but he was wrong. Just dead wrong.

These leases were signed by the government. They were legal leases. They were valid leases. All we are saying is that the government ought to keep its word. When they sign a contract, they ought to honor the contract. The gentleman is absolutely wrong. Congress and the government should keep their word when they sign a contract. That is all we are saying.

Do we want them to pay royalty on this? Certainly we should, and I do not know why in the world the Clinton/Gore administration, the Clinton/Gore administration, the Gore/Gore administration, let these leases go without any royalty. I do not know why they did that, but the reality is that they were signed contracts. And all we are suggesting is that you should honor the word of these companies that actually signed these contracts in good faith. You should not penalize them for future leases. Why should we penalize them? There is absolutely no reason why we should penalize them. We should honor our word and our contracts, and then we should go forward.

We hope, we hope that they will renegotiate for leases, but this is not giving a break to those companies. That is not what we are intending. We hope they renegotiate. That is the reality.

Mr. HINCHEY. Mr. Chairman, the Bush administration has allowed these leases to continue for 5 years, and they haven’t renegotiated them. I would just like to draw that to the attention of my friend from Idaho.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. You have a loan on your home. You have a second mortgage on your home and you want a new line of credit. It is a valid line of credit and it is a 4 percent loan. What does the bank tell you? We want you to pay it off, and the new rate is 7 percent or 6 percent.

People renegotiate these contracts all the time. You just use them on behalf of the taxpayers. You renegotiate them all of the time on behalf of the oil companies. We do it all of the time.

This is what people do when they want to refinance their homes. The banker says, here are the new rules. You can stick with your loan and be happy as you are; but if you want another $50,000 out of your house, here are the points you have to pay. People understand this.

Why don’t you let the marketplace work for once and why don’t we run the government like a business, like so many of our constituents stand up and tell us to do. We now have an opportunity. We now have an opportunity, and you are refusing to take the opportunity on behalf of the taxpayers.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I am sorry the gentleman from California left the floor. We do renegotiate all the time, but it is up to me to decide whether I want to renegotiate or not.

What we are doing is imposing a penalty on these companies if they choose not to renegotiate. And I really don’t care what CRS says. I don’t think they are a bunch of attorneys down there. All I know is that in Idaho, we believe that when you write a contract you abide by the contract. We have written a contract. We ought to abide by it.

We are the Government of the United States. If you can’t trust us to abide by the contracts we sign, why should we trust anybody else to?

Mr. HINCHEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

---

** NOTICE **

Incomplete record of House proceedings. Except for concluding business which follows, today’s House proceedings will be continued in the next issue of the Record.

By unanimous consent, leave of absence was granted to:

Mr. LARSON of Connecticut (at the request of Ms. PELOSI) for today on account of a family medical emergency.

Mr. LEACH (at the request of Mr. BOEHNER) for today on account of giving a commencement address in his district.

Mr. SHADEGG (at the request of Mr. BOEHNER) for today on account of traveling with the President of the United States to Arizona.

Mr. FLAKE (at the request of Mr. BOEHNER) for today on account of traveling with the President of the United States to Arizona.

Mr. FRANKS of Arizona (at the request of Mr. BOEHNER) for today on account of traveling with the President of the United States to Arizona.

Mr. HAYWORTH (at the request of Mr. BOEHNER) for today on account of traveling with the President of the United States to Arizona.

Mr. KOLBE (at the request of Mr. BOEHNER) for today on account of traveling with the President of the United States to Arizona.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.
ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Friday, May 19, 2006, at 9 a.m.

EXECUTIVE COMMUNICATIONS.

ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

7576. A communication from the President of the United States, transmitting requests for FY 2006 supplemental appropriations for the Department of Defense, Justice, and Homeland Security; (H. Doc. No. 109–111); to the Committee on Appropriations and ordered to be printed.

7577. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule — Defense Federal Acquisition Regulations Supplement: Compulsion for Federal Supply Schedules and Multiple Award Contracts [DFARS Case 2004-D009] received March 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.


7579. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule — Defense Federal Acquisition Regulation Supplement; Transition of Weapon-Related Prototype Projects to Follow-On Contracts [DFARS Case 2004-D009] received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7580. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department’s final rule — Chemical Weapons Convention Regulations [Docket No. 99061158-5327-06] (RIN 0999-A006) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7581. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule — Defense Federal Acquisition Regulations Supplement: Incremental Funding of Fixed-Price Contracts [DFARS Case 1990-037] received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7582. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule — Defense Federal Acquisition Regulations Supplement; Amendment to Definitions [Docket No. FTA-2005-23082] (RIN: 2132-AAB0) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7583. A letter from the Attorney, PHMSA, Department of Transportation, transmitting the Department’s final rule — Global Terrorism Sanctions Regulations; Terrorism Sanctions Regulations; Foreign Terrorist Organizations Sanctions Regulations—received May 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7584. A letter from the Paralegal, FTA, Department of Transportation, transmitting the Department’s Bar Admission Requirements; Amendment to Definitions [Docket No. FTA-2005-23082] (RIN: 2132-AAB0) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7585. A letter from the Attorney, PHMSA, Department of Transportation, transmitting the Department’s final rule — Hazardous Materials: Revisions to Civil and Criminal Penalties; Penalty Guidelines [Docket No. PHMSA-05-22661] (RIN: 2137-AE14) received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7586. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Certain Business Aviation Activities Using U.S.-Regulated Foreign Civil Aircraft [Docket No. OST-2003-15511] (RIN: 2105-AD39) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7587. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30489; Amnt. No. 3162] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEWIS of California: Committee on Appropriations. Report on the Suballocation of Budget Allocations for Fiscal Year 2007 (Rept. 109–471). Referred to the Committee of the Whole House on the State of the Union.

Mr. GINGREY: Committee on Rules. House Resolution 821. Resolution providing for consideration of the bill (H.R. 5385) making appropriations for the military quality of life functions of the Department of Defense, Military Construction, the Department of Veterans Affairs, and related agencies for fiscal year 2008, for further purposes (Rept. 109–472). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THOMAS:

H.R. 5416. A bill to provide for grants to continue research toward the development of a vaccine against Valley Fever; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, and Ms. LOFGREN of California):

H.R. 5417. A bill to amend the Clayton Act with respect to competitive and nondiscriminatory access to the Internet; to the Committee on the Judiciary.

By Mr. ISSA (for himself and Mr. SCHIFF):

H.R. 5418. A bill to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases; to the Committee on the Judiciary.

By Mr. DANIEL E. LUNGREN of California:

H.R. 5419. A bill to direct the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of the date of the State’s admission to the Union; to the Committee on House Administration.

By Mr. CARNAHAN (for himself, Mr. RANGEL, Mr. SOUDER, Mrs. JONES of Ohio, Mr. CARSON, Mr. CLAY, Mr. CLEAVER, Mr. GORDON, Ms. HARRES, Mr. HOLT, Mr. JENKINS, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MICHAUD, Mr. MORRIS OF Kansas, Mr. NADLER, Mr. PAYNE, Mr. ROTHMAN, and Mr. SHELTON):

H.R. 5420. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the rehabilitation of older buildings, including owner-occupied residences; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota (for himself, Mr. LATHAM, and Mr. MARSHALL):

H.R. 5421. A bill to amend the Internal Revenue Code of 1986 to restore the estate tax and repeal the carryover basis rule, to increase the estate and gift tax unified credit to an exclusion equivalent of $5,000,000, and to reduce the rate of the estate and gift taxes to the generally applicable capital gains income tax rate; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. GREEN of Wisconsin, Mr. CANNON, Mr. CHABOT, and Mr. GOODLATTE):

H.R. 5422. A bill to amend the Internal Tax Freedom Act to make permanent the moratorium on taxes on internet access and on multiple and discriminatory taxes on electronic commerce; to the Committee on the Judiciary.

By Mr. SERRANO (for himself, Mr. CROWLEY, Mr. HINCHey, Mr. ISRAEL, Mrs. MALONEY, and Mr. OWENS):

H.R. 5423. A bill to authorize the Secretary of the Interior to study the property and feasibility of designating Oak Point and North Brother Island in the Bronx in the State of New York as a unit of the National Park System; to the Committee on Resources.

By Mr. SOUDER (for himself and Mr. TERRY):

H.R. 5424. A bill to allow certain existing retirement plans maintained by churches to continue to provide annuities directly to participants rather than through an insurance company; to the Committee on Ways and Means.

By Mr. TERRY (for himself, Mr. EVERETT, and Mr. ROHRBACH):

H.R. 5425. A bill to amend the International Air Transportation Competition...
Act of 1979 relating to air transportation to and from Love Field, Texas; to the Committee on Transportation and Infrastructure.

By Mr. SHERMAN:

H. Res. 820. A resolution expressing support for the celebration of “Human Rights Day” and “Human Rights Week”; to the Committee on Transportation and Infrastructure, 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 Ms. MCCOLLUM of Minnesota (for herself), Mr. OHSheEHSTARR, Mr. SABO, Mr. D. GODDARD, Mr. PAYNE, Mr. MORAN of Virginia, Ms. LEW, Ms. JACKSON-LEE of Texas, Ms. McKINNEY, and Mr. ABUCROMBIE:

H. Res. 122. A resolution promoting local peace building efforts in Colombia and recognizing the courageous efforts of Colombian civil society and churches to establish peace communities, advance non-violent conflict resolution, and advocate for human dignity; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions reported to the House in the Ninety-sixth Congress.

H.R. 6: Mr. Bishop of New York.
H.R. 111: Mr. King of Iowa.
H.R. 303: Mr. SHIMKUS.
H.R. 948: Mr. VELASQUEZ.
H.R. 515: Mr. CLAY.
H.R. 602: Mr. CAPUANO.
H.R. 663: Ms. McKINNEY.
H.R. 783: Mr. Of possible text.
H.R. 824: Ms. McKINNEY.
H.R. 836: Mr. HOLT.
H.R. 865: Mr. Price of North Carolina and Mr. JEFFERSON.
H.R. 877: Mr. GARY M. MILLER of California.
H.R. 881: Mr. CALVEREY.
H.R. 1018: Mrs. MALONEY.
H.R. 1131: Mr. BARNES.
H.R. 1257: Mr. FRENCH, Mr. HERSHETH, Mr. MARCHANT, Mr. FATTAH, Mr. CoLE of Oklahoma, and Mr. MARKY.
H.R. 1364: Mr. STUPAK, Mr. FORTENBERRY, Mr. CUMMINS, and Mr. MORAN of Kansas.
H.R. 1298: Mr. BOOZMAN.
H.R. 1345: Mr. CASE.
H.R. 1351: Mr. MARTIN of Michigan.
H.R. 1370: Mr. SHADDOG.
H.R. 1384: Mr. SODREL.
H.R. 1432: Ms. McKINNEY.
H.R. 1433: Ms. McKINNEY.
H.R. 1434: Ms. McKINNEY.
H.R. 1494: Mr. JINDAL and Mrs. MILLER of Michigan.
H.R. 1498: Ms. CARSON.
H.R. 1545: Mr. CLYBURN.
H.R. 1634: Mrs. JO ANN DAVIS of Virginia, Mr. KINCH, Mr. OF possible text.
H.R. 1709: Mrs. Jones of Ohio and Mr. LANGIEVIN.
H.R. 1773: Mr. BOOZMAN.
H.R. 1792: Ms. JACKSON-LEE of Texas.
H.R. 1806: Mrs. McCARTHY.
H.R. 1816: Mr. GOODMAN.
H.R. 2014: Mr. JO ANN DAVIS of Virginia and Mr. KUHL of New York.
H.R. 2037: Mr. Future.
H.R. 2049: Mr. ALLRED of Wisconsin.
H.R. 2089: Mrs. CAPITO and Mrs. MYRICK.
H.R. 2177: Mr. SHAYS.
H.R. 2178: Ms. SOLIS and Mr. POMEROY.
H.R. 2332: Mr. HAYWORTH, Mr. UDALL of New Mexico, Ms. HART, Mr. GEORGE MILLER of California, and Mr. SHEWOOD.
H.R. 2239: Mr. HAYWORTH.
H.R. 2305: Mrs. MCCARTHY.
H.R. 2306: Mr. BOSWELL.
H.R. 2317: Ms. SCHAKOWSKY.
H.R. 2392: Mr. HUDSON.
H.R. 2488: Mr. HULSHOF.
H.R. 2736: Mrs. MCCARTHY.
H.R. 3019: Mr. BOSWELL.
H.R. 3082: Mrs. Davis of California.
H.R. 3255: Mr. NEUGEBAUER.
H.R. 3379: Mr. CASTENEDO.
H.R. 3318: Mr. LEWIS of Kentucky.
H.R. 3326: Mr. BERNSTEIN.
H.R. 3352: Mr. BURTON of Indiana.
H.R. 3358: Mr. YOUNG of Florida.
H.R. 3373: Mr. BROWN of Ohio.
H.R. 3385: Ms. HART and Mr. KLINE.
H.R. 3476: Mr. BURTON of Florida and Mr. TERRY.
H.R. 3478: Mr. MYRICK.
H.R. 3479: Mr. CYR.
H.R. 3540: Mr. VAN HOLLEN.
H.R. 3628: Mr. UDALL of New Mexico.
H.R. 3781: Mr. WEXLER.
H.R. 3658: Mrs. SCHMITT and Mr. CLAY.
H.R. 3675: Mr. McCAU of Texas and Mr. BAIRD.
H.R. 4033: Mr. HOKSTRA, Mr. NADLER, Mr. TOM DAVIS of Virginia, Mr. Davis of Alabama, Mrs. JO ANN DAVIS of Virginia, Mr. FARR, Mr. HAYWORTH, Mr. RASMAD, Mr. PICKERING, Ms. CORINE Brown of Florida, Mr. CLAY, Mr. TAYLOR of Mississippi, Mr. Bishop of New York, Mr. ROTTMAN, Mr. KID, Mr. WALKS, Mr. SMITH of New Jersey, Mr. COSTELLO, Ms. WELSH, Mr. HINOJOSA, Mr. OHSheEHSTARR, Mr. CHANDLER, Mr. STRICKLAND, Mr. BOSWELL, Mr. SHEWOOD, Mr. Ford, and Mr. Neal of Massachusetts.
H.R. 4158: Mr. McINTYRE.
H.R. 4236: Mrs. CURN.
H.R. 4239: Mr. PETERSON of Minnesota.
H.R. 4282: Mr. BILIRAKIS and Mr. HOSTETTLER.
H.R. 4325: Mr. MORAN of Virginia, Mr. GORDON, Mrs. BOGERT, and Mr. MCCOTTER.
H.R. 4341: Mr. ROGERS of Michigan, Mr. SIMMONS, Mr. ETHERIDGE, Mr. TERRY, Mr. BACUS, and Mr. AIN.
H.R. 4347: Mr. DAVIS of Alabama.
H.R. 4366: Mr. DAVIS of Florida.
H.R. 4384: Mr. MCVILLI and Mr. LARSEN of Washington.
H.R. 4469: Mr. SCOTT of Georgia, Ms. MCCOLLUM of Minnesota, and Mr. SMITH of Texas.
H.R. 4450: Mr. TANCRED.
H.R. 4542: Mr. HAYES.
H.R. 4560: Mr. FORD and Mr. ROGERS of Kentucky.
H.R. 4562: Mr. CLAY, Ms. WELSH, Mr. MCINTYRE, Mr. BAIRD, Mr. CLYBURN, Mr. DICKS, Mr. EMANUEL, Mr. ESHOO, Mr. HOLT, Mr. ISRAEL, Mr. EDDIE BERNECE Johnson of Texas, Mr. MARKET, Mr. MEES of New York, Mrs. JONES of Ohio, Mr. MORAN of Florida, Mr. PALLONE, Ms. SCHAKOWSKY, Mr. SHEER, Mr. MILLER of New York, and Mr. KILPATRICK.
H.R. 4710: Mr. CLAY and Mrs. BOGERT.
H.R. 4761: Mr. BOOZMAN.
H.R. 4772: Mrs. MYRICK.
H.R. 4774: Ms. McKINNEY.
H.R. 4834: Ms. ZOE LOFGREN of California.
H.R. 4856: Mr. PETERSON of Minnesota.
H.R. 4867: Mr. JEFFERSON and Mr. MECK of Florida.
H.R. 4873: Mr. HAYWORTH and Mr. TERRY.
H.R. 4894: Mr. BEHREIT and Mr. PEARCE.
H.R. 4937: Mr. SANDERS.
H.R. 4946: Mr. MIGUEL DIAZ-BALART of Florida.
H.R. 4963: Mr. HYDE.
H.R. 4992: Mr. MILLER and Mr. TOM DAVIS of Virginia.
H.R. 4992: Mr. SCHIFF and Mr. BARNW.
H.R. 5017: Mr. MEHEAN and Mr. MCCONNELL.
H.R. 5053: Mr. CHANDLER, Mr. MOORE of Kansas, Mr. GOODLATT, and Mr. LEWIS of Kentucky.
CARDOZA, Mr. Issa, Ms. Bean, Mr. Ruppersberger, Ms. Wasserman Schultz, Ms. Solis, Mr. Ramstad, Mr. Udall of Colorado, Mr. Chandler, Mr. Matuson, Mr. DeFazio, Ms. Roybal-Allard, Mr. Sanders, Mr. Miller of North Carolina, Mr. Pastor, Mrs. Capps, Mr. Cuellar, Ms. Linda T. Sanchez of California, Mr. Inslee, Mr. Spratt, Mr. Casey, Mr. Davis of Illinois, Mr. Andrews, Mr. Holt, Ms. Berkley, Ms. Woolsey, Ms. Hooley, Ms. Matsui, Ms. Slaughter, Mr. George Miller of California, Mr. Lantos, Mr. Blumenauer, Ms. Watson, Ms. Eddie Bernice Johnson of Texas, Ms. Loretta Sanchez of California, Mr. Kildee, Mr. Michaud, Ms. Kilpatrick of Michigan, Ms. Corrine Brown of Florida, Mr. Langevin, Mr. Snyder, Ms. Delauro, Mr. Hastings of Florida, Mr. Serrano, Mr. Butterfield, Mr. Cleaver, Mr. Bishop of Georgia, Mr. Tierney, Mr. Kuhl of New York, Ms. McCollum of Minnesota, and Mr. Meehan.

H. Res. 78: Mr. Strickland.

H. Res. 466: Mr. Cardin.
H. Res. 498: Mr. Etheridge, Mr. Smith of Washington, Mr. Boyd, Mrs. Johnson of Connecticut, Mr. Meehan, and Mr. Wamp.
H. Res. 507: Mr. Oberstar.
H. Res. 723: Mr. Miller of North Carolina.
H. Res. 727: Ms. Schakowsky.
H. Res. 729: Mr. Manzullo.
H. Res. 760: Mrs. Miller of Michigan, and Mr. McCotter.
H. Res. 765: Mr. Wexler and Mr. Fitzpatrick of Pennsylvania.
H. Res. 790: Mr. Tows and Mrs. Schmidt.
H. Res. 792: Mrs. Napolitano, Mr. Jefferson, Mr. Crowley, Mr. Wexler, Mr. Fattah, and Mr. Lantos.
H. Res. 812: Mr. Rangel and Mr. Jefferson.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5386
Offered By Mr. Dent

AMENDMENT No. 12: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used to implement, administer, or enforce section 20(b)(1) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)).

H.R. 5386
Offered By: Mr. Tiahrt

AMENDMENT No. 13: At the end of the bill (before the short title) insert the following:

SEC. 601. None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.
The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Lord, the way, the truth, and the life, give us the courage to follow You. Help us to follow You in our quest for ethical fitness. Help us to follow You in service to the lost, the lonely, and the least. Help us to follow You in going the second mile in our labors. Help us to follow You in loving our enemies, in blessing those who curse us, and in praying for those who misuse us.

Today, guide our Senators with Your might. Empower them with wisdom and courage.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE
The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME
The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006
The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2611, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

Pending:
Inhofe amendment No. 4064, to amend title 4, United States Code, to declare English as the national language of the United States and to promote the patriotic integration of prospective U.S. citizens.

Mr. STEVENS. Mr. President, we are on the immigration bill. We have a lineup of amendments which we are anxious to take up. We have a considerable number of amendments pending on both sides of the aisle. Our lead amendment is the one to be offered by Senator KENNEDY. The amendment has now been reviewed, and I think it may be necessary to have a little extra time, which ought not to pose a problem since the vote will not occur until 10 o'clock. But Senator CORNYN would like 10 minutes of time, and Senator KYL may want a little time, so my suggestion would be that, if the Senator from Massachusetts wants to start the debate, that would be agreeable. It is his amendment, obviously. We would then turn to Senator CORNYN for 10 minutes.

I would like to put other Senators on notice that we want to proceed with the other amendments. Senator INHOFE is next in line, then Senator AKAKA, Senator ENZIGN, Senator NELSON, Senator VITTER, Senator HUBBINS, Senator KYL, and Senator CHAMBLISS. It would be appreciated if those Senators would come here at least 15 minutes ahead of the anticipated time their amendment will come up so that we could move right along and not lose floor time.

I yield to my distinguished colleague from Massachusetts.

Mr. KENNEDY. Mr. President, we look forward to this. What was, then, the time allocation requested? Is it 25, 10, 10, 5? Is that what the Senator suggested?

Mr. SPECTER. Ten for Senator CORNYN, ten for Senator KYL, and I would like five.

Mr. KENNEDY. So that is 25.

Mr. SPECTER. Yes.

Mr. KENNEDY. Then I think we would get 15.

Mr. REID. Mr. President, we just received word that Senator DORGAN wants 10 or 15 minutes.

Mr. KENNEDY. Have we added all that?

Mr. SPECTER. Suppose we divide the time equally.

The PRESIDENT pro tempore. Under the agreement, it is 20 minutes, equally divided.

Mr. REID. Mr. President, it is my understanding the two managers want that modification. Rather than 20 minutes on this amendment, it will be 55 minutes, the time evenly divided between now and 10. I ask unanimous consent for that modification.

The PRESIDENT pro tempore. Is there objection?

Mr. SPECTER. That is acceptable.

Mr. REID. No second-degree amendments would be in order?

Mr. SPECTER. Agreed.

The PRESIDENT pro tempore. Without objection, it is so ordered. Time is equally divided between now and 10 a.m., and there will be no second-degree amendments.

Who yields time?

Mr. SPECTER. Mr. President, if Senator CORNYN would like to begin the debate, I yield 10 minutes to him.

The PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, less than 24 hours after the Senate voted to protect American workers and to put them first when it comes to competition for jobs in this country, the Senator from Massachusetts has now offered an amendment that would literally gut the amendment that was adopted yesterday and put American workers in the back seat and foreign workers who wanted to come here and participate in a guest worker program in the front seat.

President Bush has spoken time and time again about a guest worker program that matches willing workers with willing employers. But Senator KENNEDY’s amendment would do nothing of the kind. It would allow people...
to come to the United States and to self-petition without having an employer sponsor their petition, and it would not require proof that an American citizen is unavailable to perform that type of job.

Yesterday the Senate—wisely, in my view—changed the underlying bill to require that American workers be put first before a guest worker could be provided a job and that, under the provisions of this bill, No. 1, they had to identify a job so they would not be here unequipped to do number 2. That job offer is offered to qualified American workers. Then, in that event no American workers were found available to perform that job, of course the guest worker provisions of the bill would kick in.

To make matters worse, the Kennedy amendment would allow an alien who has worked a total of less than 40 days in the United States—yes, that is about 6 days a year—to obtain a green card. That employment, I day out of every 60, they call employment. For some, that track record of employment should be sufficient evidence that the worker is unavailable to the American worker. What that means is that up to 200,000 unskilled workers a year would be able to get a green card irrespective of economic conditions, irrespective of whether that worker has actually been employed for the preceding 4 years and, most importantly, irrespective of whether there are unemployed U.S. workers available to fill those jobs.

Senator Kennedy had suggested that, by requiring an employer to determine that a qualified worker is not available, that would somehow subject foreign workers to exploitation. But let me be clear: Worker exploitation and abuse will not be tolerated under our laws and should not be tolerated under any circumstances. This amendment has nothing to do with protecting foreign workers against exploitation. What it is saying is that is whether we are protecting American workers first.

With that, I will reserve the remainder of my time and yield the floor.

The PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the discussion this morning is once again on a subject called guest workers. I don’t happen to think we ought to have a guest worker provision in this legislation. The discussion now is, if it exists in the legislation, whether the conditions under which guest workers can petition for citizenship, and so on and so forth. I hope we are not done with the question of whether there should be a guest worker provision in this legislation. The discussion now is, if it exists, whether the conditions under which guest workers can petition for citizenship, and so on and so forth. I hope we are not done with the question of whether there should be so-called guest workers or, as some call it, future flow, the soft-sounding words. They could call it tourism for all that matters.

What this is about is grafting onto this bill to deal with the question of illegal immigrants coming into this country. There are quotas, and those who come in illegally are a pretty serious problem, the 11 million or 12 million people we think are here illegally—this is grafting onto this bill that deals with illegal immigration a proposal that people who live outside this country and have not come to this country before now are to come into this country as so-called guest workers or future flow. What are those people going to do? They are going to come to the country to do guest work. It is as if the 11 million or 12 million are not enough, we need more.

The original proposition by the President was an unlimited number. The original proposition in the bill brought to the floor of the Senate was 400,000 a year, plus a 20-percent escalator. I tried to knock that out, and my amendment got clobbered, so I was unsuccessful. My colleague from New Mexico took the 400,000 down to 200,000. Actually, the substitute bill took it down to 150,000 or 100,000. However you calculate it, we are talking about millions of people who do not live in this country, who live outside of this country, who will come into this country for the purpose of taking jobs.

Here is the strategy. The strategy in the country these days, and it is a strategy embraced on the floor of this Chamber, is to export good jobs and import cheap labor. We will not have any discussion on the floor of this Senate about American workers—none. You can go to the newspapers and see a discussion. You can see the headlines about American workers who are losing their jobs because their employers are moving the jobs to China or Bangladesh or Indonesia or Sri Lanka; and yes, some of those Americans are finding other jobs, and the headlines also tell us those jobs pay less than the jobs we used to have. We lost 3 million to 4 million jobs in just the last 4 or 5 years.

Alan Blinder, a very respectable mainstream economist, former Vice Chairman of the Federal Reserve Board, has just written a piece and said that the issue of import cheap labor at 33 cents an hour in China, perhaps Indonesia, Sri Lanka, wherever they would move to. He said that not only does that undermine American jobs even as there is this urge to import cheap labor—he said this about exporting American jobs—he said there are 42 to 54 million American jobs subject to offshoring. He said that 41 to 54 million American jobs are subject to being moved out of this country in search of cheaper labor—at 33 cents an hour in China, perhaps Indonesia, Sri Lanka, wherever they would move to. He said that not only does that undermine American jobs even as there is this urge to import cheap labor, but he said that if we change the minimum wage for nearly 9 years, the President was an unlimited number. This Congress will not change the minimum wage, at current wages, at the bottom of the economic scale. We haven’t changed the minimum wage for nearly 9 years.

This Congress will not change the minimum wage at current wages, at the bottom of the economic scale. We haven’t changed the minimum wage for nearly 9 years. This Congress will not change the minimum wage for nearly 9 years. The President doesn’t support it. If we change the minimum wage and perhaps pay what the jobs are worth at the lower economic level, at the bottom of the economic ladder, perhaps then we wouldn’t need to import cheap labor. This is about importing cheap labor on the back side. That is the purpose of bringing in the back door folks who are willing to assume the bottom-end jobs.

The President and others say these are jobs the American people will not take. I don’t think that is the case at all. I say they may not take them at current wages, at the bottom of the economic scale. We haven’t changed the minimum wage for nearly 9 years. This Congress will not change the minimum wage for nearly 9 years. This Congress will not change the minimum wage for nearly 9 years. The President doesn’t support it. If we change the minimum wage and perhaps pay what the jobs are worth at the lower economic level, at the bottom of the economic ladder, perhaps then we wouldn’t need to import cheap labor. This is about importing cheap labor on the back side. That is the purpose of bringing in the back door folks who are willing to assume the bottom-end jobs.

The President and others say these are jobs the American people will not take. I don’t think that is the case at all. I say they may not take them at current wages, at the bottom of the economic scale. We haven’t changed the minimum wage for nearly 9 years. This Congress will not change the minimum wage for nearly 9 years. This Congress will not change the minimum wage for nearly 9 years. The President doesn’t support it. If we change the minimum wage and perhaps pay what the jobs are worth at the lower economic level, at the bottom of the economic ladder, perhaps then we wouldn’t need to import cheap labor. This is about importing cheap labor on the back side. That is the purpose of bringing in the back door folks who are willing to assume the bottom-end jobs.
who are already here illegally. But more needs to be done. Allowing people who would normally be illegal and stamping them as "legal" is kind of a "let's pretend" approach. I understand the Senate has already voted on a amendment, and we lost pretty handily, as a matter of fact. But I think there is more to do on this. The bill is still open for amendment. For example, we have a so-called guest worker provision which says let's pretend that illegal immigration is legal immigration. Should we have all this vision that lasts forever and is permanent, or should we sunset it after a few years and have a real honest study by people who might evaluate how many Americans are losing their jobs as a result of this back door, cheap labor coming as replacement workers?

How many Americans are losing their jobs? I see very little discussion on the floor of this Senate in this debate about immigration which, after all, is about jobs, among other things. I see very little discussion and Members standing up on the floor of the Senate saying: Let us wonder what this means to American workers. What does it mean to the steel worker? What does it mean to the punch press operator, to the fabricator or how about the farmer? What does it mean to manufacturing? Very few people are talking about American workers. It is all about immigration and how many additional guest workers we can bring into this country under this piece of legislation.

My understanding is that we will be on this bill for another week. That will give us time to revisit this so-called guest worker provision and see if we can write a piece of legislation—yes—which deals sensitively, without diminishing the dignity and worth of others who have been here some long while. Some have been here for 25 years. Some immigrate more many years ago. They have children and grandchildren here. I don't want to, in any way, diminish their worth or their dignity or their value. We should deal with them in a way that is sensitive.

I don't think this Senate should jump on the notion advanced by business interests and the Chamber and others that we don't have enough cheap labor in this country, and we need to bring more through the back door as we are exporting good jobs abroad. You talk about a recipe for economic trouble ahead, probably not for the folks working on the manufacturing line someplace, and they are called up one day and are told: You know what? Our entire company is leaving. We are going to China because you can produce an Etch A Sketch in China for much less money. But the jobs have gone to China. Etch A Sketch is one example of hundreds of examples of jobs that go to China.

Those are the folks who pay the price. Those are the folks who have the burden of this new economy. The "world is flat" economy—move American jobs to China. The other folks who stay here, the folks who work at the bottom rung of the economic ladder, struggling to advance and pay their bills and take care of their families. By the way, we also need to not just export jobs, but we need to import cheap labor.

I think there is a recipe for disaster for this country. I don't think it works.

Our country became a great country and a world economic power because we built a burgeoning middle class, and that middle class had good jobs that paid well. There is no social program in this country as important as the good job that pays well, which allows people to work and take care of their families. There is no social program as important as that. These good jobs are shrinking away. You can go through the entire list, industry after industry, as a matter of fact. We are going to move people who might evaluate how many Americans are losing their job elsewhere, and we are going to shrink the jobs that remain here to $8 or $10 an hour. And by the way, what we would like to do is bring people through the back door whom we might be able to employ for $6 or $7 an hour.

That is the construct which is occurring throughout the country today, and I think it is fundamentally wrong. My hope is we continue these discussions about guest workers. We will have other opportunities to offer amendments. I will have some, and perhaps we can get back to where we should be and that is dealing with the central question of our country's border: protect us first against terrorism; and second, enforce standards against employers that routinely and knowingly hire illegal workers.

I was here when we passed Simpson-Mazzoli. In fact, I went back and reread some of the debate on the floor of the Senate and House. What was said was we are fixing immigration. Back then, there really was amnesty. Amnesty was given to a good number of millions of illegal immigrants. We said to employers: Don't you dare hire illegal workers. If people come into this country illegally to take Americans' jobs, don't you dare hire them. If you do, you will be subject to fines and penalties that are significant.

Guess what. There has been no enforcement at all. Last year, one company was subject to enforcement action in the entire United States of America; the year before, three companies in the entire United States. The message implies Katy bar the door; hire illegals if you like; pay substandard wages because they are illegal; don't worry, nobody is going to look; nobody is going to fine you; and nobody is going to shut you down.

That is why this entire thing has failed. Twenty years later, we have the same language. You can change the names and it is the same language—going to get tough, going to fix this issue.

The fact is, if we don't decide, first, to secure our borders and, second, to have real sanctions against those who want to hire illegal immigrants for substandard wages, this will not work. All we are doing is playing let's pretend. We play that often around here. It is not going to work.

What we ought to do is stare truth in the eye on this issue and decide that we are going to do what is necessary to secure our borders and, second, what the immigration issue is, how to fix it and go about the business of doing it. Instead, there is all this energy to see not only how we deal with the immigration issue but how we add a new guest worker program to this which deals sensitively, without diminishing the dignity and worth of others which we accomplish that. Seal the border so we have border enforcement at all. Last year, one company was subject to enforcement action in the entire United States. The message implies Katy bar the door; hire illegals if you like; pay substandard wages because they are illegal; don't worry, nobody is going to look; nobody is going to fine you; and nobody is going to shut you down.

The message implies Katy bar the door; hire illegals if you like; pay substandard wages because they are illegal; don't worry, nobody is going to look; nobody is going to fine you; and nobody is going to shut you down.
Mr. INHOFE. I inquire, is someone requesting time?

Mr. KENNEDY. We have until 10 o'clock, and that time is divided.

Mr. INHOFE. I thank the Senator. The PRESIDENT pro tempore. There is 12 minutes left for the majority and 17 minutes remaining for the majority.

Mr. KENNEDY. If the Senator wants to speak for a few minutes, we can arrange that. I will withhold.

Mr. INHOFE. As I understand it, on our side there is 17 minutes remaining, is that correct, and I can use a few minutes?

The PRESIDENT pro tempore. That is correct.

Mr. CORNYN. Mr. President, we split the time between 9 and 10 o'clock, but it was on the pending amendment. The Senator from Massachusetts has yet to call up the amendment. The only speakers who have been heard have been in opposition to the amendment, but the amendment has not yet itself been called up.

I want to make sure the balance of the time reserved is still preserved so we do not lose an opportunity to respond to the debate by the Senator from Massachusetts.

The PRESIDENT pro tempore. The current order is the vote will take place at 10 o'clock, but the time between then and now is roughly 16 minutes for the majority and 12 minutes for the minority.

Mr. KENNEDY. Can I ask unanimous consent we defer the vote at 10 clock until 10:05?

Mr. INHOFE. I thank the Senator for that generous offer. I will not make any comments at this time and will wait until our amendment is up. We will discuss it then.

Mr. KENNEDY. Fine.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

AMENDMENT NO. 4066

Mr. KENNEDY. Mr. President, we send an amendment to the desk on behalf of myself, Senator MCCAIN, and Senator GRAHAM.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk reads as follows:

The Senator from Massachusetts, [Mr. KENNEDY], for himself, and Mr. McCAIN, and Mr. GRAHAM, proposes an amendment numbered 4066.

Mr. KENNEDY. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the conditions under which an H-2C nonimmigrant may apply for adjustment of status)

On page 296, after line 16 insert the following:

“(iv) the alien submits at least 2 documents to establish current employment, as follows:

(1) Records maintained by the Social Security Administration.

(2) Records maintained by the alien’s employer, such as pay stubs, time sheets, or employment work verification.

(3) Records maintained by the Internal Revenue Service.

(4) Records maintained by any other government agency, such as worker compensation records, disability records, or business licensing records.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The minority controls 11 minutes 45 seconds, and the majority controls 15 minutes 45 seconds.

Mr. KENNEDY. We have 11 minutes?

The PRESIDING OFFICER. Eleven and a half minutes.

Mr. KENNEDY. I yield myself 4 minutes.

Mr. President, as we all know, yesterday the Senate voted to eliminate the H-2C immigrant’s ability to self-petition for green cards after 4 years. I believe that was a mistake because it will have a devastating effect not just for temporary workers but for all workers and, basically, for all Americans.

The amendment we offer today would correct the mistake and take the good language from the Cornyn amendment to improve the underlying bill. This amendment will require that the Labor Department certify that no U.S. worker will be displaced by H-2C workers when the temporary status, as the Cornyn amendment requires. This amendment also restores the ability of H-2C workers to obtain a green card without being dependent on the generosity of the employers.

The self-petition feature of our temporary worker program is innovative and essential to workers’ rights. All Americans lose if it is eliminated from the bill.

The reason temporary worker programs failed in the past, going back to the time of the Bracero Program, is because they did not protect workers’ rights. For this new program to work without harming U.S. workers, H-2C workers must have the full set of rights. That is why our bill includes extensive labor protections for temporary workers.

Effectively, then, at the time after the 4 years, the individual will be able to apply for a green card, and they will also have to have a certification by the Department of Labor that there is no American able and willing to perform that job. There will have to be that kind of a finding. The self-petition gives that worker some rights and respect as an employee instead of being subject to the dangers we have seen in the past of exploitation by an employer that knows that worker can never get a chance to have a petition and can never get on the path for a green card without the employer giving the thumbs-up signal.

When that power relationship between the employer and the employee exists, we have seen exploitation in terms of wages, working conditions, and other unfortunate problems with regard to women.

This seems to be a solid compromise. It takes the framework of the Cornyn amendment, but it will also ensure that these petitioners are going to have to demonstrate there is that gap in terms of the labor market that they are able to fill and that there is not someone out there in the American labor market prepared to take that job. It seems to me to be a very tentative principle, a very concrete proposal, one I hope we can have accepted this morning.

I withdraw the remainder of my time. The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CORNYN. Mr. President, the amendment Senator KENNEDY is proposing guts the worker protection amendment agreed to by the Senate yesterday. It would do so by allowing workers to self-petition for legal permanent residency if they produce some documents which indicate that they are currently employed, but they will be necessarily retrospective in nature. In other words, you do not have a document necessarily that shows you are employed today or will be employed tomorrow. You may have a pay stub from the last week or the last month. So there is no way to determine whether the individuals who are self-petitioning, under this proposal by the Senator from Massachusetts, are actually going to be working.

No. 2, if they are working, there is no protection for American workers—first, that the Secretary of Labor certify that there were no sufficient U.S. workers willing, able, and qualified to perform those jobs.

If the proponents of this bill are serious when they say that certain provisions are needed because immigrants will do work that Americans won’t do, then they should support the amendment agreed to yesterday and vote against the amendment that has been proposed this morning.

President Bush, again, has said the concept of a temporary worker program is to provide additional legal workers to help out the workforce for jobs that there are not enough Americans to perform. Yet this proposed amendment simply sidesteps that requirement entirely.

It further represents a shell game insofar as it would only require those workers in this country during an initial 4-year period to work about 6 days a year in order to obtain a green card. This is about truth in advertising. If, in fact, the bill is going to represent something even close to what we have been told the purpose of it is, as represented, we need to make sure the actual language of the bill conforms to that and not pull a fast one on the American people by taking away the
very protection for American workers that the proponents of this bill have said are an important part of their legislation.

I yield the floor and retain the remainder of my time.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. KENNEDY. I will take 3 minutes for the membership, if they have a chance to review the amendment.

On page 1, second paragraph:
The Secretary of Labor determines and certifies that there are not sufficient United States workers who are able, willing, qualified, and available to fill the position in which the alien is, or will be employed. . . .

So the Secretary of Labor has to make the certification that they will not be replacing an American worker.

Then, how are they going to be able to give the assurance they have had the 4 years that are included in the first paragraph, that “the alien has maintained such nonimmigrant status in the United States for a cumulative period of not less than 4 years of employment?”

There are listed and include: records maintained by Social Security, records maintained by the employer, employment work verification, records maintained by the Internal Revenue Service, records maintained by other government agencies.

What we are saying, in the four different categories, those categories are government-held records or the employer-held records, not the employee-held records.

I don’t know how it could be much clearer exactly what this amendment does. It is very clear. It is the certification that there is no American that is able, willing, and qualified. And to be able to prove it, there are government-held records or employer-held records, not the petitioner’s records, not his stubs, but government-held records.

We have tried to craft this in a way which is going to be fair. We are not interested in people trying to “jimmy” the system. We have had too much of that in the past.

I get back to the final theme. This legislation tries to learn from past experience. In 1986, we had amnesty but there was supposed to be tough employment sanctions. There were not included in the first paragraph, that “the alien has maintained such nonimmigrant status in the United States for a cumulative period of not less than 4 years of employment.”

What we are saying, in the four different categories, those categories are government-held records or the employer-held records, not the petitioner’s records, not his stubs, but government-held records.

We have tried to craft this in a way which is going to be fair. We are not interested in people trying to “jimmy” the system. We have had too much of that in the past.

I get back to the final theme. This legislation tries to learn from past experience. In 1986, we had amnesty but there was supposed to be tough employment sanctions. There were not included in the first paragraph, that “the alien has maintained such nonimmigrant status in the United States for a cumulative period of not less than 4 years of employment.”

What we are saying, in the four different categories, those categories are government-held records or the employer-held records, not the petitioner’s records, not his stubs, but government-held records.

We have tried to craft this in a way which is going to be fair. We are not interested in people trying to “jimmy” the system. We have had too much of that in the past.

I get back to the final theme. This legislation tries to learn from past experience. In 1986, we had amnesty but there was supposed to be tough employment sanctions. There were not included in the first paragraph, that “the alien has maintained such nonimmigrant status in the United States for a cumulative period of not less than 4 years of employment.”

What we are saying, in the four different categories, those categories are government-held records or the employer-held records, not the petitioner’s records, not his stubs, but government-held records.

We have tried to craft this in a way which is going to be fair. We are not interested in people trying to “jimmy” the system. We have had too much of that in the past.

I get back to the final theme. This legislation tries to learn from past experience. In 1986, we had amnesty but there was supposed to be tough employment sanctions. There were not included in the first paragraph, that “the alien has maintained such nonimmigrant status in the United States for a cumulative period of not less than 4 years of employment.”

What we are saying, in the four different categories, those categories are government-held records or the employer-held records, not the petitioner’s records, not his stubs, but government-held records.

We have tried to craft this in a way which is going to be fair. We are not interested in people trying to “jimmy” the system. We have had too much of that in the past.

I get back to the final theme. This legislation tries to learn from past experience. In 1986, we had amnesty but there was supposed to be tough employment sanctions. There were not included in the first paragraph, that “the alien has maintained such nonimmigrant status in the United States for a cumulative period of not less than 4 years of employment.”

What we are saying, in the four different categories, those categories are government-held records or the employer-held records, not the petitioner’s records, not his stubs, but government-held records.

We have tried to craft this in a way which is going to be fair. We are not interested in people trying to “jimmy” the system. We have had too much of that in the past.
instances, go back home and live like a king in some of these countries, where their money goes a lot further and where their investment in a home or a small business will thereby create opportunity not just for them but also others in their own countries.

I believe if we are ever going to narrow the gap between opportunities available in countries such as Mexico and those in Central America and South America and other countries—which is the basic reason why people leave their home to the United States—to find jobs and work, and we all understand why—we need to find some way of reinstating this pattern of circular migration so people do maintain their contacts and ties with their country and their culture and their family because otherwise we will never be able to satisfactorily address this phenomenon of illegal immigration, no matter what kind of caps we put on it, no matter how many folks we put on the border, whether we build an actual wall or a virtual wall.

Unless we find some way of reducing the development gap between countries that are the net exporters of human labor and a country such as America, which is the importer of human labor from all over the world, we are never going to get to the bottom of this problem.

So that is another reason why I believe this amendment should be defeated. We will have further discussion later on transforming. I hope, the so-called guest worker program to a true temporary worker program and reinstating circular migration in a way that both benefits America and benefits those countries from which those workers come.

Mr. President, I reserve the remainder of our time and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. CORNYN. Mr. President, I have tried to point out this will be a judgment decision that will be made by the Secretary of Labor as to whether there is an American fit, willing, and able. And if there is, they cannot petition.

Now, the Senator says: Well, it is all then up to the employer. But the idea of the whole guest worker is the employer. Why is it good for the employer, who is going to go out and petition and say: Look, I need someone to come. They advertise for 45 days. Then they find out they have someone from overseas who will do that. So the employer is the one who is petitioning there. Didn’t have any problem with that.

Now, you can get into the situation after 4 years, they can make the petition on this, if there is a vacancy, according to this proposal, but if there is not a green card available, they do not get it. They might have to wait a year. They might have to indicate 2 years. This is not a realistic. There are only a certain number of green cards that are available under this category. They may wait 1 year. They may have to wait 2 years. So it is much more difficult. This is still weighted far against the worker than the employer.

What we were always trying to do in the development of the legislation is to have balance and fairness in terms of the authority and responsibility and the obligations.

I think what we have offered addresses what I understood to be the Senator’s concern; that is, that there are going to be American workers out there when this person is getting a green card. Therefore, it is going to be adverse to the American workers. We say, if there is one, they don’t get it. That is decided by the Secretary of Labor. And they have to be able to prove their work history through documents and records that are either held by the Government or by the employer. It seems to me that is about as lock safe and secure as you can have in business. I would hope we would accept this amendment.

Mr. President, I think my time has expired.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

There is 7 minutes remaining in opposition to the amendment.

Mr. CORNYN. Mr. President, I yield to the Senator from Arizona 5 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. KYL. Mr. President, the amendment that was adopted yesterday is a good amendment. I would hate to see us undo what we did yesterday with the Kennedy amendment. Therefore, I rise in opposition.

What we are talking about is self-petitioning by an illegal immigrant for permanent legal status in the United States—a green card—to be here for the rest of their life. The circumstances in the past for that had always been for somebody who had been a member, petitioned you in under the law or an employer petitioned you in because he had a job for you.

The concept of self-petitioning is a new one in the law in this context. One of the reasons why that is critical is we are trying to assure that while a job may have existed for somebody in the past or even exists today, that job may not be available forever. The concept of temporary workers is just that, that when there is a job available for that worker, then the worker has a temporary visa to fulfill that job. When that job goes away, and there is no longer work in that particular area, then the individual’s visa would expire. It would not be renewed until, once again, the work is available. That is the whole concept of ‘temporary.’ That concept is eliminated or destroyed with a part of the Kennedy amendment. The first part of the Kennedy amendment does provide for the Department of Labor to make a determination about employment conditions and whether jobs are available in a particular area. But then there is the word ‘or’ written in at the end of section III(i). The second way the alien can petition is by simply submitting documents for current employment; in other words, the alien shows that he currently has a job. That is fine for a temporary permit. It is not fine for permanent legal status.

What you are allowing the individual to do is to say: I have a job today temporarily, and with that I am going to petition for the right—and the law would then allow the individual to acquire permanent status in the United States, which then can lead to citizenship. The whole point of temporary permits, as I said, is they reflect the economic conditions for the length of the permit or the visa.

Under the bill Senator CORNYN and I have, we have 2-year visas. What the President has proposed is a 3-year visa. The bottom line is, it should be no longer than necessary to ensure that if economic conditions change and the jobs are no longer available, that the visa would expire, the individual would return home and would not get another visa to come here for temporary work unless the job has expired.

So the fact that an individual can prove he has a job today or that he had a job yesterday has nothing whatsoever to do with the availability of employment in the future. That is the fatal flaw of this amendment.

There needs to be an assurance that when we are talking about permanent legal residence, there will be a job available for that person in the future, not just that the individual has a job today. So that is a fatal flaw in the Kennedy amendment. I do not know whether it is deliberately intended. I suspect the point is to undercut the effect of the amendment we adopted yesterday, which is a worker protection amendment.

The bottom line that Senator CORNYN is trying to assure is that if an American has a job, that job is not undercut by somebody coming here today who would be able to stay here forever and, therefore, compete with the American for the job.

So I think we should stick with the worker protection amendment we adopted yesterday and not agree to the Kennedy amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, is it correct we have 2 minutes remaining?

The PRESIDING OFFICER. The Senator is correct.

Mr. CORNYN. Mr. President, where we have come from since yesterday afternoon is, we had a basic bill that provided no protection for American workers because it allowed foreign workers to self-petition without a job, without any type of certification there were no Americans available to fill the job, and we then adopted an amendment that would install some worker protections. In one of those things: that, No. 1, there is a job available; and, No. 2, there are not sufficient Americans to fill that type of job.
May 18, 2006

CONGRESSIONAL RECORD — SENATE

S4733

Now, under the amendment of the Senator from Massachusetts, we have gone from no worker protection to what I would call illusory worker protection—illusory worker protection—because this puts the decision to define the job requirements in the hands of the foreign worker. It also puts in the hands of the foreign worker—the self-interested individual, by the way, who is going to be staying or leaving depending on whether they meet these requirements—it puts in that foreign worker’s hands the total and unilateral determination of what the job requirements are and, No. 2, whether that same foreign worker meets those job requirements; whereas, for everyone else in America, it is the employer who determines whether the prospective employee meets the job requirements.

The last thing I would say is, for every other category of visa, worker visa in America, under our naturalization and immigration system, there has to be some form of employer sponsor-ship. And this deviates from that pattern which I believe is important, and this represents an unprecedented break with that in a way that I think damages the prospects of American workers.

So I urge my colleagues to vote against the amendment. I yield the floor and yield the re-mainder of our time.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. SPECTER. Mr. President, following this vote, the next scheduled amendment is by the Senator from Oklahoma, Mr. INHOFE. There are negotiations in trying to work it out. They are supposedly very close. So we are not sure whether we will have Senator Inhofe’s amendment and a side-by-side laddered vote. We will try to determine that while the vote is on.

If they are table to work it out—or immediately following that, we will go to the amendment by Senator AKAKA. We are going to try to work out time agreements so we can move the bill along on all of them.

Let me remind my colleagues, we are going to enforce the rules strictly to 15 minutes and 5 so we can move the bill along.

Let me also remind my colleagues on the Judiciary Committee that we are going to have our executive meeting in the President’s Room. We had planned to have an executive meeting at 9 o’clock this morning, but then when the hearing on General Hayden was moved by the Intelligence Committee from 10 to 9:30, we could not have that meeting, so we are going to have it in the President’s Room immediately following this vote.

I thank the Chair and yield the floor.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are requested.

Is there a sufficient second?

There appears to be a sufficient sec-ond.

All time having expired on debate, the question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The amendment (No. 4066) was agreed to.

The amendment (No. 4066) was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The PRESIDING OFFICER. The Senator from West Virginia is to be recognized.

Inhofe amendment.

Mr. KENNEDY. Madam President, we are trying to move along. I see my colleagues patiently watching to address the Senate on this issue generally. That might work, as we are just trying to resolve the language on this Inhofe amendment.

Mr. SPECTER. Madam President, may I ask the Senator from West Vir-ginia how long he would like?

Mr. BYRD. Presumably 20 minutes.

Mr. SPECTER. Madam President, that is entirely acceptable. I announce that following Senator BYRD we will be going to the Inhofe amendment. I un-derstand they are very close on an agreement. If that agreement is reached, then I would like to move—although I am not asking consent for that now—to a 20-minute time agree-ment, if an agreement is reached, equally divided. If it is not reached, we will have side-by-side amendments. I alert Members as to what the schedule will be.

Following that, Senator AKAKA is next in line, and we are considering a time agreement there also.

I have been asked when the next vote will occur. I think we can move the bill most expeditiously if we continue to take up the amendments one at a time, but after the first votes bring all the Senators in to stack the votes, we will have a better idea as to when we will stack the votes when we have a better idea as to how many votes we will have.

Meanwhile, the Judiciary Committee is meeting in executive session in the President’s Room, so I ask Judiciary Committee members to go to that meeting.

I thank the Chair and yield the floor to Senator BYRD.

Mr. KENNEDY. Madam President, the Inhofe amendment is enormously important. It is complicated. Members on both sides, including the author of the amendment, are working in good faith to try to work this out. To my knowledge, it has not been worked out. Hopefully, after 25 minutes we will be able to tell the Senate whether it is worked out, whether we will have to have side-by-side amendments. But at this time, we will not enter into a short time agreement.

Hopefully, as we have been making progress in other areas, we will have a chance to do that in this area as well.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. SPECTER. Madam President, today the Senate finds itself considering yet another amnesty for illegal aliens. After the defeat of a similar amnesty proposal last month, I had hoped that the Senate had seen the last of these efforts. I had hoped that the Senate, was given the time to consider the overwhelming opposition of the American people to amnesty, would pass a clean border security bill like the House did without amnesty, with a guest worker program, and without an increase in the annual allotment of permanent immigrant visas.

Sadly, the Senate is embarking on a path that contradicts everything we know—everything we know—about the position of the American people on this issue. It is an unpopular approach. It is the wrong approach.

The other night in his address to the Nation, the President endorsed the Senate amnesty plan to award U.S. citizenship to illegal aliens, and he an-nounced the deployment of up to 6,000 guardsmen to the U.S. border with Mexico. The deployment of U.S. troops is intended to suggest an urgency about gaining control of the border that has been missing for many years, even since the September 11 attacks. Nevertheless, I have my doubts and concerns.

Guardsmen have been sent overseas two times, even three times—no, even
four times—and have come home fatigued and stressed out. They have been forced to sell businesses and to endure financial hardships because of their long absences.

Just a few months ago, the White House was courting the National Guard by nearly 18,000 soldiers. The adjutants general of many States are reporting that they were not involved in discussions about the deployment of the Guard to our borders. So what are the Guard to our borders? So what are the adjutants general of many States are reporting that they were not involved in discussions about the deployment of the Guard to our borders.

The National Guard might be able to lend support to our border security, but that role must not be at the expense of the thousands of communities around the country that also depend on our Guard should disasters strike those towns or counties.

Press reports indicate that the Guard men and women will not be empowered to arrest aliens who attempt to cross our borders. I cannot help but wonder if this move to detail guardsmen to our borders is a political stunt to look tough or some of the brave cit-  
izens-soldiers who serve in the Guard.

The President would not have to call out the National Guard to secure the borders if he had supported even some—even some of the nine—nine, nine amendments that have been offered since September 11 to hire and train more Border Patrol agents. If these amendments had been adopted—I say, if they had been adopted—the law enforcement agents would be in place right now helping to secure the borders.

Instead, the administration has con- sistently opposed these efforts as unneccessary and extraneous spending, saying that those funds would expand the National Guard. When I in- cluded $400 million in the fiscal year 2002 Supplemental Appropriations Act for border security, the President re- fused to spend it saying:

I made my opposition clear . . . We’ll spend none of it.

That is what he said. That is what the President said. He said:

I made my opposition clear . . . We’ll spend none of it.

As recently as last September, on a party-line vote, the majority defeated an Obey-Byrd-Sabo motion in con- ference on the fiscal year 2006 Home- land Security appropriations bill to add $100 million for border security. The administration opposed—yes, you heard me correctly—the administration opposed the Byrd-Craig amend- ment to the fiscal year 2005 supple- mental appropriations bill to add $389 million for, what? For border security—border security. Fortunately, the amendment was approved and subse- quently, despite administration opposi- tion, approved $274 million. And as a result, there are now 500 more Border Patrol agents, 218 more immigration agents and investigators, and 1,950 more detention beds in place to help to secure our borders.

I support any realistic effort to secure our borders, but I have to ques- tion the sincerity behind sham at- tempts that accomplish a token pres- ence. It is only imposing further hard- ship on our National Guard and may put communities at risk from natural disasters.

The sense of urgency that comes with deploying the National Guard is belied by the President’s opposition to providing the necessary re- sources that our border security agen- cies need to do their job. Last month, I joined Senator Gregg in offering an amendment to the supplemental appro- priations bill for Iraq to provide $1.9 billion for the Border Patrol to hire the agents and secure the equipment that they need to better secure the border. The President has threatened to veto the supplemental bill. It is difficult to believe that the President would oppose funding that is suffi- ciently to do the job they were created to do, but that is the situation.

Immigration enforcement in our own borders is a political stunt to look tough or some of the brave cit-  
izens-soldiers who serve in the Guard.

Immigration enforcement in our country remains a deci-

dely half-hearted effort. The administration has claims to strengthen border security in one area, and then completely under- mines it in another with amnesty pro- posals. That dangerous inconsistency is at the root of my opposition to the misguided amnesty proposal before the Senate.

I oppose this amnesty bill. I oppose it absolutely. I oppose it unequivocally. I oppose this effort to waive the rules for lawbreakers and to legalize the unlaw- ful actions of undocumented workers and the businesses that illegally em- ploy them.

Amnesties are dark underbelly of our immigration process. They tarnish the magnanimous promise enshrined on the base of the Statue of Liberty.

Amnesties undermine that great egal- itarian and American principle that the law should apply equally and should apply fairly to everyone. Amnesties perniciously decree that the law shall apply to some but not to all.

This bill would create a separate set of immigration laws for those who choose not to follow the regular pro- cesses that everybody else had to go through. It is a slap in the face to every immigrant who had to wait abr ake to come to American shores and to every immigrant who had to struggle and work to become a U.S. cit-  
izen.

It is a false promise to the many tens of millions of immigrants who would be authorized to settle in the United States under this bill with the infra- structure of our Nation—our schools, our health care system, our transporta- tion and energy networks—increas- ingly unable to absorb this unend- able surge in the population. Many employ- ers take advantage of the cheap labor that this bill would provide, but the responsi- bility would fall on the Nation as a whole to make the public investments necessary to ensure that these workers do not fall into a state of poverty once they have arrived. We have our own problems to address without having to assume this additional burden to help American businesses find cheaper labor.

Amnesties beget more illegal immi- gration—hurtful, destructive illegal immigration. They encourage other un- documented aliens to circumvent our immigration process rather than to accept the fact that they, too, can achieve temporary work- er status. Amnesties sanction the explo- itation of illegal foreign labor by U.S. businesses and encourage other businesses to hire cheap and illegal labor in order to compete.

President Reagan signed his amnesty proposal into law in 1986. At the time, I supported amnesty based on the same promises that we hear today; namely, that legalizing undocumented workers and increasing enforcement would stem the flow of illegal immigrants. It didn’t work then; it won’t work today. The 1986 amnesty failed miserably. After 1986, the illegal immigrant popu- lation more than quadrupled from 2.7 million aliens to 4 million aliens in 1990 to 6 million aliens in 2000, to an estimated 12 million illegal aliens today.

In that time, the Congress continued to enact amnesty after amnesty, waiving the Immigration Act for lawbreakers in order to please the same: For every group of illegal aliens granted amnesty, a bigger group enters the country hoping to be similarly re- warded. This bill encourages individ- uals on both sides of the border to flout the law. It is a congressional pardon for lawbreakers—both for illegal aliens and the unscrupulous employers who hire them.

What is backward about the pending bill is that it would actually expand businesses to illegal labor rather than to curtail them. It authorizes illegal aliens to work in the country. It grants illegal aliens a path to citizenship. It pardons employers who illeg- ally em- ploy unauthorized workers. It even re- peals provisions in current law de- signed to deny cheaper, in-State tui- tion rates to illegal aliens.

The pending bill is an invitation to immigrants and employers alike to violate our immigration laws and to, in a word with it, America are dan- gerous proposals. Amnesties open routes to legal status for aliens hoping to circumvent the regular security checks. By allowing illegal aliens to adjust their status in the country, we allow them to bypass State Depart- ment checks normally done overseas through the visa and consular process. One need only look to the 1993 World Trade Center bombing, where one of the terrorist leaders had legalized his status through an amnesty, to know the dangers of these kinds of proposals.

Our immigration system is already plagued with funding and staffing prob- lems. It is overwhelmed on the borders,
in the interior, and in its processing of immigration applications. It only took 19 temporary visa holders to slip through the system to unleash the horror of the September 11 attacks, and the pending proposal would show many tons of millions of legal and illegal aliens, many of whom have never gone through a background check—through our border security system over the next decade, in effect, flooding a bureaucracy that is already drowning.

It is a recipe for disaster, and 6,000 National Guardsmen without the power to enforce our immigration laws and arrest illegal aliens are not going to make the difference between success and failure. Our Nation’s experience shows that amnesties do not—do not—work. They encourage illegal immigration. They open our borders to terrorists. Our experience shows that we cannot play games with our border security or American lives could be lost.

I will use this amnesty bill, and I urge my colleagues to do likewise. Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask for the regular order.

The PRESIDING OFFICER. The Senator’s amendment is pending.

AMENDMENT NO. 461, AS MODIFIED

Mr. INHOFE. I ask unanimous consent that the amendment be modified with the changes that are at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 4661), as modified, is as follows:

On page 462, line 22, strike “the alien—” and all that follows through page 296, line 5, and insert “the alien meets the requirements of section 312.”

On page 362, line 3, strike “either—” and all that follows through line 15, and insert “the requirements of section 312(a) (relating to English proficiency and understanding of United States history and Government).”

On page 614, after line 5, insert the following:

SEC. 767. REQUIREMENTS FOR NATURALIZATION.

(a) FINDINGS.—The Senate makes the following findings:

§ 161. Declaration of official language

(a) I N GENERAL. (8 U.S.C. 1423(a)), lawful permanent residents of the United States who have immigrated from foreign countries must, among other requirements, demonstrate an understanding of the English language, United States history and Government, to become citizens of the United States.

(b) Definitions.—(1) Key documents means the documents that established or explained the foundational principles of democracy in the United States, including the Constitution and the amendments to the Constitution (particularly the Bill of Rights), the Declaration of Independence, the Federalist Papers, and the Emancipation Proclamation.

(2) Key Events.—The term “key events” means the critical turning points in the history of the United States (including the American Revolution, the Civil War, the world wars of the twentieth century, the civil rights movement, and the major court decisions and legislation) that contributed to extending the promise of democracy in American life.

(3) Key Ideas.—The term “key ideas” means the ideas that shaped the democratic institutions of the United States, including the notion of equal justice under the law, freedom, individualism, human rights, and a belief in progress.

(d) Implementation.—The Secretary of Homeland Security shall implement changes to the testing process designed to ensure compliance with (8 U.S.C. 1423(a)) not later than January 1, 2008.

Mr. INHOFE. Madam President, I ask unanimous consent to add as cosponsors several Senators, including the distinguished senior Senator from West Virginia, Senator BYRD, and Senators ALEXANDER and Kyl.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, this is, I believe, a very significant amendment. We have had an opportunity to talk to people who had problems. In addition to making English the national language, we also unify some of the applications in terms of legalized immigration. I have had the honor of speaking at naturalization ceremonies. It is a very warm thing to know that these people come in and do it the legal way, the right way; wherein they have to, and they do, learn the language. We have some language in here that Senator ALEXANDER had suggested that I think makes this a better bill, and I think Senator Kyl and Senate Sessions also have this language. So it goes beyond that.

Basically, what it does is it recognizes the practical reality of the role of English as our national language. It states explicitly that English is our national language, providing English a status in law that it has not had before. It clarifies the entitlement to receive Federal documents and services in languages other than English. It declares that any rights of a person and services or materials in languages other than English must be authorized or provided by law. It recognizes the decades of unbroken court opinions that civil rights laws protecting against national origin and discrimination do not create rights to Government services and materials in languages other than English, and it enhances the ability to receive DHS as redesigned. This is what I talked about in trying to make those more uniform.

I think Senator ALEXANDER wants to make a few comments. I would only say that this is something that is more significant probably to the American people than it is inside this Chamber. I know there is opposition to this. There are some people who don’t believe that English should be our national language. If you look at some of the recent polling data, such as the Zogby poll, in 2006, it found that out of Americans, including 77 percent of Hispanics, believed that English should be the national language of Government.
operations. A poll of 91 percent of foreign-born Latino immigrants agreed that learning English is essential to succeeding in accordance with the United States, according to the 2002 Kaiser Family Foundation poll.

Also, we heard the other day, when President Bush made his very eloquent statement, he said:

An ability to speak and write the English language, English allows newcomers to go from picking crops to opening grocery stores, from cleaning offices to running offices, from a life of low-paying jobs to a diploma, a career, and a home of their own.

So I believe this is something very significant that we are doing today that people have talked about now for four decades that I know of, and I believe it should be popular.

I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I wish to compliment the Senator from Oklahoma for his work, for bringing it to the Senate floor, and for doing something I think is very important and that I think unifies us.

What are some of the things that do unify us? Well, I think language unifies us. Senator ALEXANDER, who will speak in a moment, was responsible also for working with Senator INHOFE to include provisions in this amendment that help us to recognize the importance of English in our country and the importance—not just for our new immigrants but for all Americans—of speaking this language that is our national language. So an amendment that recognizes that it is our national language is very positive for both immigrants and nonimmigrants alike.

I would also like to make a point about what this amendment is not. This is not an English-only amendment. That is an important point. We do speak a lot of different languages in this country; but English is our national language, and I think we can all agree on those great principles.

So this expression by the Senate is an important one, and I compliment all of those who helped to work on it, and for bringing it to the Senate floor I thank Senator INHOFE.

Mr. INHOFE. I appreciate the comments of the Senator from Arizona, who was very instrumental in coming up with some good language that made this amendment work.

Madam President, I ask unanimous consent that Senator FRIST be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. I thank the Senator from Oklahoma for his good work because we are now a Nation of people of different faiths, different skill sets, different backgrounds, different colors of skin, different nationalities. Where we once were apart, now we have become Americans. The thing that makes this country effective is being able to communicate with one another in a common language. I think that is an ideal of America that is important. I think any Nation, historically, that has divisions based on language, begins to have a lot of complications and problems. So I am pleased that Senator ALEXANDER and I have worked hard on this, that they have come up with language that also includes more extensive training and learning on behalf of new citizens about what it means to be an American. No one has been more articulate over the years on this than Senator ALEXANDER.

I offered an amendment on it and worked with Senator INHOFE and Senator ALEXANDER and others, and we have reached a common accord with an amendment I think everyone can support that will help unify us as a Nation and make sure we are one people, all Americans, adhering to the highest ideals of this great country.

Senator ALEXANDER, thank you for your work and, Senator ALEXANDER, I appreciate your leadership also.

Mr. INHOFE. I thank Senator SESSIONS for the contributions he has made. You and Senator ALEXANDER have worked hard on this, and I think it would be appropriate for me to yield some time to Senator ALEXANDER because he can articulate some of the other areas that we are addressing here, other than English as the national language.

Mr. ALEXANDER. Madam President, I see the manager of the bill. I wonder if it would be appropriate for me to go ahead for about 10 minutes on the Inhofe amendment.

Mr. SPECTER. Madam President, the distinguished Senator from Tennessee has been a leader in this field going back to his days as the Secretary of Education and Governor. Ten minutes would be fine. I think that is acceptable to Senator ALEXANDER.

I would like to remind Senators we are trying to move the bill along. The next Senator in line is Senator AKAKA, and I think we are likely to be ready for Senator AKAKA very briefly. If he could come to the floor, we could move ahead with his amendment. I thank the Chair, and I yield to Senator ALEXANDER.

Mr. ALEXANDER. Madam President, could I be notified when I have 60 seconds left?

The PRESIDING OFFICER. The Senator will be notified.

Mr. ALEXANDER. I think Senator INHOFE, the Senator from Oklahoma, has been looking at the original motto of the United States which is above the President's chair: e pluribus unum, "one out of many." In my antecedent language of Latin because he has done a very good job, I think, of helping to say what the body as a whole would like to say, and I hope that this is something all Senators can agree on.

Here is what the Inhofe amendment, of which I am proud to be a cosponsor, does. No. 1, it states the obvious: that English is the national language of the United States. But in so stating, it does not prevent those who are today receiving Government services in other languages from continuing to do so. We can have those discussions at another time.

The second thing it does is it adopts an idea that has been suggested by Senator GRASSLEY, the Senator from Iowa, on another occasion during the debate on this bill; that for those immigrants who are coming into the country illegally but who may be eligible to adjust to a legal status under the way this bill is finally written, it establishes a clear English language requirement for them to become lawful permanent residents.

The third thing it does is it establishes clear goals for the tests that immigrants take to become new American citizens, so that they know English, our common language, and so that they know American history. That test is currently being redesigned by the Department of Homeland Security. In doing so, this part of the Inhofe amendment picks up language that had been offered before by Senator RIOJA, Senator BREAUX, and Senator RIOJA and Senator DODD, as we worked to create summer academies for outstanding students and teachers of American history.

It should surprise no one that the Senate would pass a resolution stating that our national language is English. I can remember being at an education meeting in Rochester in the late 1990s, when someone asked: What is the rationale for common schools? And Albert Shanker, the late president of the American Federation of Teachers, said the public schools, the common schools of America were created to help largely immigrant children learn reading and writing and English and mathematics with the hope they would go home and teach their parents.

So for a long time, we have tried to help new citizens learn our common language so we can speak to one another, and that has been English. Since 1967, our naturalization laws have required new citizens to know English and be able to pass tests in English.

The Senate, at the beginning of the immigration debate, put a value on the English language by approving an amendment that said that the federal government would offer AmeriCorps grants paid for out of visa fees by those who are legally here, who are seeking to become prospective citizens. In other words, we want to help people learn English.

The same amendment said that if you become fluent in English, we will cut a year off the time you have to wait to become a lawful, new citizen from 5 years to 4 years.

I remember who was Education Secretary for this country 15 years ago, when I went to the Southwest United States and someone told me: Well, you will probably find a lot of people who...
object to learning English. But I found just the reverse. I found a lot of men and women in the Southwest United States who were upset with me because they didn’t have enough help to learn English. They wanted to learn the national language, the common language of this country.

The Inhofe amendment is in that spirit. I have always believed that the luckiest children in our country are those who speak more than one language, whether it is Spanish or Chinese—Chich, after Spanish, is the next most widely spoken language in our country—but that one of those languages must be English, and children should learn it as quickly as is practical.

The second part of the Inhofe amendment should not surprise anyone because it incorporates language Senator Sessions had offered to try to make certain that the U.S. history test that new immigrants take if they wish to become citizens is a good test. It includes the key documents and key events and key ideas of our founding documents. As I mentioned, that has broad support on both sides of the aisle here, with the Democratic leader, as well as the Republican leader, Senator Sessions, Senator Kyl, and others, having been involved in that.

Finally, it should be no surprise that the Senate, in the middle of a debate on a very important subject, finds talking about our common language, our national language, English, an important matter, and talking about U.S. history an important matter. In many ways, there is nothing more important to discuss if we are talking about immigration because the greatest accomplishment of our country is not our diversity, even though that is a magnificent part of our country. It is that we have taken all that diversity and molded it into one nation on something else's life, but we are trying, as a Government to make a policy statement—but not change the law at the same time.

The goal of this amendment is to say English is the national language of the United States. That is true. I would encourage every American to learn another language, get your kids enrolled in taking Spanish or some other language because they will be more successful in a global economy. From an individual level, we would be better off if every American could master additional languages other than English. But from a national perspective, to make sure we maintain our national unity and our common sense of being one nation, it is important that we emphasize the need to assimilate into America by mastering the English language. Senator Inhofe by being a statement that needs to be made. I congratulate him.

What does this amendment do, and what is it intended to do? This amendment says:

The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America.

That is a good policy statement. From an individual perspective, we should learn as many languages as possible, but from a national perspective, we need to promote assimilation in our society. The best way to assimilate into our society is not to abandon your native tongue but to also learn English.

Mr. DURBIN. Will the Senator yield for a question?

Mr. GRAHAM. I certainly will.

Mr. DURBIN. Mr. President, I would like to first commend the Senator from South Carolina, and I have spoken in the well here on the floor about this issue. I am trying, as he is, to understand this issue from another's point of view.

Mr. GRAHAM. Mr. President, just to put this debate in perspective for myself and myself alone, I wish I could speak an additional language. It would make me a better person. I think I would enjoy that experience. I know enough German just to be dangerous. I lived 4½ years in Germany, and I picked up a little of the language, but I was always somewhat embarrassed that all my German friends probably spoke better English than I, andI speak a lot of languages for our country if our young people could learn additional languages because we live in a global economy and a global world, and it would make America a better place.

However, what makes America a special place and what is the key to success in America, from an economic and social perspective, is to master or be competent in the English language. While personally I would like to be able to speak another language—I think it would make me a better person, it would change my life for the better—when it comes to our Nation, it is important that we focus as a nation on those things which unify us, and our common language is English. We need to understand that and promote that because if you are coming to America or you are here now, your life will be tremendously enhanced if you are fluent in the English language. Opportunities will exist for you that will not exist otherwise.

I know there are many people in this body from different places in the world, and some have parents or grandparents who left here not speaking English. Some may have died not speaking a word of English, and their lives were just as valuable as anybody else’s life, but we are trying, as a Government to make a policy statement—but not change the law at the same time.

Mr. DURBIN. Will the Senator yield for a question?

Mr. GRAHAM. I certainly will.

Mr. DURBIN. Mr. President, I would like to first commend the Senator from South Carolina, and I have spoken in the well here on the floor about this issue. I am trying, as he is, to understand this issue from another's point of view.
view because I am a lucky person. My mother was an immigrant to this country. When her parents came to this country from Lithuania, they did not speak English. My mother spoke both Lithuanian and English, and as a young girl was an interpreter in court so she could help her parents. I speak English very well. My mother spoke both languages, but I speak only English.

The Spanish language has become an important symbol for so many people in this country. It reflects on their heritage. It is a source of pride. They are proud to be Americans, but they are equally proud to have a heritage they are equally proud to have a heritage they are equally proud to have a heritage they are equally proud to have a heritage. It is a source of pride. They are important symbol for so many people through court decisions, statutory and provided by law in languages other than English.

The Senate from Oklahoma gave an example. I believe it is a Federal statute which makes sure that due process rights of people not sufficiently trained in understanding English are protected. At some point in time—in 1978 or whenever it was—Congress came along and said: There will be services provided in a language other than English in a court setting. Not only do I think that is just, but I want to preserve it.

Here is the ultimate answer to the Senator’s question. If there is an example of an injustice in the Senator’s mind as an individual Senator, where the Government of our country is providing a service not in English, this will not remedy that injustice. That is what I am trying to say. Presumably, this amendment for this amendment will not remedy that injustice. If you find one, you would have to come to the floor of the Senate and introduce a bill—a regulation—because this does not do that.

What Senator Durbin has said is absolutely right. The reason I am going to vote for this is because I think it tries to unite us without taking off the table exceptions to English or services provided other than English. It doesn’t disturb the legal situation in this country by a statute, regulation, court decree or an Executive order conferring rights of people to receive services other than English. If I thought it did, I wouldn’t vote for it.

Mr. GRAHAM. Let’s go back to the original question and incorporate it into the answer. The Senator asked me if I know of a case where the American Government provides a service in some language other than English that I find unjustified. The answer is I do not recall any.

We do provide, at the Federal level, bilingual ballots and other services outside of English for a reason, and I think those reasons are good.

The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America, there is a Federal law that protects your rights.

Do you have trouble with English? Are you unable to speak, read, understand English well? If so, you are limited in English proficiency. Federal agencies and organizations which get money from the Federal Government have to take reasonable steps to help people who have trouble with English. Sometimes when a government agency or organization does not know you because you are limited in English proficiency, they violate the law. This is called “national origin discrimination.”
It goes on with examples of possible discrimination. If you come to a hospital and you have limited English proficiency, they are supposed to be able to try to help you understand what your rights are and treat you.

Are we changing that? Will the Inhofe amendment change that? If it doesn't, why are we enacting this? If this is the law which we are comfortable with and will live with—and it is currently law in the United States—why are we trying to change it? If we are eliminating this section which is currently in the law, recognized by the Department of Justice, why are we eliminating it?

That is my question.

Mr. GRAHAM. Mr. President, I will give the Senator my answer and then yield to anyone. I know we need to wrap this up.

In my opinion, the phrase, “unless otherwise authorized or provided by law,” will preserve that individual service. Simply stated, that language to me is intended to make sure that whatever service is provided in a language other than English, our Federal Government is not disturbed. If you want to disturb it, you would have to come back and do something like that.

Mr. DURBIN. If that is not the case, what does this add? What does it change? What does it bring to the law that isn't currently in the law?

Mr. GRAHAM. Mr. President, I suggest why I think we need to do this and why I support Senator Inhofe. We have gone through a great debate in this country, which is long overdue. What does it mean to be an American? And what role unites us and what divides us? I think it is time for this body to say: That language to me is English. That is why it is important to me. That is why I will vote for it.

Mr. SPECTER. Mr. President, will the Senator yield?

Mr. GRAHAM. I yield the floor. Mr. President, on scheduling, we have not been able to work out an agreement on the Inhofe amendment.

The Ensign amendment is about to go. We are trying to juggle schedules with one Senator graduating and another Senator going to Florida. And if we can structure our schedules to have 12:30 votes, we can have two votes at 12:30; if the Senator from Nevada would be agreeable to a time limit between now and 12:30, why divide it. We will then be in position to vote on the Kennedy amendment. We will be in a position to vote on the Ensign amendment at 12:30. If we have the consent of Senator Inhofe—I have already discussed it with him informally—to set aside his amendment, the plan is to have a vote on the Inhofe amendment this afternoon. That will give time for others to have a side-by-side. That is how I would like to proceed.

Mr. KENNEDY. Mr. President, I want to cooperate and have cooperated with the Senator. I think it is premature to establish a time on the Ensign amendment. I don't think it will be an undue period of time. But it would be difficult now to agree to a specific time. I hope we would be able to agree after a while. I welcome the chance to continue this. I think this discussion has been enormously productive and helpful. We can proceed in whatever way the leader wants to proceed. Right now, we would not be in a position to agree to a 1-hour time limitation on the Ensign amendment, half an hour on each side. But we will work well to try to get a reasonable time. That is the decision.

Mr. SPECTER. Mr. President, I suggest we proceed with the Ensign amendment. I agree. The discussion with Senator Graham, Senator Inhofe, and Senator McCaskill has been very productive. Perhaps we could continue the discussion on an informal basis as we try to come to an agreement on language but meanwhile proceed to the Ensign amendment with the prospect of a vote at 12:30.

I yield the floor.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3985

Mr. ENSIGN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. SANTORUM, and Mr. INHOFE, proposes an amendment numbered 3985.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system, ensuring that persons who receive an adjustment of status under this bill are not able to receive Social Security benefits as a result of unlawful activity.)

Insert in the appropriate place:

SEC. 214. PRECLUSION OF SOCIAL SECURITY CREDIT WHERE SOCIAL SECURITY NUMBER WAS ACQUIRED ILLEGALLY.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 415(e)) is amended by adding at the end, the following new subsection:

"(d) (1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Comprehensive Immigration Reform Act of 2006, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criteria specified in subsection (c)(2)."

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(w)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "and"

; and

(3) by adding at the end a new paragraph as follows:

"(4) In computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Comprehensive Immigration Reform Act of 2006, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d)."

Mr. ENSIGN. Mr. President, this bill we are debating today, the immigration bill, will place a significant cost on the American taxpayers. I am particularly concerned that provisions of this bill will impose a heavy strain on our social security system. That concern is why I am offering amendment number 3985.

The American public needs to understand what this bill would do. If enacted, it would allow the immigrants who receive amnesty to qualify for social security benefits on work performed prior to their amnesty. It allows people to qualify for social security based on work they did while they were illegally present in the United States or illegally working in the United States. Let me repeat that.

People who broke the law to come here and broke the law to work here can benefit from their conduct to collect Social Security. This bill is the pathway that allows that.

In some cases, illegal immigrants may have stolen an American citizen's identity. They may have stolen an American's social security number to fraudulently work. But it is that illegal conduct and fraudulent work that they will be allowed to use to qualify for Social Security.

May 18, 2006

CONGRESSIONAL RECORD — SENATE
Does this bill punish the people who stole an American citizen’s identity? No, it does not. It rewards them. Does this bill consider the impact that the crime of identity theft had on the victim whose social security number was stolen? No, it does not. This bill gives them the full benefit of citizenship, with respect to social security benefits and rewards criminal conduct without any consideration for the victim.

There have been many media reports recently about illegal immigrants stealing Americans’ social security numbers. To understand the potential scope of this problem, you have to understand that every year employers are advised that nearly 800,000 employees do not have valid, matching social security numbers. In too many cases, the number used belongs to someone else. And so, for a moment, I want the Senate to stop. I want my colleagues to think. And to consider the impact this theft and fraud has on the victims. Rather than the Senate ever really considering the impact that crime has on the victim. Today should be different. And so I am going to take a few moments to share with my colleagues a few of the stories of the victims of identity theft.

In order to protect their privacy, I will only use the victim’s first name.

Identity theft by illegal aliens has created many problems for Americans. Sometimes these problems involve the Internal Revenue Service. For example, Audra has been a stay-at-home mom since 2000. Over the last 3 years, the IRS has accused her of owing $1 million in back taxes. This is a picture of the first letter she received from the IRS saying she owed back taxes. Since that first letter, she has received many more.

Her story is clear. She has not worked in 6 years. Yet the IRS says she owes taxes for working the last three years. She was certain this was a mistake, later became clear. It was a case of identity theft. Her social security number was being used by at least 218 illegal immigrants, mostly in Texas, to obtain jobs.

Audra has obtained copies of the 218 W-2s that were used in 2004 by illegal immigrants using her social security number. This is a picture of the stack of those W-2s. In Audra’s own words, she said, “It was so overwhelming I couldn’t think. And I was just beyond that.” She filed a complaint with the Federal Trade Commission. Her file at the Federal Trade Commission is very thick. Here is a picture of many of the documents in her file on this chart. Identity theft by illegal immigrants has made it hard for some Americans to find a job of their own. When my staff spoke to Audra, she explained to them that she was not able to find a job of her own because of the theft of her social security number. This is a photo of the letter Audra received denying her employment because she is actually already employed by that same employer. Obviously, she is not, but someone else with her social security number is employed at that place of employment.

Audra is not the only American affected in this way. A few years ago, a young boy in Nevada was hired by a 5-year-old illegal immigrant for a job at a chili retailer, but her job application was turned down. Why? Because her potential employer told her that she was already working for that very same retailer. She, of course, knew better. She only did so because she thought someone else had stolen her identity. Without knowing it, the thief also stole the job she could have been hired to do.

That is not what America should be about. People who want to work should be able to work. Identity theft by illegal immigrants has damaged many Americans’ credit, making it hard for them to buy the basic necessities. In some cases, the victims of identity theft are denied social service benefits because records show they already have a job even though they are not working. In some cases, government records show they have many jobs all across the country.

I want to tell my colleagues about Caleb, who was born and raised in Las Vegas. He lives there with his wife and two children. Caleb is actually one of my constituents. This is a picture of Caleb and his daughter at the kitchen table. Caleb works hard as a construction worker. In December of 2003, Caleb was unable to find work because of the seasonal difficulties northern Nevada’s construction industry faces. So Caleb applied for unemployment benefits. He was denied unemployment benefits. Why? Because he was told he was already working as a landscaper in Las Vegas. Many of my colleagues are probably not aware of the geography of Nevada. I am pretty confident that Caleb was not living in Las Vegas because that would mean he would have over a 1,000-mile commute every single day. Caleb and his wife contacted the employer of the identity thief. They learned that the person who used his social security number has previously given the employer at least 10 different social security numbers, and that person’s resident alien card had expired.

In this picture, Caleb has many of the documents, including a copy of the expired resident alien card used by the person who stole his identity. Not only does identity theft by illegal immigrants create problems for adults, it is also creates problems for young children, children who will likely have to take the consequences of someone stealing their Social Security number well into adulthood. For example, Kelly’s daughter is quite ambitious. Based on where she lives, and on where she works, she drives 80 miles each day to work at a steakhouse. I am sure her parents were surprised to learn about her commute since she does not even have a driver’s license yet. In fact, Kelly’s daughter has gotten off to quite an early start in life in the work world—considering she is only 5 years of age. Her Social Security number was being used by an illegal immigrant to work.

This is too broad and too common. Many Southwest States such as Utah and Arizona, and even my home State of Nevada, have experienced a crime spree involving illegal immigrants using stolen identities of children. In Utah alone, that includes a couple who own a cleaning company and works as a prep cook at two restaurants in Salt Lake City. That is a lot of responsibility, especially for an 8-year-old boy.

Another boy from Salt Lake City supposedly works for an express air freight company, quite an important job for an 11-year-old.

The stories are shocking. It is clear that illegal immigrants are purchasing false papers and using stolen Social Security numbers to obtain jobs. They are victimizing hard-working Americans, Americans who want to work. They are also victimizing these young children. The current Social Security policy and this bill will only make matters worse by granting benefits to those who are working illegally.

I am offering an amendment to correct this problem. My amendment will help reduce this kind of document fraud. My amendment will also preserve the integrity of the Social Security system by ensuring that people are not able to receive Social Security benefits based on their prior unlawful activity.

I will explain my amendment to the American people and to the Senate. Under current law, individuals who work in the United States illegally and later obtain legal employment status can use their illegal work history to qualify for benefits. For example, if an illegal immigrant works in the United States for 9 years and then receives legal status under this bill, the immigrant would qualify for full Social Security benefits after just 1 year of legal work. Essentially, the illegal immigrants can go back to the Social Security Administration and ask them for credit for his or her illegal work.

What is important to understand is that in order to go back to the Social Security system, the illegal immigrant must get legal status in some way. My amendment is an attempt to prevent them from getting that legal status. This bill opens the door for illegal immigrants to get Social Security based on their illegal work history. My amendment closes that door.

And now some of my colleagues may argue that the illegal immigrants paid into the system, and as a result they should be able to collect benefits based on paying into the system. To those colleagues who feel that way, I say this: First, the crime of identity theft and Social Security fraud are not victimless crimes. The victims of these crimes are American citizens and legal immigrants. My staff has spoken to...
some of these victims. Some victims’ Social Security records are such a mess that the Social Security Administration has wiped out all of the work history from the victim’s account. That is the only way they believed they could get a handle on this fraud associated with stolen Social Security numbers. By wiping out all work history, the victim’s own legal work history is also deleted. Basically, the victims is forced to start over to qualify for future Social Security benefits.

The Social Security Administration advised the victim that the victim’s records are so bad that their only option was to erase the victim’s work history. The victims can rebuild their accounts if they can produce their old W-2 forms. How many people in America can produce them? Some, maybe. If you are like me, and keep records forever, you will never have a problem. But for most Americans, who do not keep their past W-2s, it will be impossible to prove their work history. As a result, some victims end up losing their ability to collect their Social Security based on their own legal work history.

At the same time, this bill would open the door to give Social Security benefits based on illegal work history. If Members oppose this amendment, Members are saying they want to reward illegal conduct with Social Security benefits while American citizens cannot collect their rightly earned benefits. This is simply unfair. That is not what America is about.

Social Security is a system based on expectancy. For the illegal immigrants who paid into the system using a stolen Social Security card, they never did so thinking they would earn a retirement benefit. They did so, and I don’t blame them, simply to get a job. They could not have possibly envisioned we would pass this bill in the Senate. They could not ever have thought that the Senate would let them go back and petition for Social Security benefits. They may never have reasonable expectation we would do this and, as a result, that they would be able to receive those benefits in the first place.

Third, for the vast majority of perpetrators who engaged in this kind of identity theft, the only way they would ever be able to petition the Social Security Administration is if we pass this bill. It is reasonable to oppose, as a condition to amnesty, a requirement that the people receiving amnesty give up or surrender their rights to petition for Social Security benefits for their previous illegal work.

I ask my colleagues to consider the mess that the bill is sending to the victims if we do not agree to my amendment. The victim has already paid a heavy price. If the Senate does not agree to my amendment, the government will be saying: We reward the criminals and want to continue to punish the victim.

We will also be inviting future fraud. How, you might ask? If my amendment is not agreed to, there will be no way, none, for the Social Security Administration to determine who actually did the work associated with a particular Social Security number. If my amendment is not agreed to, this bill will create an incentive for people to engage in illegal activity. What is known as a Social Security number based on fraudulent use of W-2s to petition for illegal work credit. There would be no way for the Social Security Administration to give proper credit for that work if more than one person petitioned.

I ask my colleagues to consider the burden this will place on the Social Security Administration itself. As of 2003, there were 255 million records in the Earnings Suspense File. That file is where Social Security places records when the name and social security number that is used do not match. How can the Social Security Administration process tens of millions of petitions to receive credit for illegally performed work? As a result, the Social Security Administration will be inundated with petitions with no way to know how to handle them.

The promise of Social Security is for citizens and legal residents of the United States. Social Security was not intended for individuals who enter our country illegally, purchase fraudulent green cards and documentation on the black market, and use them to get jobs. It is wrong to allow people who have broken the law to receive a reward, especially when such activity places such a heavy toll on victims.

We should not now reward individuals who have knowingly engaged in illegal activity. We should not adopt a policy that will reward this illegal behavior while at the same time continuing to subject the innocent to further victimization. Rewarding illegal behavior is insulting to those immigrants who have played by the rules to qualify for benefits. It is also insulting to hard-working Americans who are paying into the Social Security system.

My amendment allows immigrants to begin accumulating credit to qualify for Social Security only after they have been assigned a valid Social Security number. It does not allow illegal immigrants to receive credit for their past illegal work. This approach is responsible and it is common sense. Especially when it comes to how the Social Security Administration is set up. But once they have achieved all those conditions, then they have the possibility of citizenship 11 years from now.

So the issue is, should they be denied the credits they have paid into Social Security? The Senator from Nevada is right.

Well, first of all, who are these people? First of all, his proposal would deprive, for example, widows and surviving children of needed Social Security benefits, even if the widows and children cannot be prosecuted for that. So I hope people will see the common sense of this amendment and will, in a bipartisan fashion, overwhelmingly adopt this amendment. I urge my colleagues to adopt this amendment.

Mr. President, I yield the floor.
Now, let’s say this individual regularizes their position and has paid into Social Security. If that person dies, their survivors would be eligible for survivor benefits, but not under the Ensign amendment. It is interesting, some 85 percent of immigrant-headed households include at least one U.S. citizen. Under the Ensign proposal, citizen children may not be eligible for survivor benefits if their parents had gained legal status or even citizenship but die before they gained the 40 hours of coverage.

The Ensign amendment effectively would deprive the immigrants who have become legal residents of the right to receive Social Security credits for the payroll tax payments they made on the work they performed when they were undocumented. Some do now.

The 1986 act permitted 3 million people—they received the amnesty. That was amnesty. We did not move ahead in the country. We didn’t see the enforcement against the undocumented afterwards. But that was amnesty. Now they are able to receive the benefits today. We are going to say to them, we are evidently going to cut you off from being able to get any benefits because I don’t see in the Ensign amendment where they are going to respect their position.

It is important to focus on who would be hurt by this highly punitive proposal. Only immigrants who have attained legal status are eligible to receive Social Security. So everyone this amendment would affect will be legal residents under the terms of the bill. Many of them will even be citizens by the time they apply for Social Security. Those are the hard-working men and women this amendment seeks to penalize.

Those are the individuals who really want to be Americans, be part of the American family. They are going to have children in this country. They are going to pay payroll taxes, abide by all of the laws, continue to believe in their faith. And then they will have the opportunity to go to the end of the line. And then, in 11 years, they will be able to achieve citizenship. They will be working during this period of time.

They are paying into Social Security. And, finally, when they become citizens—11 years from now—the Ensign amendment is going to say: Well, right now, you don’t have to pay payroll taxes on them. You pay the penalties all the way along. But you are not going to be able to benefit from paying into Social Security because of identity fraud. Well, I have difficulty assuming that all of those who have paid into Social Security have been a part of identity fraud.

Before this bill passed, these workers were undocumented. But once in the country, they complied with the rules of the workplace and paid Social Security taxes on their earnings. Their payroll tax payments and the matching contributions of their employers were paid to the Social Security Administration on a timely basis. Those dollars are sitting in an account at the Social Security Administration today. Social Security has a record of receiving these payments. There is no dispute about that.

The issue raised by this amendment is whether these workers should be given credit in Social Security for the hard-earned dollars they paid into the system. Shouldn’t the payroll tax payments they made count toward determining the level of retirement benefits they would have earned when they retired? Before they die when they reach retirement age or become disabled?

Now, the amount of benefits a worker receives depends on how many years the individual worked and how much payroll tax he or she paid in. I believe it would be terribly wrong to arbitrarily deny these hard-working men and women credit for all the payroll tax dollars they paid into Social Security on the wages they earned. But that is exactly what the Ensign amendment would do.

Most undocumented workers do pay Social Security taxes. Stephen Goas, Social Security’s chief actuary, estimates that about three-quarters of any legal immigrant would pay payroll taxes—three-quarters of them.

The amounts paid in by them are substantial. Payments into the Social Security system by undocumented workers total approximately a billion a year. Unfortunately, most of these workers do not have genuine Social Security numbers, so the money goes into what they call the Social Security Administration’s earnings suspense file. This money is identified by the employer who submitted W-2s close to the geographic distribution and types of employment to that which undocumented workers typically hold. According to an analysis by the GAO, three of the categories of business with the largest numbers of inaccurate W-2s were restaurants, construction companies, and farm operations.

In order to get credit for the payroll taxes they paid in when they were undocumented, a worker would have to prove how much he paid in while working for a particular employer and when it was paid. The burden of proof would be on the worker, and the worker would only receive credit for payments that the Social Security Administration could verify.

Whatever rules and regulations Social Security establishes, we are for. They ought to be accurate. They ought to be tough. They ought to be fair. But we are not going to say that any individual who paid in, who is now in the process, over this 11 years—here, they are paying in. I want to be a citizen, I am paying my fine. I paid my back taxes. My sons have joined the military serving in Afghanistan. We are going to church every single week. And I am paying into Social Security. I wait 11 years, and I finally become a citizen. Under the Ensign amendment, these workers are not going to receive any of that. You are not going to receive a cent of that.

So we are all for Social Security establishing whatever requirements are necessary to ensure the integrity of the fund and the accuracy of the work effort by individuals. But I think the only reason for the Ensign amendment is to deny the legal residents the Social Security benefits they have earned and paid for. Their money sits in the Social Security Administration waiting to be matched with an eligible beneficiary. Once those workers establish eligibility, how, in all fairness, can we deny them credit for their past contributions?

The legislation before the Senate sets out a difficult process for undocumented workers seeking to become legal residents. Most of them have very little money. Yet the legislation will require them to pay thousands in fines and fees. It would be wrong to deny them credit for the Social Security tax dollars they have paid from their often meager wages.

Once these workers are legal residents, if they become disabled, shouldn’t they be able to receive disability benefits based on the payroll taxes they contributed to Social Security? And if they die prematurely, leaving minor children, shouldn’t those children—who in many instances are American children—be eligible for survivor benefits based on the payroll taxes they contributed to Social Security? And when, after a lifetime of hard work, they reach retirement age, shouldn’t they be able to receive a retirement benefit based on all the years of payroll tax payments they contributed to Social Security?

This is not a handout. This is not welfare. Social Security is an earned benefit. If these immigrant workers earned it, they should receive it like everyone else. The Ensign amendment would take their hard-earned money and give it nothing in return. That is not the way America operates.
The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, may I inquire as to whether we might be set now to enter into a time agreement on this amendment?

Mr. KENNEDY. Mr. President, I have been here on the floor since the Senator started, and in response, I would be glad to inquire of those who are interested. I think there are some members of the Finance Committee who are interested in this amendment and want to be here. Maybe it deals with the Finance Committee jurisdiction. So I will inquire and report back to the floor manager.

Several Senators addressed the Chair:

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, Senator LUGAR has come to the floor and would, jointly with me, request a few minutes to set more business to introduce legislation.

Would the Senator from Nevada be willing to yield for—how long do you require, I ask Senator LUGAR?

Mr. LUGAR. Five minutes.

Mr. ENSIGN. Mr. President, I say to the Senator, could I spend 5 minutes responding to a couple things, and then I would be willing to yield to the Senator for 5 minutes in morning business.

Mr. SPECTER. By all means, I will yield to Senator LUGAR. And ask unanimous consent that then Senator LUGAR and I be recognized for 5 minutes each to introduce a bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada is recognized.

Mr. ENSIGN. Just to respond to a couple of things the Senator from Massachusetts talked about, that section 614 and a provision in section 601 in this legislation on page 326 would ensure that aliens who received legal status, amnesty, whatever you want to call it, cannot be prosecuted for document fraud. He said they weren’t receiving amnesty. If there was a felony they were committing, and now they can’t be prosecuted, that sounds like amnesty to me.

A couple other points he brought up: Legal aliens who were here and who overstayed their visas have a legal Social Security number. They are paying into the system with a legal Social Security number. Even though they are here illegally, they would still be able to collect benefits.

Another point I want to address is the Senator from Massachusetts brought up concerned the Social Security Administration. These illegal workers would come to them and petition for the benefits, and they would have to prove that they actually worked where they worked, they paid in the taxes, and things like that. Let’s try to think about the burden that this would place on the Social Security Administration.

Currently, there are 235 million earning suspense files. Those are the ones where the Social Security number and the work don’t match, 255 million. Try to imagine how many of these are going to come forward with the Social Security Administration where people are trying to prove something to gain benefits. They are going to be overwhelmed. What is that going to do to the normal processing for people who have problems with their Social Security benefits? The case works back in our States who deal with seniors who have legitimate Social Security problems. Sometimes there are mistakes made. We have had people who have actually received a letter where the Social Security Administration told them that they had died. It was kind of a surprise to them. But they called us, and we were able to bring them back to life. We jokingly refer to these cases as Lazarus cases. It is a situation where they get more help. If the Social Security Administration is burdened with all of these millions of potential cases, it just boggles the mind how people could be against this amendment.

The last point I want to make is that the Senator from Massachusetts said that this illegal immigrant who is now legalized or regularized, whatever term you want to put on it, cannot go to the Social Security Administration, and they have to prove with documents. We have seen the kind of fraudulent documents used in the country today. These documents are not that difficult to produce, to defraud. There is a great incentive for them to do that. Once again, it will be an extra burden on the Social Security Administration trying to prove or disprove whether these documents are real.

The last point I want to make, the Senator said they are regularizing in this bill have to pay a fine. They have to pay back taxes. We have heard that over and over again: They have to pay back income taxes. They don’t have to pay back Social Security taxes. The fine didn’t pay, only the income taxes. So let’s be completely open and honest about what this bill does and about what my amendment seeks to correct.

When we are considering this amendment, we absolutely must consider what it is going to do to the Social Security Administration, what it is going to do to the trust fund and, mostly, what it is going to do to the victims.

Rewarding illegal workers who are not taking care of the victims in the United States fundamentally is unfair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I ask unanimous consent that 5 minutes be allotted to Senator DODD after Senator LUGAR and I speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana is recognized.

(The remarks of Mr. LUGAR, Mr. SPECTER, Mr. DODD, Mr. SHUMER and Mr. SESSIONS pertaining to the introduction of S. 2331 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. SPECTER. Mr. President, we have tried to move along this position of the Ensign amendment, looking for a time agreement. Senator SESSIONS has asked for 5 minutes. If other Senators want to debate this amendment, I ask them to come to the floor. If there is no time agreement, where there are no people to debate, I will move to table the amendment so we can get the bill moving.

I now yield to Senator SESSIONS.

Mr. SESSIONS. Mr. President, regarding the Ensign amendment, I will say a few things. No. 1, Social Security is a benefit this country provides to American citizens and people lawfully in this country. That is what it is about. For the most part, people get more out of it than they put into it. That is one reason it is going bankrupt.

The people covered by Senator Ensign’s amendment have done a number of things that are illegals. They have come into the country illegally or they would not be here, or they would be legal and would not be covered by his amendment. They have worked in the country without authorization, and the country is paying more for the work don’t get done than they put into it. So they have committed a second illegal act. In the course of working in this country, they may have submitted forged, false, stolen, or bogus Social Security numbers—a separate crime, if you examine the U.S. Code. Maybe they have even broken other laws.

As Senator Ensign pointed out, so many of these numbers are other people’s numbers, seizing their identity and causing all kinds of confusion and disruption in their lives.

Under the language of the bill, not only do they get protection from prosecution for violation of these laws, they would be given the benefits of Social Security. Although he clearly makes—properly so—an exemption for those who came into the country legally under a visa, got a legal Social Security number but overstayed, at least they had a legitimate Social Security number.

Mr. President, I had an opportunity, for strange reasons, in my career as a prosecutor and as a private lawyer to deal with contracts based on illegality. I had a situation in which a client—a young man—was sued by a home builder on the note that he signed to the home builder. The reason he signed that note was the home builder loaned him the downpayment to buy a house. The mortgage and the Federal act required that the deposit or downpayment be your own money, or you could not fund it by a mortgage. The builder was in on the deal. He was there at the closing of the loan. He got the big check, so when it came to suing on
that note, I defended the client and said the court had no jurisdiction over the case. There is a principle of law—in our English American tradition—founded on fraud, stating that a contract founded on illegality cannot be enforced in court.

So that person who comes into our country illegally and submits a false Social Security number has no legal right to expect to ever collect on that amount. If he, or she, is entitled to legally not having a right to that, they have no moral right to that. To have a moral right to come to court, you ought to have clean hands. You should be a person that is legitimately here and you make a legitimate claim. I see no reason these persons who come here in order to work and, as a cost of doing business, accept and sign up for Social Security without any expectation whatsoever that they would be entitled to the currently recognized benefits, should now be awarded by this legislation that would allow them to get it. They would say they paid into it, so they are entitled to it. Not so, in my opinion.

I show you how you can make this remark, but I think we are too far down the road of an entitlement mentality. This whole bill contemplates people having an entitlement to come to America, to bring in their parents and children, and they are entitled to have them ultimately be on Medicare and go to hospitals and be treated, even though they are not properly here.

We need to clarify our thinking. We are a nation of laws. Let’s think this through. That is all I am saying. I submit to my colleagues that the process by which an immigrant who comes here illegally, works illegally, and illegally submits a false, fraudulent Social Security number as a price to get the job and be paid, that is no entitlement to claim that money—not legally because it is founded on a false claim and a false premise, and not morally because they knew what they were and entitled to it when they came. They knew they were here illegally and they never expected to receive it.

I think the Senator from Nevada has proposed an amendment that is important. It asks us to think, for a change, in this body about what it is going to do, and what it will do to our Nation’s bottom line and with regard to the message we send regarding whether we are serious about what people should follow the law.

We need to quit rewarding unlawful conduct. Unlawful conduct should have penalties and should result in detriments, not benefits. That is what we are not getting that our colleagues in this debate, whatever new laws we pass about immigration, whatever new policies we set, how much of a joke will they be? Will they be the same joke, the same mockery of law that we have had for 20 years since the last amnesty we issued? That is what the American people are asking us to do. Let’s create a system that actually works.

Sometimes you have to make decisions. Somebody who came here illegally and worked illegally and submitted an illegal Social Security number is not entitled to draw on the Treasury of the United States. I thank the chairman and I yield the floor.

Mr. President, let’s get to the current amendment. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I rise in strong opposition to the Ensign amendment. Under current law, undocumented immigrants are ineligible for Social Security benefits which I think is entirely appropriate. But we all know that millions of undocumented immigrants pay Social Security and Medicare taxes for years and sometimes decades while they work to contribute to our social insurance system.

According to Stephen Goss, the Social Security Administration’s chief actuary, three-quarters of illegal immigrants pay Social Security and Medicare taxes for years and in fact, in 2005 New York Times article, the Social Security Administration records these payments in a so-called earnings suspense file, which grew by $189 billion in 2004 alone. By 2015, according to the article, most of these payments come from illegal immigrants.

The Ensign amendment would undermine the work of these people by preventing lawfully present immigrant workers from claiming Social Security benefits that they earned before they worked in this country. If this amendment is enacted, the nest egg that these immigrants have worked hard for would be taken from them and their families.

It pains me to disagree with my good friend from Nevada on this matter, but I believe the amendment is wrong. It is fundamentally unfair to collect taxes from these workers and then disqualify the taxes paid once the workers achieve legal status. I believe instead of supporting the amendment, we should adopt a principle that people who worked and paid into the Social Security system for years should be able to depend on their retirement income to which they contributed.

The amendment compounds the unfairness by ignoring the underlying legislation that already calls for payment of all back taxes and a $2,000 fine. So what we are asking the immigrants to do is pay all back taxes and, at the same time, forgo the taxes they already paid into the Social Security and Medicare nest egg. It is fundamentally unfair.

Mr. ENSIGN. Mr. President, will the Senator yield?
Mr. SPECTER. I agree. I yield to Senator ENSIGN for some comments and then to Senator DODD, and if no other speakers appear, I am going to move to table.

Mr. ENSIGN. Mr. President, I wish to ask my friend from Arizona a couple of questions I have in the bill and about my amendment in particular. The bill does not require that the people whose status is adjusted pay all back taxes. The bill only requires that people pay any back income taxes. There is no mention of Social Security in the bill. Is the Senator aware of that distinction?

Mr. McCAIN. The Senator is aware of that. When their employer pays them, the taxes are withheld.

Mr. ENSIGN. First, if the alien is self-employed, that is not correct. Remember, the employer pays half and sends in those funds.

Mr. McCAIN. As is true of anyone else who works in the United States?

Mr. ENSIGN. That is correct. But the bottom line is that if you owe FICA taxes under this bill, they do not have to pay those back taxes.

Mr. McCAIN. I have another question for my friend from Arizona. Is he aware that it is a felony to use someone’s Social Security number?

Mr. ENSIGN. Mr. President, I agree with the chairman of the Finance Committee supports this amendment. One of the reasons the chairman of the Finance Committee supports this amendment is because Social Security Administration will not be able to make determinations with respect to the earnings suspend files that the Senator from Arizona referenced. As of 2003, there were 255 million instances where the social security number did not match the name given the employer. This bill will legalize those who are in the workforce today—the 7 million or so in the workforce out of the 12 million who are in the country. The effect of this amendment over the next 10 years, will require the Administration to hire nearly an additional 2,000 employees to handle the cases of people who worked illegally, received amnesty under this bill, and are now applying for this benefit. A benefit they earned illegally.

Point No. 2, is, it is going to cost $1.7 billion in administrative costs—$1.7 billion in administrative costs. It does not include any future costs in benefits that the United States will have to compensate. Any illegal immigrants will have earned the benefit. But the Senate does not even know what amnesty will cost. The cost estimates for these policies are not known. My amendment is absolutely the right thing to do. Illegal immigrants did not expect to ever receive this benefit. They were using somebody’s Social Security number or a made up one. They did so to get a job. I can appreciate that. I appreciate somebody trying to come to this country to better themselves. I don’t think we would reward the conduct of identity theft by giving people the right to claim the work history for purposes of Social Security.

Our Social Security trust fund is already in trouble. We all know that. This will further put the Social Security trust fund in trouble. The costs could be potentially huge. We don’t even know that in this bill. That is why I think we should adopt this amendment.

Mr. DODD. Mr. President, I thank the chairman very much. I just want to make some brief comments, if I may, about the chairman may, not about the matter of this amendment right before us, but about a vote that occurred yesterday regarding the construction of the fence along the southern border. I was 1 of 16 people who voted against that amendment, and I wanted to take a minute or so to explain my concerns.

Primarily, my concern is because the decision to place this fence down here without any other additional consulta- tion with local communities in the United States or with our neighbors to the south is something that worries me. There are implications of that. I firmly believe that any discussion
about immigration policy must begin with border security. If there is a failure to do that, I don’t think you have much of an audience.

My concern is if we unilaterally do this without seeking the cooperation of the other countries involved then the situation next to us that we are dealing with primarily on this issue, we may have absolutely the opposite effect. In fact, there are implications of this decision. So at some point, in consultation with the managers of this bill, I may offer an amendment that would require some consultation with the U.S. communities involved, as well as with the Mexican Government, so that we are not unilaterally placing a fence here.

Believe me when I tell you this. I have spent a lot of time in this region, as my colleagues know. There will be political implications. There is a national election in Mexico in about 6 weeks, and I will guarantee this issue will dominate that in that debate. And who wins those elections will have a huge implication in terms of how much cooperation we get on dealing with immigration policy. My colleague from Texas, Senator Convex, and I spent time and with our colleagues from Mexico about 4 months ago. To their credit, the Mexican Congress, along with all five Presidential candidates, adopted unanimously in their legislation provisions regarding immigration that were very much those lists were border security issues.

That is what happened before. Mr. President. It was a major change in how Mexico is looking at immigration.

My hope is, as we talk about matters we think are important for securing our borders, we will do so in consultation with our neighbors. I am not suggesting we give them veto power, but if you are going to put up a fence of some 3 to 1,000 miles long, first of all, I am a question of whether that will work, but I guarantee you it will not work. I don’t have the cooperation of the very government we want to cooperate from, if we impose this fence without dealing with them, talking with them, asking their advice, working with them. That is true among neighbors in communities as well as nations that are neighbors.

So my hope is, we can draft such language as endorsed and supported here. It is a question of whether that will work, but I guarantee you it will not work. We don’t have the cooperation of the very government we are seeking cooperation from, if we impose this fence without dealing with them, talking with them, asking their advice, working with them. That is true among neighbors in communities as well as nations that are neighbors.

So my hope is, we can craft such language as endorsed and supported here. It is a question of whether that will work, but I guarantee you it will not work. We don’t have the cooperation of the very government we want to cooperate from, if we impose this fence without dealing with them, talking with them, asking their advice, working with them. That is true among neighbors in communities as well as nations that are neighbors.

at an appropriate time, we could try to craft such language that would at least encourage the kind of cooperation we are going to have to do if we are going to succeed with the kind of border security issues that are included in the bill. I think the chairman of the committee for giving me a few minutes to explain my concerns.

Mr. SPEECH. Mr. President, I believe there are no other speakers on the amendment that would call for no objection to a motion to table, not that I need permission to move to table. We have the Inhofe amendment pending. I very much want to get a vote on the Inhofe amendment this afternoon. So we can either come to a time agreement to finish debate or if there are side-by-sides that have been prepared so that we could move ahead on that.

Mr. LEAHY. Mr. President, would the Senator with me? Mr. SPEECH. I would.

Mr. LEAHY. Mr. President, the President said: Every human being has dignity and value, no matter what citizenship papers say. I believe this amendment is antithetical to that sentiment.

Senator Ensign has proposed an amendment antithetical to the sentiments that the President expressed, and which most Americans share. Americans understand that for years there are undocumented workers who have tried to follow our laws and be good neighbors and good citizens, and have paid into the Social Security Trust Fund. Many do not yet have Social Security numbers but they and their American employers have paid in their contributions. Once that person regularizes his or her status, and as they proceed down the path to earned citizenship, they should have the benefit after having followed the law and made those contributions. Americans understand fairness. That is fairness. We should not steal their funds or empty their Social Security accounts. That is not fair. It does not reward their hard work or their financial contributions. It violates the trust that underlies the Social Security Trust Fund.

Senator Ensign proposes to change existing law to prohibit an individual from gaining the benefit of any contributions while the individual was in an undocumented status. I oppose this amendment and believe it is wrong.

Under current law, immigrants who have paid Social Security while in an undocumented status may gain the benefit of all of their contributions once they gain legal status and become eligible to collect Social Security benefits. They paid in and they should be entitled to the benefits they have earned. The whole purpose of the path to citizenship is to encourage people to become lawful, productive citizens. Penalizing these people is unfair, especially since under the law they are not only working hard and contributing to the Social Security Trust Fund, but also working hard to achieve legal status and earned citizenship. Hard work is rewarded in the country, not penalized. Following the language pending on the path toward earned citizenship should be encouraged, not punished.

For example, the children of an undocumented worker who has worked for 20 years and who has paid into the system would be denied all Social Security benefits if their parent dies before becoming a legal resident or citizen. Even though the children are citizens, they would be denied the benefits their parent worked many years and contributed to. The Social Security Trust Fund is already being used to mask the deficit. As it becomes harder and harder to pay for tax breaks for millionaires and rising gas prices and lucrative Government contracts, some will be tempted to use money from the Social Security trust funds and not look for excuses to start denying legal residents and citizens the benefits they have been promised.

Let us not take a giant misstep that we will surely regret. If we are going to encourage and support a path to citizenship for many people under this bill, we must do so in a way that ensures independence and security once that journey is complete.

Mr. SPEECH. Mr. President, I move to table the Ensign amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

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. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—50

Akaka       Graham       McCaskill
Baucus      Hagel       Menendez
Bayh       Harkin       Mikulski
Biden       Inouye       Murray
Bingaman    Jeffords     Obama
Boxer        Johnson     Pryor
Brownback    Kennedy     Reid
Cantwell     Kerry        Reid
Carper       Kohl       Schum I
Chafee       LaFalce     Salazar
Clinton      Lautenberg  Sarbanes
DeWine       Leahy       Schumer
Dodd          Levin        Specter
Dorgan       Lieberman     Stabenow
Durbin        Lincoln      Stevens
Feinstein     Logan        Voinovich
Feinstein     Martinez     Wyden

NAYS—49

Alexander     Crapo        Murkowski
Allard        Dayton       Nelson (FL)
Allen          DeMint      Nened (NC)
Bennett        Dole        Roberts
Bond          Domenici     Santorum
Bunning       Ensign        Sessions
Burns          Bazt        Shelby
Burk          Frist        Shelby
Byrd          Grassley     Smith
Chambliss     Gregg        Smoot
Colburn        Hagel        Sonnen
Coehran        Hatchinson  Talent
Coleman         Inhofe      Thomas
Collins        Isakson       Thune
Conrad          Kyl         Vitter
Cornyn        Lott          Warner
Craig          McConnell  

The motion was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MENENDEZ. 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. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, we will take half an hour for Senator AKAKA’s amendment. We will give him 25 minutes of that time, Senator KENNEDY and I will take the remaining 5 minutes to accept it.

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The Chair notes that under all the time allocated, as outlined, the time goes beyond 4 o’clock before proceeding to the Inhofe amendment. The time would go to approximately 2:45.

Mr. KENNEDY. If I could suggest, why don’t we vote at 4:15. That gives 45 minutes to Vitter.

The PRESIDING OFFICER. The chair will clarify or summarize the unanimous consent: The proposed unanimous consent agreement would move the Senate to the Akaka amendment first, with half an hour total, 25 minutes to Senator AKAKA, and 5 minutes to split between the floor managers of the debate. Next is the Vitter amendment, with a total of 45 minutes equally divided. Then we proceed from 2:45 to 4:15 to the Inhofe amendment, with a possibility of a Democratic side-by-side amendment.

Is that the summary of the unanimous consent proposal?

Mr. SPECTER. I ask consent for that.

Mr. INHOFE. I object.

Mr. SPECTER. Without any second degree to Vitter and Akaka.

The PRESIDING OFFICER. The proposal would exclude second-degree amendments.

Mr. INHOFE. And for clarification, there would be a vote on the Inhofe amendment at 4:15; is that correct?

Mr. SPECTER. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I further ask consent that following the sequencing already discussed, we take up an amendment from the Senator from New York, Mrs. Clinton.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the unanimous consent agreement, the Senator from Hawaii is recognized for 25 minutes.

AMENDMENT NO. 4029

Mr. AKAKA. Mr. President, I call up amendment 4029 to S. 2011 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself and Mr. INOUYE, proposes an amendment numbered 4029.

Mr. AKAKA. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To grant the children of Filipino World War II veterans special immigrant status for purposes of family reunification)

On page 345, between lines 5 and 6, insert the following:

SEC. 509. CHILDREN OF FILIPINO WORLD WAR II VETERANS.

Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by sections 505 and 508, is further amended by adding at the end the following:

“(J) Aliens who are eligible for a visa under paragraph (1) or (3) of section 203(a) and are the children of a citizen of the United States who was naturalized pursuant to section 465 of the Immigration Act of 1990 (8 U.S.C. 1440 note).”.

Mr. AKAKA. Mr. President, I ask that Senators MURRAY and CANTWELL be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, it has long been evident that our immigration system needs reform. The debate in immigration has been a long time in coming, and I am pleased that this body is moving forward on this important topic in such a comprehensive fashion. For our work on immigration to be truly comprehensive, however, we must address those that have received less attention in the debate as well as the front page issues.

My amendment is regarding one of those issues that has not received widespread attention but is of great importance. As a World War II veteran, this amendment is important to me personally, to Filipino-Americans, and to veterans. My amendment would grant the children of Filipino World War II veterans special immigrant status for the purpose of family reunification. Making this small change to our nation’s immigration policy would go a long way toward making our immigration laws more just, and I am hopeful that my colleagues on both sides of the aisle will join me in supporting this amendment.

Before I begin a discussion on the specifics of my amendment, I would first like to thank my dear friend and colleague, the senior Senator from Hawaii, Daniel Inouye, for cosponsoring this amendment. In the 101st Congress, Senator INOUYE authored section 405 of the Immigration Act of 1990, which provided for the naturalization of Filipino World War II veterans. Senator INOUYE has a long history of being involved in this important effort and it is my honor to have his support on my amendment today. In addition, Representative Ed Case has introduced a similar bill, H.R. 901, in the House of Representatives.

To understand the significance of this amendment, it is important to first provide some background about the historical circumstances that got us where we are today.

On the basis of 1934 legislation enacted prior to Philippine independence, President Franklin Delano Roosevelt issued Executive Order 901. Through this order, President Roosevelt invoked his authority to “call and order into the service of the Armed Forces of the
United States, . . . all of the organized military forces of the Government of the Commonwealth of the Philippines.” This order drafted over 200,000 Filipino citizens into the United States military. Under the command of General Douglas MacArthur, Filipino soldiers fought alongside American soldiers in the defense of our country.

Throughout the course of World War II, these Filipino soldiers proved themselves to be courageous and honorable as they helped the United States fulfill its mission. There was no hesitation when they were fighting that they would be treated the same as American troops. For example, Filipino soldiers fought side-by-side with American soldiers in the Battle of Bataan and the Battle of Corregidor. When Bataan fell and the Bataan Death March began, Filipino soldiers were forced to march more than a hundred kilometers from Bataan to Tarlac along with their American comrades. Filipino soldiers faced hardships in concentration camps, and they endured 4 years of occupation by the Japanese. In every sense, Filipino soldiers proved their allegiance to our country through thick and thin.

These Filipino soldiers are war heroes, and they deserve to be honored as such. They served active duty service on behalf of the U.S. military, which should qualify them for the same benefits as other veterans of active duty. Congress betrayed these veterans by enacting the First Supplemental Surplus Appropriation Rescission Act in 1946, which included a rider that conditioned an appropriation of $200 million, for the benefit of the postwar Philippine Army, on the basis that service in the Commonwealth Army should not be deemed to have been service in the Armed Forces of the United States.

Commonwealth Army members were those called into the service of the U.S. Armed Forces of the Far East. These members served between July 26, 1941, and June 30, 1946. Similarly, Congress enacted the Second Supplemental Surplus Appropriation Rescission Act, which provided that service in the New Philippine Scouts was not deemed service in the U.S. Armed Forces.

New Philippine Scouts were Filipino citizens who served with the U.S. Armed Forces with the consent of the Philippine Government. They served between October 6, 1945, and June 30, 1947.

This generation of veterans is predominantly in their eighties. Of the 200,000 Filipino veterans that served in WWII, there are close to 49,000 left. Some of these veterans receive U.S. benefits, but not all. By 2010, it is estimated that the population will have dwindled to 20,000.

With the passage of the Immigration Act of 1990, the courage of the many Filipino soldiers who fought alongside our troops during World War II was finally recognized by our Government, and Filipino veterans were offered the opportunity to obtain U.S. citizenship. According to the former Immigration and Naturalization Service, about 15,000 Filipino veterans live in the U.S. and became citizens between 1991 and 1995 under the authority of the Immigration Act of 1990. Between that time, about 11,000 veterans who live in the Philippines have been naturalized. These thousands of Filipino veterans clearly wished to spend their golden years in the United States, and I am pleased that the 1990 Immigration reform efforts offered them the opportunity to do so.

Unfortunately, the offer did not extend to the adult sons and daughters of these veterans. As a result, the brave Filipino veterans who fought on behalf of America, and who now live in America, and continue to contribute to America, must do so alone. Due to a backlog in the issuing of visas, many of the children of these veterans have waited more than 20 years before they were able to obtain an immigrant visa. Unfortunately, many more are still waiting.

It is no secret that U.S. Citizenship and Immigration Services in the Department of Homeland Security is facing significant backlogs. However, it is not as well known that family-sponsored immigrants from the Philippines have the most substantial waiting times in the world before a visa is scheduled to become available to them. What this means, is that these honorable Filipino veterans who faced numerous dangers to defend this Nation now face the prospect of spending the last years of their lives without the comfort and care of their families. It is a shameful disgrace that the sons and daughters of these brave soldiers are now last in line to become citizens of our country. This is no way to honor Filipino soldiers who bravely fought on the front lines with American soldiers during World War II.

As a U.S. World War II veteran myself, I am proud to have answered my nation’s call to active duty. During my time of active service, I was driven by a love for my country, and I was comforted by the love of my family. The support that a soldier’s family offers during military service is an invaluable buoy to a soldier’s spirit. A family’s role in caring and supporting for a soldier becomes even more important after active military service, as many are lucky to be surrounded by my family after my service. My heart goes out to those who were separated from their family for years and years due to bureaucratic backlogs.

As the ranking member on the U.S. Senate Committee on Veterans’ Affairs, I have seen firsthand the difficulties that veterans can face when readjusting to civilian life after serving in a war. For many veterans, the difficulty of returning to a home that has changed while at war is eased by being surrounded by the familiar faces of loved ones. While that window of opportunity has unfortunately passed for our World War II Filipino veterans, there are still many important ways that families enrich the lives of veterans after the initial readjustment phase. Being surrounded by the love and care of family, especially for World War II veterans facing their twilight years, offers a special source of support.

Action on this issue is long overdue, and it would be very meaningful for the Senate to pass my amendment during debate on the immigration bill. As you know, Filipino Americans are celebrating their centennial this year. Late last year, the Senate accepted by UC S. Res. 333, a resolution to recognize the centennial of sustained immigration from the Philippines to the United States, and acknowledge the contributions of the Filipino-American community to our country over the last century.

The Filipino-American community has grown and thrived over the last hundred years. Today, Filipino-Americans are the third largest ethnic group in the State of Hawaii. They represent one of the fastest growing immigration groups in the country. Filipinos have made contributions to every segment of our community, ranging from politics and sports, to medicine, the military and business. One of the foremost issues for Filipino Americans is our Nation’s commitment to Filipino veterans, and passing my amendment would be a significant way to honor Filipino veterans during a historic year for the Filipino American community.

Over the years, I have listened to the stories of countless Filipino World War II veterans who have been separated from their families and who are patiently waiting in line. Every veteran has a unique story to tell, but those Filipino World War II veterans who have not yet been reunited with their family members share a universal bond of heartache.

Another important commonality among Filipino World War II veterans is hope. Those Filipino World War II veterans still separated from their families are hopeful that we will use this opportunity to rectify the unjust oversight in current law. The poignant truth behind this matter is that if we don’t act now, we may not have another opportunity.

This weekend I am participating in the first annual “A Time of Remembrance” event, which honors the families of the American fallen. Family members from all 50 States will come to the National Mall at noon this Sunday, May 21, 2006, to recognize the important contributions our fallen heroes have made on behalf of America. I am proud to take part in this event, which points out the very real ways that families are impacted when soldiers courageously leave their family and fight to defend the freedoms our forefathers fought for. World War II veterans who are still with us, this event points to the importance of honoring them now, before it is too late.
Let us prove those wrong who say that we are waiting until enough veterans die before we right this injustice. These veterans have been waiting for 60 years to have their benefits reinstated. Unfortunately, our efforts to provide them with the benefits they promised, the benefits they fought for, have been unsuccessful because opponents have cited the payment of such benefits as too costly.

The Filipino Veterans from World War II have already made extreme sacrifices. They should not be forced to endure the further sacrifice of life without their loved ones. It is time that the United States fulfills its responsibility to these veterans. The least we could do is help to unite these aging veterans with their families. We are a nation that keeps its word . . . not a nation that uses people for our own purposes and then casts them aside.

Realizing that our World War II Filipino Veterans can enjoy and be supported by their family members in their twilight years is a simple yet profound way of honoring these war heroes.

My amendment has received strong support from Filipino veterans, the Filipino-American community, and the Asian-American community. The Japanese American Citizens League, the Organization of Chinese Americans, and the Asian Pacific American Legal Center have endorsed my amendment. In addition, the American Coalition for Filipino Veterans, which represents over 4,000 Filipino Veterans across the country, has wholeheartedly endorsed my amendment with a letter of support that states:

S. Amdt. 2049 will be a timely benefit to address the veterans’ loneliness and will provide them with a partial measure of U.S. veterans recognition that they were unjustly denied in 1946.

Mr. President, I ask unanimous consent that the full text of the letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

American Coalition for Filipino Veterans, Inc.

Mr. AKAKA. Mr. President, I urge my colleagues to honor their valiant contributions to our Nation by supporting my amendment.

Sincerely,

Karen K. Narasaki
President and Executive Director

Mr. AKAKA. Mr. President, I urge you and your colleagues to win priority issuance of immigrant visas to sons and daughters of Filipino American WWII veterans.

We hope and pray your legislation will be passed into law.

Very sincerely yours,

Eric Lachica
Director

Mr. AKAKA. My amendment has received a letter of support from the Asian American Justice Center. I ask unanimous consent that the full text of the letter from the Asian American Justice Center to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:


Dear Senator: The Asian American Justice Center writes in strong support of S. Amdt. 4029 to S. 2611, the Comprehensive Immigration Reconciliation Act of 2006. This important amendment, introduced by Senators Akaka and Inouye, would allow the sons and daughters of Filipino American veterans who fought for the United States during World War II to finally reunite with their aging parents in the United States.

Approximately 200,000 Filipino soldiers fought for the U.S. during World War II. They were promised U.S. citizenship as a condition of their service to our country, but that promise was withdrawn in 1946. To address this injustice, Congress belatedly granted U.S. citizenship to these veterans as a part of the Immigration Act of 1990.

However, it did not grant citizenship to the children of these veterans, thereby causing many of these families to be separated. A long immigration backlog developed hence these veterans petitioned for their sons and daughters to immigrate to the U.S. This has not only negatively impacted the veterans and their families, but also other Filipinos who are caught in the same backlog. The Philippines have the worst immigration backlog in the world. A U.S. citizen parent who is petitioning for his or her unmarried son or daughter must wait approximately 30 years before they can immigrate to the U.S. If the son or daughter is married, they must wait roughly 18 years. The Akaka-Inouye amendment would address this problem by allowing the sons and daughters of the U.S. citizen veterans to immigrate to the U.S. without being subject to numerical limitations.

Of the 200,000 Filipino soldiers who fought for the U.S., only approximately 49,000 remain alive, and they are predominantly in their 80’s. They have served our country well. They deserve to be reunited with their sons and daughters after years, sometimes even decades, of waiting. Please support the Akaka-Inouye amendment.

Sincerely,

Karen K. Narasaki
President and Executive Director

Mr. AKAKA. Mr. President, I urge you and your colleagues to honor their valiant contributions to our Nation by supporting my amendment.

Mr. INOUYE. Mr. President, I rise to join Senator Akaka in support of his amendment that grants immigrant visas for alien children of Filipino veterans of World War II, who were naturalized pursuant to section 405 of the Immigration Act of 1940, a measure which I authored in the 101st Congress.

In recognition of Filipino veterans’ contributions during World War II, the Congress, in March of 1942, amended the Nationality Act of 1940, and granted Filipino veterans the privilege of becoming United States citizens. The law expired on December 31, 1946. However, many Filipino veterans were denied the benefiit of naturalization under this act because of an executive decision to reverse the naturalization examiner for the Philippines for a 9-month period. The 9-month absence of a naturalization examiner was the basis of numerous lawsuits filed by Filipino World War II veterans. On July 17, 1988, the U.S. Supreme Court ruled that Filipino World War II veterans had no statutory rights to citizenship under the expired provisions of the Nationality Act of 1940. Section 405 of the Immigration Act of 1990 was enacted to make naturalization available to those Filipino World War II veterans whose military service during the liberation of the Philippines rendered them deserving of United States citizenship. Approximately 25,000 veterans took advantage of the naturalization provision which expired in February 1995.

Unfortunately, the 1990 Act did not confer naturalization to the children of Filipino World War II veterans. Accordingly, they are enduring decades of family separation due to the long waiting periods under the numerical limit on immigrant visas for alien children of citizens of the United States. Many of these veterans are in their twilight years, and declining in health. They long to see their sons and daughters. If this Amendment is not passed or ignored, let us not turn our back on those who sacrificed so much.

Let us show our appreciation to these gallant Filipino men and women who stood in harm’s way with our American soldiers, and who fought the common enemy during World War II by granting their children a special immigrant status to immigrate with their aging parents who have made sacrifices for this country.

Mr. AKAKA. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The PRESIDING OFFICER. Is there a sufficient second?

Mr. KENNEDY, from Massachusetts, from Pennsylvania.

Mr. KENNEDY. Fine.

Mr. KENNEDY. Mr. President, will the Senator withhold for a moment.

The PRESIDING OFFICER. The PRESIDING OFFICER. At the moment, there is not a sufficient second.

Mr. AKAKA. Mr. President, I would like to ask for a voice vote.

Mr. KENNEDY. Fine.

The PRESIDING OFFICER. The Chair would note that under the unanimous consent agreement the time is 5 minutes to be split between the Senator from Massachusetts and the Senator from Pennsylvania.

Does the Senator wish to yield the time?

Mr. KENNEDY. Mr. President, I will take 2 minutes. Then I will yield back the time. And then I think we will be prepared to vote.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I commend the Senator for raising this issue. He has been a constant
advocate for the families he has spoken about today. And he has communicated with us in the Immigration Committee on so many different occasions about the fairness and the importance of the family reunifications and the uniqueness of so many of these patients were involved in at a very difficult and challenging time during World War II.

So the Senator from Hawaii deserves great credit for bringing this to the attention of us in the Senate. I speak for the Senator from Pennsylvania, who urges the acceptance of this amendment. This will help provide some very important family reunification. It is entirely warranted and entirely justified.

We thank the Senator for bringing this issue again to our attention and for his continued advocacy on this issue. We will do everything we possibly can to make sure this is carried forward in the Senate.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 4029) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconSIDER the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I thank the Senator. I suggest the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. At-EXANDER). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, under our unanimous consent agreement, it is now time for the amendment by the distinguished Senator from Louisiana under a time agreement of 45 minutes equally divided.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 3964

Mr. VITTER. Mr. President, I call up amendment No. 3964.

The PRESIDING OFFICER. The clerk will report.

The Senator from Louisiana (Mr. VITTER), for himself and Mr. GRASSLEY, proposes an amendment numbered 3964.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the burden of proof requirements for purposes of adjustment of status.

Beginning on page 350, strike line 1 and all that follows through “incumence.” on page 351, line 1, and insert the following:

"(II) OTHER DOCUMENTS.—An alien who is unable to submit a document described in subsection (I) may satisfy the requirement in clause (i) by submitting to the Secretary at least 2 other reliable documents that provide evidence of employment for each required period of employment, including—

(a) bank records;

(b) business records;

(cc) sworn affidavits from non-relatives who have direct knowledge of the alien’s work, including the names, addresses, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information;

(dd) remittance records.

(iv) BURDEN OF PROOF.—An alien applying for adjustment of status under this subsection has the burden of proving by a preponderance of the evidence that the alien has satisfied the employment requirements in clause (i).

On page 374, line 22, insert after “work” the following: “, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information”.

Mr. VITTER. Mr. President, yesterday on the Senate floor I briefly began to explain the purpose of this amendment. As was clear from yesterday’s debate, there are a number of important and significant ramifications with many parts of this bill. One of those hesitations is about the huge loopholes and encouragements for fraud that exist in the bill in many different sections.

We are very good on the Senate floor in debating, tossing around ideas, general concepts, broad principles, but I fear we are often very bad at really looking at the details of a proposal and walking through how it is going to work in the real world and in practice or, perhaps it is more appropriate to say, how it is not going to work. Again, this bill is a glaring example of that.

Amendment No. 3964 does not correct all of those deficiencies. It does not close all of these very important distinctions between has the person been in the country over 5 years or between 2 and 5 years or under 2 years, but when it comes down to the actual workings of how this will operate in the real world, all that person has to do is write out a fairly simple statement—‘I have been here for over 5 years’—sign his name to it, and under the details of the bill that is good enough. To me, that makes a mockery of the entire system that is being proposed. That makes an open invitation for fraud. Why would a person who is in an admittedly difficult and strenuous, stressful, even desperate situation, why would a person put himself in category B or category C when he has the chance to get himself in the best category, being in the country between 2 and 5 years. I don’t know why this is so much an issue because if I were the person, I would immediately rush to the best category, sign a simple piece of paper, and have the easiest route to citizenship. But still, in the evidence accepted in category B, between 2 and 5 years, a person can supply a simple statement, a piece of paper, signed by a nonrelative third party. Again, the requirements for that are so loose. It is a giant loophole and an open invitation to fraud.

Under a similar provision of the bill, also in section 601, there is a similar glaring loophole and open invitation to fraud in terms of the type of evidence that may be presented. A very important distinction between the second category, being in the country between 2 and 5 years, and if you have been in the country for over 5 years, if you have been in the country between 2 and 5 years, and if you have been in the country less than 2 years. The consequence of being put in one of these categories versus the others is significant; you are treated differently. Over 5 years is the best category to be in from the viewpoint of the illegal immigrant by far because it is the most guaranteed and automatic and clear path to citizenship. Between 2 and 5 years is the next best scenario. That also has a
May 18, 2006

CONGRESSIONAL RECORD—SENATE

S4751

how long a person has been in the country are to have any significance, if this plan is to have any hope of working in practice, rather than just being something pretty to talk about on the floor of the Senate, we need to close these loopholes to shut down these very wide invitations for fraud.

No. 1, it would strike the language allowing an alien to prove employment history by providing a self-signed, sworn declaration; in other words, nothing more than a piece of paper that he himself signs.

No. 2, it would require that sworn affidavits from nonrelatives who have direct knowledge of the alien’s work—and that is a phrase in the underlying bill—be corroborated by the alien’s Secretary of Homeland Security and should include contact information of the affiant, the name, the address, the phone number, the nature and duration of the relationship, so that the Department has some hope, some basis for looking into this declaration to determine if this is trustworthy and if this declaration is truthful.

No. 3, the amendment would make the types of other documents provided to prove work history the same for those illegal aliens who have been living in the United States over 5 years and for between 2 and 5 years. So there would be uniformity, and we would be talking about objective documentary evidence.

No. 4, the amendment would strike the provision stating that Congress believes the Department of Homeland Security should “recognize and take into account the difficulties encountered by aliens in obtaining evidence of employment” because of their illegal status.

That quote is in the underlying bill, that the Department must “recognize and take into account the difficulties encountered by aliens in obtaining evidence of employment.” In other words, the bill itself is telling the Department: Let it slide. Anything that is stated, you virtually have to accept. That is ridiculous, and we would remove that directive from the bill.

An amendment we would clarify that the alien has the burden of proving his or her employment history by “a preponderance of the evidence.” It is very reasonable, and, in fact, there is no other workable way to do it, to put the burden of proof on the illegal alien to prove the amount of time he has been in the country. Any lesser burden of proof, any other way of going about it will be a glaring loophole and an open invitation for fraud.

Let me underscore the general thrust of my amendment. It goes to some of my broad concerns about the bill. We are very good, all of us, both parties in the Senate, in making arguments, talking about broad values, outlining generalities, and talking about how a new system of laws should work. In my opinion, we are very bad, almost always, at actually designing a concrete system and paying attention in excruciating detail to how to make sure that systems can actually work in the real world and not simply be unworkable beyond being able to be administered full of glaring loopholes, full of invitations to fraud. I believe this amendment, if passed into law, will make sure that systems can actually work in the real world and not simply be unworkable beyond being able to be administered full of glaring loopholes, full of invitations to fraud. My amendment simply highlights perhaps the two most obvious or egregious examples of that and tries to close those loopholes, close down those open invitations for fraud.

With that, I am happy to hear from Members who would like to debate the amendment pro or con. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand the amendment, on page 350, you strike lines 8 through the rest of the page; am I correct?

Mr. VITTER. I don’t have that in front of me. If you could read me the lines.

Mr. KENNEDY. Well, this is on the intent of Congress, the basic kind of understanding, the intent of Congress be interpreted in a manner that recognizes the difficulties encountered by the alien in obtaining evidence. As I understand, you strike that. And then you strike the burden of proof provisions through the top of 351, once the burden is met, the burden shall shift to the Secretary of Homeland Security.

So those provisions are dropped. The essence of your proposal is to tighten up verification in terms of the applicant.

Mr. VITTER. The Senator is correct.

Mr. KENNEDY. And that is effectively the purpose of the amendment. In your description and in the language, you talk about bank records, business records, sworn affidavits from nonrelatives who have direct knowledge of the alien’s work, including name, address, phone number of the affidavit, the relationship.

You also talk about remittance records and that the burden is on the alien applying for the adjustment, the burden of proving by a preponderance of evidence that he has satisfied the employment requirements.

Mr. VITTER. The Senator is correct on all of that.

Mr. KENNEDY. I am going to urge that we accept that amendment. We believe we can make sure, through us who support this proposal, that we are going to reach those people who are defined in the legislation. And we want to make sure that it is accurate.

We are not interested in people gaming the system or in the identity theft problems and other kinds of challenges and false documents. We have made a very strong effort because if we have that and we lack the verification in information and lack the verification in terms of the individual and we are going to have continued forgery of documents, this is going to be a disaster. But we have given strong emphasis in terms of legality and veracity, and we are going to have the biometric identification cards. We are going to try to do this correctly and by the book, so to speak.

The Senate has redrafted provisions we had in the legislation to ensure the applicant is going to provide the best information and that the best information has to be reliable and dependable in order to be able to participate in the system. I think it is useful and valuable. At the appropriate time, I will urge our colleagues to accept the amendments.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, there is no doubt that we have to have appropriate evidence in order to establish criteria for moving ahead on the path to citizenship. I believe the Senator from Louisiana has structured a realistic amendment and made improvements to the bill. We are prepared to accept it on this side.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I thank the Senator from Pennsylvania and the Senator from Massachusetts for their encouraging and supportive words. Obviously, I welcome that. Obviously, I welcome this amendment being adopted.

Without taking away anything from that statement, I simply add that, unfortunately, while these are very important issues we have in the bill that highlight these problems, these are not the only cases. Unfortunately, I think they are an example of the general nature in which many aspects of the bill were drafted.

In a spirit of working toward the end all of us have said we fully support, I encourage all of the Members involved in continuing to draft the bill, including if a bill should go to conference—and I will certainly include the Senators from Pennsylvania and Massachusetts—to continue to identify those problem areas in the bill language. I hope this amendment will be adopted and we will have addressed two of them. I will continue identifying more. I am encouraged by the comments that they will join us in that endeavor as this work product moves on.

With that, I am prepared to yield back my time if we can proceed to voice vote.

Mr. SPECTER. Mr. President, I think we are ready for a voice vote on the Vitter amendment.

The PRESIDING OFFICER. Is all time yielded back?
Mr. SPECTER. It is.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (no. 3964) was agreed to.

Mr. SPECTER. Mr. President, we have concluded the Vitter amendment a little earlier than expected. It would be appropriate now to proceed with the debate on the Inhofe amendment, with the prospect of later having a side-by-side. I urge my colleagues who wish to be heard on that subject to come to the floor so we can proceed.

Mr. President, while we are awaiting speakers to arrive on the Inhofe amendment and since we have concluded the Vitter amendment early, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, we are now going to the Inhofe amendment No. 4061. It is my understanding that we have between now and 4:15, with the time between now and 4:15 allocated on my amendment and an alternative amendment that is proposed by Senator SALAZAR, and I would ask if that is correct.

The PRESIDING OFFICER. An amendment has not yet been proposed by the Senator from Colorado. However, the time between now and 4:15 is allocated to the Inhofe amendment and any Democratic amendment which might be proposed as an alternative.

Mr. INHOFE. Mr. President, thank the Chair for that clarification. It could very well be, and it is my understanding that some others do have an alternative that they want to have considered.

Mr. President, this is an issue that has been with us for a long time. Due to the great history that is very often presented to this Chamber by the occupier of the chair, we went back into history and saw that for hundreds of years we have been trying, many of us, as I am, to try to make the English the national language. The last time we had a vote was 1983. In 1983, there was a— I don’t remember who the author was at the time, but it was before I even came to the House. But that was 23 years ago. So 23 years it has taken.

Miss PORTER. Mr. President, I rise to speak.

Mr. SPECTER. Mr. President, I yield to the Senator from Arizona and the Senator from Alabama.

Mr. DURBIN. Mr. President, would the Senator yield for a question?

Mr. INHOFE. I yield.

Mr. DURBIN. First, I thank the Senator for his cooperation. I think we have had a very valuable dialogue, and the Senator from Oklahoma has made some important concessions. But I would like to make sure that, for the RECORD, I understand the intent and language of the amendment which he currently offers.

Has the Senator changed the version which referenced section 161: "Declarations of official language," which shows on page 2 of the amendment?

Mr. INHOFE. Yes, that was changed.

Mr. DURBIN. Thank you. May I ask the Senator if he would tell me whether it is his intention to in any way diminish any rights that currently exist under the laws of the United States of America which would provide individuals with materials or services in a language other than English?

Mr. INHOFE. Mr. President, I think it is very appropriate the Senator asks that question. We have had a chance to discuss that at some length with a large number of people, and I have stated fast to my belief. Now, keep in mind I am one of the few people around here who is not a lawyer, and therefore sometimes that puts me in a better position to understand the law than some of my lawyer friends. But I actually wrote up—what they wrote the word “national” in the wrong place. It is, “Declaration of national language.”

Mr. DURBIN. Thank you. May I ask the Senator if he would tell me whether it is his intention to in any way diminish any rights that currently exist under the laws of the United States of America which would provide individuals with materials or services in a language other than English?

Mr. INHOFE. Mr. President, I think it is very appropriate the Senator asks that question. We have had a chance to discuss that at some length with a large number of people, and I have stated that that question. We have had a chance to discuss that at some length with a large number of people, and I have stated that it is the problem.

Mr. DURBIN. If the Senator would yield, then—

Mr. INHOFE. Mr. President, let me ask if it would be all right, if you have a number of questions—I don’t mind yielding, but I would just as soon yield on your time.

Mr. DURBIN. Fine. Mr. President, I would like to have the time for the questions and answers count against me.

So would the Senator say for the RECORD, is it your intention by this amendment to diminish any existing rights under the law of the United States relative to services or materials provided by the Government of the United States in any language other than English?

Mr. INHOFE. Mr. President, I would respond by saying I think the statement stands by itself, speaks for itself. It says, "unless otherwise authorized or provided by law." We are a country of laws, and if there is anything that is inconsistent with that is an exception under section 162.

Mr. DURBIN. Reclaiming my time, Mr. President, that is the problem. This is what it comes down to. This is an easy question to answer: Yes, it is not my intention to diminish any rights under the law given to any person for services or materials provided by the Government of the United States, no matter what language than English. If the Senator said yes to that question, it would put a lot of people at ease.

But let me tell you what I am afraid is at stake. In the language which the legal staff has prepared, I am afraid there is to yes to that question, it would put a lot of people at ease.

But let me tell you what I am afraid is at stake. In the language which the legal staff has prepared, I am afraid there is more to it. It is apparent that at least some believe you are going further than what you have indicated; that you are trying to diminish existing rights of the law. That is troubling. I am not the Senator from Oklahoma wants to make a statement of policy that English is the language of the United States or that it is a common and unifying language, then he will have 100 votes in the Senate. It will be an important statement. But when he goes on and adds this other language, this amendment raises questions.

I just gave the Senator a chance to clarify the rest of his language, and he didn’t want to do it. I am afraid that is where we are going to have a parting of the ways.

I think it is valuable for us to establish that the English language is common and unifying in America and that success depends on it, and I believe that. As I have said many times on the Senate floor, it is the son of an immigrant. My mother came to this country; her parents struggled to learn English. She spoke both English and Lithuanian. I speak only English today. My life experience is not much different than most.

We had a recent survey that found an interesting statistic. The Pew Hispanic Center documents that about 80 percent of third generation Latinos in the United States speak their dominant language. Exactly zero percent speak Spanish as their dominant language. It suggests that what happened in my family is happening with most immigrant families today. So they know the obvious: Success in this country depends on mastering and speaking English.

So if the Senator wanted to make that statement, that English is our common and unifying language in this country, we would join him.

Mr. INHOFE. Mr. President, let me respond.

Mr. DURBIN. Mr. President, it is my time, and I would like to say this: When I asked him straightforwardly a question as to whether he wanted to diminish the rights of anyone in this country currently under law, which would include Presidential Executive Orders, I might say to the Senator and his legal staff if he wants to diminish those, he would not give me an affirmative answer which I think would satisfy many on this side of the aisle.
I reserve the remainder of my time, and I yield back to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me first of all say no, it is not my intent, nor is it the intent of this amendment, to do that. This amendment is pretty straightforward. It does say “unless otherwise authorized or provided by law.” What that says to me is if there are some of these privileges out there that you believe are not in the law, then I would not be addressing those. I think it is a great thing to be talking about a matter of law, but I don’t know that. I would rather say if it is a matter of law, we are providing an exception. And I guess I would ask you the question, since I now have the floor, do you believe that some of these rights are entitlements?

Mr. DURBIN. Mr. President, I don’t know whose time this counts against.

Mr. INHOFE. It is mine.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. DURBIN. Mr. President, as I said earlier, this is dangerously close to debate in the Senate, and I am glad we are doing it. My feeling is this: When you say: What are you entitled to? Well, we are entitled to be protected from discrimination. That is an entitlement to every American. We are entitled to be protected from discrimination. And the 1964 Civil Rights Act says one of the things you cannot be discriminated against is your national origin, where you were born. We say in America, no, you cannot be discriminated against based on national origin. And based on that provision in the Civil Rights Act, we will provide, when it comes to essential services, appropriate language assistance to help those who are availing themselves of the services.

As I said earlier, in Chicago, that may be Polish or a Filipino dialect. But basically what we have said is, yes, you are entitled not to be discriminated against.

Now, if the Senator wants to wipe away that entitlement, he should make it clear. But I am not sure that he wants to. If he does, I hope he will say so.

Mr. INHOFE. No, no. Mr. President, reclaiming my time, it is certainly not our intention. And I think what the Senator is saying is that language and national origin are the same when, in fact, I am not saying that language and national origin are the same.

Let me go ahead and try to respond, even though I am speaking to lawyers and I am not one, with some court cases that I think might clarify things for all of us.

Mr. SALAZAR. Mr. President, would my friend from Oklahoma yield for a question?

Mr. INHOFE. Mr. President, let me hold off yielding until I get through with what I am about to say. I was going to mention these this morning, but I would like to go ahead and say where I believe we are today in responding to the question that has already been asked. I think it speaks for itself, but let me see after reading these cases whether you agree with that or not.

Mr. SALAZAR. Mr. President, again, if I would like to ask a question of my friend from Oklahoma.

Mr. INHOFE. All right. I would rather wait until I am through, but go ahead.

Mr. SALAZAR. This is not on the substance—

The PRESIDING OFFICER. The Senator from Colorado is recognized to ask a question.

Mr. SALAZAR. Mr. President, what I would like to do as we move forward in this discussion is also lay down the amendment that I have which I believe accomplishes the objectives which have been articulated by the Senator from Oklahoma and, hopefully, after the Inhofe statement, I can lay down my proposed amendment I think addresses some of the questions we are talking about on the floor.

Mr. INHOFE. Mr. President, it is my understanding—we talked about this before the Senator came in—that we will have two amendments that we will be talking about, the Salazar amendment and the Inhofe amendment. They will be side by side. There will be a vote at 4:15. That vote will take place on my amendment first and then on the Salazar amendment, is my understanding.

Mr. SALAZAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, I would like to get into some of the legal background. For the legal analysis, let me start by mentioning Wesley Newcomb Hohfeld who was the author of the seminal Fundamental Legal Conceptions, a powerful and enduring analysis of the nature of rights and the implications of liberty. Hohfeld noted that rights correlate to duties. A has a duty to B if B has a right against A. If A has no duty, that means B has no right and A has liberty, are the terms that he used. Such Hohfeldian analysis applies here.

My amendment makes clear that nobody has a right or entitlement to sue the Federal workers or the Federal Government for services or materials in languages other than English. In Hohfeldian terms, the Federal Government only has the duty to offer X services and Y language if a statute creates that right. In other words, we are talking about English as the national language. We are talking about certain exceptions that are written into law, and we have said on page 2 that I have read several times, “unless otherwise authorized or provided by law.”

That means there are many cases where that would be the case. Again, such examples exist, such as the Voting Rights Act, which provides for bilingual ballots, and the Court Interpreters Act of 1978, which provides for translation services in the Federal courts.

Prior to 1978, there was no such act, and that was not the case. This does not change the decision in the change in law that took place in 1978.

For over 30 years, the courts have repeatedly rejected the attempts to equate a person’s language with their national origin in dozens of court cases and court decisions going back more than 30 years. Therefore, any expansion of the concept of national origin to encompass a theory repeatedly rejected by the Federal courts must come explicitly from Congress. It must be a law. It must be something that Congress proposes and passes and not be imposed by a flawed or arbitrary interpretation of the law. The Senate is stating that there is no right, entitlement or claim to services and materials in any language other than English. That is assuming we pass our amendment.

I will mention just three of the long, unknown line of court cases spanning over 30 years. In 1983 the Second Circuit Court of Appeals determined in Sobarol-Perez v. Heckler, which the Supreme Court let stand, that there is no right to government forms in languages other than English.

In 1994 the Second Circuit Court of Appeals determined in Toure v. U.S. that there is no right to government deportation notices in languages other than English.

The most recent United States Supreme Court case in this area is Sandoval v. Alexander, the Alabama driver’s license case. Justice Scalia wrote the decision in Sandoval in 2001.

The Supreme Court in Sandoval rejected the equation of language and national origin.

Indeed, the Federal courts have repeatedly considered and rejected just that exception to the law that there is no right to provide foreign language services and materials with a violation of the prohibition against national origin discrimination.
There is no support in the legislative history or judicial interpretations of title VI for the right or entitlement to Federal Government services or materials in languages other than English. Executive Order 13166 purported to interpret title VI, but it was written before the United States Supreme Court's decision in Sandoval.

This amendment now clarifies in Federal statute the line of cases culminating in the United States Supreme Court decision in the Sandoval case. Here we are discussing "the term ‘national origin’ as used by Congress in enacting the Executive Order 13166 because there is no legal basis for Executive Order 13166 that purported to direct services and materials in languages other than English. I state it again clearly: There shall be no right or entitlement to services or materials in languages other than English.

I ask unanimous consent additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE HISTORY

The legislative history does not support a language-based definition of national origin. The Supreme Court has noted that the legislative history concerning the meaning of national origin in Title VI of the Civil Rights Act of 1964 is "quite meager." Espinoza v. Farah Mfg. Co., 414 U.S. 86, 88 (1973). Nevertheless, "[t]he terms ‘national origin’ and ‘ancestry’ were considered synonymous." 414 U.S. at 89. Following debate on the 1964 Civil Rights Act, Representative Roosevelt stated: "May I just make very clear that ‘national origin’ means national origin in country from which you or your forebears came. You may come from Poland, Czechoslovakia, England, France, or any other country." 110 Cong. Rec. 2736 (1964).

The Supreme Court supports this assessment: "[t]he term ‘national origin’ on its face refers to the country where a person was born, or, more broadly, the country from which he or her ancestors came." EEOC v. Arcierno, 414 U.S. at 88; see also, Peci v. Hughes Helicopters, 840 F.2d 667, 672–73 (9th Cir. 1988) (persons of national origin are members of a protected class under title VII).

CASHISTORY

Federal courts have rejected attempts to equate a person's language with their national origin in dozens of court decisions going back thirty years. Therefore any expansion of the concept of national origin to encompass a theory repeatedly rejected by federal courts must come explicitly from Congress, and not be imposed by a flawed and arbitrary interpretation of the law.

The Supreme Court has never held that the language of a person is a classification equated to the person's national origin. Though this issue was briefed and discussed in Hernandez v. New York, 500 U.S. 352 (1991), the Court did not take a holding on this question. "Petitioner argues that Spanish-language ability bears a close relation to ethnicity, and that, as a result, it violates the equal protection clause. We need not address that argument here." 500 U.S. at 369. The Circuits, on the other hand, have rejected such an equation. See, e.g., Solis v. F. W. Woolworth Co., 538 U.S. 964 (2003); "A language-based classification is implicitly made, but it is on the basis of language, i.e., English-speaking versus non-English speaking individuals, and not on the basis of race or national origin. Language, by itself, does not identify members of a suspect class."

See, also, Toure v. United States, 24 F.3d at 446 (affirming Soberal-Perez and rejecting request for multilingual forfeiture notices). "A policy involving an English requirement, without more, is not discriminatory based on race or national origin." "An v. General Am. Life Ins., Co., 872 F.2d 426 (9th Cir. 1989) (table).

The one administrative interpretation linking language and national origin is the EEOC's arbitrary presumption against English-language workplace rules. 29 C.F.R. § 1606.7. The Supreme Court has never reviewed those purely administrative interpretations. But many other courts have reviewed and rejected them and their underlying equation of language and national origin. See, e.g., Garcia v. Span-Sheek, 586 F.2d 1489, 1489–90 (9th Cir. 1978) (1978) (per curiam) (EEOC Guidelines equating language and national origin were ultra vires); Vasquez v. McAllen Bag & Supply Co., 660 F.2d 686 (5th Cir. 1981) (upholding English-on-the-job rule for non-English-speaking truck drivers); Garcia v. Rush-Presbyterian St. Luke's Medical Center, 660 F.2d 1217, 1222 (7th Cir. 1981) (upholding English on-the-job rule for Executive Order 13166, including, but not limited to those federal regulations in the Federal Register (August 30, 2000).)

The Executive Order 13166 is based on the equation of a person’s language and that person’s national origin. Again, here we are making clear that there is no legal basis for Executive Order 13166. Neither is there any legal basis for federal regulations based on Executive Order 13166, including, but not limited to those federal regulations in the following list:

INDEX OF FEDERAL REGULATIONS ON EXECUTIVE ORDER 13166

CABINET-LEVEL DEPARTMENTS


Energy

Department of Energy: Ensuring Access to Federally Conducted Programs and Activities by Individuals with Limited English Proficiency (LEP) Plan DRAFT

EPA

EPA Factsheet

HHS


Strategic Plan to Improve Access to HHS Programs and Activities by Individuals with Limited English Proficiency (LEP) Persons (December 14, 2000).


Proposed HHS Regulations as published in the Federal Register (August 30, 2000).


The Executive Order 13166 is based on the equation of a person’s language and that person’s national origin. Again, here we are making clear that there is no legal basis for Executive Order 13166. Neither is there any legal basis for federal regulations based on Executive Order 13166, including, but not limited to those federal regulations in the following list:

INDEX OF FEDERAL REGULATIONS ON EXECUTIVE ORDER 13166

CABINET-LEVEL DEPARTMENTS


Energy

Department of Energy: Ensuring Access to Federally Conducted Programs and Activities by Individuals with Limited English Proficiency (LEP) Plan DRAFT

EPA

EPA Factsheet

HHS


Strategic Plan to Improve Access to HHS Programs and Activities by Individuals with Limited English Proficiency (LEP) Persons (December 14, 2000).


Proposed HHS Regulations as published in the Federal Register (August 30, 2000).


The Executive Order 13166 is based on the equation of a person’s language and that person’s national origin. Again, here we are making clear that there is no legal basis for Executive Order 13166. Neither is there any legal basis for federal regulations based on Executive Order 13166, including, but not limited to those federal regulations in the following list:

INDEX OF FEDERAL REGULATIONS ON EXECUTIVE ORDER 13166

CABINET-LEVEL DEPARTMENTS


Energy

Department of Energy: Ensuring Access to Federally Conducted Programs and Activities by Individuals with Limited English Proficiency (LEP) Plan DRAFT

EPA

EPA Factsheet

HHS


Strategic Plan to Improve Access to HHS Programs and Activities by Individuals with Limited English Proficiency (LEP) Persons (December 14, 2000).


Proposed HHS Regulations as published in the Federal Register (August 30, 2000).

“Standard Language Assistance to Persons with Limited English Proficiency (LEP)” U.S. Department of Health and
Mr. INHOFE. Mr. President, I know we can get bogged down. I suspect the reason this particular amendment that has been proposed numerous times in the past but not in the last 23 years, and that it is going to get bogged down on a lot of technical questions, is that perhaps some people do not want this amendment, so they come up with all kinds of technical reasons to oppose it. But what we are doing is declaring—we are making a declaration—that English is the national language for the United States of America.

We are taking in the exceptions, for example, the Court Interpreters Act. Before the Court Interpreters Act passed in 1978, defendants did not have a right to an interpreter. It was up to the Court’s discretion. The Court Interpreters Act protects already existing constitutional rights such as in the sixth amendment, the fifth amendment, the 14th amendment, amendments on due process. It is very important to know that is one of the many exceptions that is written into law. It is a very important exception.

You also have some exceptions found in the Voting Rights Act. Somebody mentioned this morning some disaster could take place in California, a tsunami or something such as that, and when that comes, obviously, if you are addressing Chinatown, it would be in Chinese. We know that. That protection is there.

I believe we have covered the legitimate concerns that are out there. I know there are those who do not want this to happen who are going to vote against this. I understand that. That is what this is all about. It has been 23 years since we had an opportunity to vote for it or against it. Those of you who want to vote against it, you are going to have your opportunity at 4:15 today. In the meantime I agree with the Presidents—almost every President of the United States going back long before Teddy Roosevelt. They may not want to have this. That is fine. Let them exercise their influence on every voter, each of the 100 Members of this body. That is the way the system works.

But I will say this. Jumping from the ones that I know that I have had experience with back in my city of Tulsa, the Hispanic population is very proud of the fact that they are going to learn English, and it should be our national language. As recently as 2 months ago, a Zogby poll, in March of 2006, found that 84 percent of Americans, including 77 percent of the Hispanics, believe English should be the official language of Government operations. In 2002, the Kaiser Family Foundation poll—which I think answers the question—found 91 percent of the foreign-born Latino immigrants agreed that learning English is essential to succeeding in the United States. In 2002, there is also a Carnegie/Public Agenda poll that found by a more than 2-to-1 margin, immigrants themselves say that the United States should expect new immigrants to learn English.

My favorite poll is this one. In 2004, the National Council of LaRaza found that 96.4 percent or somewhat 10.9 percent—agreed that the ability to speak English is important to succeed in this country. That is a no-brainer. We all know that. There is not a country you go to where that is not true.

I would say this. There are 50 other countries around the world today that have English as their national language. In these countries, they expect you, when you come to their country, to learn English. But if you go to another country, if it is Italy or France or any other country, you are expected to be able to communicate in their language.
In 1988, G. Lawrence Research showed 87 percent favored English as an official language with only 8 percent opposed and 5 percent not sure. That was 1988. Very consistent; about the same numbers. A 1996, national survey by Luntz Research asked, “Do you think English should be made the official language of the United States?” and 86 percent of Americans supported making English the official language and only 12 percent opposed and only 2 percent unsure. That was 1996.

In 2000 another Zogby poll, that was a different one than the one I quoted, but 92 percent of Republicans, 76 percent of Democrats, and 76 percent of Independents favored making English the national language. Again, that was a March poll of Zogby. It is consistent throughout.

You have some things working here. You have everybody wanting it, including the Latin community. You have more than half the States, 27 of the 50 States—27 States have accepted English as an official language, including Georgia. I might add. I say to my good friend from Colorado. Let’s see where Illinois is. Yes, Illinois. You don’t have a problem in Illinois. You already have it as a State concept that has been accepted.

So if you have 27 States, you have 51 other nations accepting English as the national language, you have all the polling data showing this is what people want, you have an exception made so no one is going to lose anything by doing it this way, then I can only come to the conclusion that you don’t want it as the national language.

That is fine. That is good. If that is the case, we are going to have a vote at 4:15 and make that determination.

Before I yield, let me ask how our time is coming along.

The PRESIDING OFFICER. The Senator from Oklahoma has 30 minutes remaining.

Mr. DURBIN. Will the Senator yield for a question?

Mr. INHOFE. I yield the floor at this point.

Mr. DURBIN. I yield the floor at this point.

Mr. DURBIN. I’ll take it on my time. The Senator made it clear. He has two parts of this amendment. The first part is, fundamentally, is legislation, the common, unifying language of our Nation? The answer is yes. His conclusion is that you can’t succeed in America without being English proficient. If that’s his amendment, that vote would be 100-0 nothing.

It is the second part, the part you called the technical arguments, that we find troublesome. You said, in the course of explaining the amendment, that you didn’t want to take away any existing rights of people in law, in court proceedings, for example, or going to vote, and I’m glad to hear that. But I want to ask you directly: Do you want to diminish any of the rights currently available to those living in our country under title VI of the Civil Rights Act of 1964, which prohibits discrimination based on national origin?

Mr. INHOFE. Do I personally want that? No, I don’t. This amendment doesn’t do that because it makes those exceptions available to what you are referring to is the law.

Mr. DURBIN. Let me ask you expressly and specifically, because you did refer to this. This was Executive Order 13166, issued by President Clin- ton in 1999, that the same title of the Civil Rights Act that I referred to. The Executive Order said that aGENcies of our Government had to make efforts to provide their services and materials to people with limited English proficiency.

Is it your intention with your amendment to, in any way, diminish the responsibilities and rights created by Executive Order 13166?

Mr. INHOFE. It is my understanding, I say to the Senator from Illinois, that the courts already have had some inter- pretations of that which perhaps are not the same as you are stating right now. What the courts have interpreted I stand behind because that means it is law. That is according to my amend- ment.

Mr. DURBIN. So will the Senator ac- cept an amendment to his amendment which says that:

Nothing herein shall diminish or expand any existing right or function of the law of the United States relative to services or materials provided by the Government of the United States in any language other than English?

Mr. INHOFE. You will have an opportu- nity to have that in your side-by-side amendment that will be voted on after mine. My answer is no because we have already massaged this language. A lot of people are supporting this. If I start changing things now, as you well know, when you go about protecting, and I won’t have the support I have right now. We will have an opportunity to vote on my amendment. Then we will have an opportunity to vote on whatever language you decide to put in, in your amendment.

Mr. DURBIN. I thank the Senator.

Mr. AKAKA. I agree that English is the common language of our Nation. Everyone should learn it, just as I be- lieve everyone should learn other lan- guages, and more about the world around them. But I must oppose the Inhofe amendment because it does not merely encourage learning the English language. I am concerned that this amendment will have far-reaching con- sequences and eliminate the rights of many Americans.

First of all, the Inhofe amendment is unnecessary. English is the de facto of- ficial language of the United States. In fact, according to the 2000 census, only 9.3 percent of Americans speak both English and another language fluently.

Second, the Inhofe amendment is di- visive. The sponsors of the amendment claim that this is needed to promote national unity. However, our common language is not what unifies this country. It is our common belief in freedom and justice. The first amendment to the Constitution ensures that we have the freedom of speech. We are free to speak in a language other than English. For those individuals who do not speak English, this amendment would deny U.S. citizens with limited English proficiency basic rights. For example, our country was founded on the belief that the people of this coun- try hold the power—they are the check on our Government. However, limiting services to the English language could deny people the right to exercise this power and receive essential Govern- ment services.

Moreover, children growing up in homes that speak languages other than English will feel stigmatized. As a young child, I was discouraged from speaking Hawaiian because I was told that it would not allow me to succeed in the Western world. My parents lived through the overthrow of the Kingdom of Hawaii and endured the aftermath as a time when all things Hawaiian, in- cluding language, which they both spoke fluently, had been significantly reduced. Traditions, were viewed as negative. I, therefore, was discouraged from speaking the language and practicing Hawaiian customs and traditions. I remember as a young child sneaking to listen to my parents so that I could maintain my ability to understand and speak Hawaiian language. My experience mirrors that of my generation of Hawaiians.

This is the same problem facing bi- lingual education. There is a push to stop the learning of other languages when individuals are young, when it is much easier to learn another language, but then we tell those same people that it is essential that they learn another language to preserve our national secu- rity. This is contradictory.

Third, the amendment sends the wrong message to our heritage commu- nities. After the terrorist attacks of 9/11, we sought out these individuals to help with our translation efforts; however, now we are telling them that we do not value their language enough to provide them with essential services in their languages. The ability to speak a foreign language is critical to our na- tional security, and we should not dis- courage individuals from learning another language.

Fourth, the Inhofe amendment could prohibit the Government from pro- viding emergency services in other languages or providing critical health and safety materials to non-English speak- ers since such programs may not be re- quired by law. People’s lives might be endangered by this amendment.

Finally, I worry that the very strength of our democracy is threat- ened by this amendment. I am proud to be an original cosponsor of S. 2703, a bill that extends title VI of the Civil Rights Act of 1965. Importantly, S. 2703 will continue to require bilingual voting assistance. Unless every citizen has access to the
Mr. SALAZAR. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself and Mr. DUBIN, Mr. KENNEDY, Mr. BINGHAM, and Mr. REID, proposes an amendment numbered 4073.

Mr. SALAZAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following: Notwithstanding any other provision:

SEC. 161. DECLARATION OF ENGLISH.

English is the common and unifying language of the United States that helps provide unity for the people of the United States.

SEC. 162. PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE.

The Government of the United States shall preserve and enhance the role of English as the common and unifying language of America. Nothing herein shall diminish or expand any existing rights under the law of the United States relative to services or materials provided by the government of the United States in any language other than English.

For the purposes of this section, law is defined as including provisions of the U.S. Code, the U.S. Constitution, Executive Orders.

(b) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the Language of Government of the United States.

Mr. KENNEDY. Mr. President, I yield 15 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Thank you, Mr. President.

Let me first say that the amendment I send to the desk is sponsored as well by Senators REID, DURBIN, BINGHAM, and KENNEDY.

I would like to start by reading the amendment in its basic entirety. I think that it reflects what it is we are talking about in the Chamber this afternoon. My amendment reads as follows:

English is the common and unifying language of the United States that helps provide unity for the people of the United States.

The government of the United States shall preserve and enhance the role of English as a common and unifying language of America. Nothing herein shall diminish or expand any existing rights under the law of the United States relative to services or materials provided by the Government of the United States in any language other than English.

That is the essential and substantive part of the amendment which we are sponsoring today.

As I start to speak about this amendment, I want to say this amendment is a unifying amendment because it speaks to the common language of America. It unifies us from whatever particular language or background we come from.

It is my hope that when we complete this debate today we could have 100 Senators standing up in support of this amendment.

Let me say, for me—as we have approached this debate over immigration and as we approach this debate over official English and other aspects of proposals that have been offered by my friend from Oklahoma—it has been also a time for me to reflect back to the history of America and to the history of my own family in this country. My family came in and founded the city of Santa Fe in 1598, 408 years ago. And the language that is still the language of my home—the language still spoken on our ranch 110 miles north of Santa Fe—is still the spoken language from the 12th and 13th centuries. It is a very old language.

I remember during those days when I was a young man going to school in the 1960s in Conejos County, in the southern part of Colorado, those who spoke Spanish in our school were punished because of the fact they spoke Spanish. And we see today where young people would have their mouths washed out with soap because of the fact they happened to be speaking a language other than English in the public school. I have seen these kinds of incidents throughout a lifetime of personal experience.

I think those kinds of incidents and those kinds of experiences run counter to what America is all about. America becomes richer and stronger because of our diversity. We have learned through the hard times of history that America is stronger when it stands together, when we find those issues that unite us as opposed to those issues that divide us.

We found those issues that divided us in the Civil War and over half a million Americans died in that war. We found those issues that divided us in the era of segregation that led to Brown v. Board of Education and led to the Civil Rights Act of the 1960s. Those acts were intended to bring us together as a country.

My fear is that the proposal which has been presented by my good friend from Oklahoma will serve to divide this country and not unite the country. That is why the amendment I have offered, along with my colleagues, is intended to be an amendment that says we believe the English language is the common language of the United States and that it is a unifying language of the United States and we stand behind that language as the common language of America.

Let me also make a couple of observations regarding Senator INHOFE's amendment.

First, when you read the language itself and read the technical language of it, you have to ask yourself the question: Why is that language there?
You can read in the second part of the second page of his amendment essentially the language that says ‘no official will communicate, provide services, or provide materials in any language other than English.”

I know there have been exceptions written into the language to try to accommodate times and places where the language other than English might have to be spoken.

We have to ask the question: Why is the language written the way it is which says it is in these narrow, tailored exceptions where we will make the exception that a language other than English can be spoken?

It causes me concern because I am not exactly sure what that means. If I am a public official working in law enforcement for one of our Federal agencies, if I work for the U.S. Postal Service, or wherever I might work in any agency of the Federal Government, I might read the language that says officials cannot communicate or provide materials in a language other than English. As someone who might not be a law enforcement official serving within the Federal Government, it might give me a signal—and I think it would—and lots of our Federal employees the signal that perhaps providing services to the citizens of the United States in a language other than English is wrong and violative of the rule of law.

They will not have the opportunity that we have had today to go through the fine review of this legislation in the way we have, and even after having gone through that fine review of this language there are still many of us who have questions as to how this proposed amendment will take away rights from the people of America.

As I was listening to my friend from Oklahoma speak about the importance of this amendment, one of the things he said is that he thought it was important that we stand together in opposition to any form of discrimination. For sure, we can all agree in this Chamber that we are not to discriminate against someone because they happen to be Irish or French or if they happen to be of Mexican descent, whatever it is; we stand united in this country’s belief in the proposition that we oppose any kind of discrimination based on national origin. Yet, it seems to me, from what I was hearing from my friend from Oklahoma, that the same language applies with respect to language discrimination; if you happen to speak a language other than English, or if you happen, perhaps, to have an accent that indicates you may be of a native tongue that is other than English, that perhaps discrimination on the basis of language then would be sanctioned under our law in America. That is not the American way. The American way is to say that we are a stronger country when we recognize the diversity of our population and accommodate those who are different among us, and that we create a much stronger country when we stand together.

I believe the amendment which Senator INHOFE has proposed will create division within the country. I think it is putting a finger on a problem that does not exist today.

The statistics which Senator INHOFE cited from the National Council for Larussa, indicates that most Americans, including most Hispanics, speak English. The National Council for Larussa cites a GAO study in which it was consistently found that U.S. Government documents are printed in English only. In fact, less than 1 percent of U.S. Government documents are published in any language other than English.

They also found that the English language is not under attack in our country. In the U.S. census findings, they found that 92 percent of Americans had no difficulty speaking English. We also found in poll after poll that immigrants in America come because they want to learn English. They want to learn English. They want to assimilate into our society because they know that English is, in fact, a keystone to opportunity.

The Inhofe amendment does nothing in terms of including or encouraging people to move forward and learn the English language. We are already a country that speaks English. Senator INHOFE’s amendment does not do anything with respect to moving the English language acquisition forward.

Let me finally say that it is just true there are many States that have made English their official language. I believe that English being made the official language is also a matter of States rights. It is true that in my State of Colorado, as well as in other States, English has been adopted as the official language of those particular States. I believe we ought to leave it to the States; let the States decide we are a Federal system. I think States ought to decide the way we ought to go with respect to dealing with this issue.

Let me conclude by saying the amendment which I have proposed, along with my colleagues, Senators REID, DURBIN and BINGAMAN, is an amendment that would unify America and not divide our country.

I hope my colleagues will join me in supporting the amendment which we have offered and oppose the Inhofe amendment.

Yield the floor.

The PRESIDENTING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I yield as much time as the Senator from Tennessee requires.

The PRESIDENTING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, first, let me say to my friend from Colorado that if we were to take all 100 of us who are in the Senate, some of whose families have been here for a number of years, I would judge, have families who have been in the United States for longer than Senator SALAZAR’s family—for 11, 12, or 13 generations. It is a source of great pride to serve with him.

He and I discussed this amendment. I understand his passion and feeling about it. But what I would like to do in a few minutes is take exactly the opposite view. It is an amendment offered by the Senator from Colorado because I do not see how the United States of America can be unified unless we have a national language. That is all this is about. The Inhofe amendment is not an official English amendment. It is not an amendment to declare English the official language of the United States, which 27 States have done. It does not require that all government documents even be printed in English. It could have done that, but it doesn’t.

It simply says English is the national language of the United States, period. That is the first thing it says. Then it has a provision that talks about the importance of encouraging the learning and understanding of English. It has a provision which, the way I read it, says that nothing prevents the government from rendering services in languages other than English.

That would mean that in a whole variety of areas where the Congress last made a decision—whether it is the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Bilingual Education Act of 1967, the provision that Senator Robert Kennedy put into the law recognizing the unusual circumstances of Puerto Ricans who moved from Puerto Rico to one of the 50 States—or an Executive order by any President, this amendment wouldn’t change any of that. That is the whole point of the amendment. It is just to say this is our national language.

Then it says that someone does not have the right to sue to get services in another language unless it is provided by law. It doesn’t diminish a right already established by law.

It does one other important thing. It draws on the beginnings of an amendment by Senator SESSIONS about the citizenship requirements that have been in our citizenship process. It seeks to make those stronger.

Senator SESSIONS is not the only one in this Senate interested in that. There is probably no one in this Senate more interested in that than the distinguished Senator from Massachusetts, who is not only interested in American history, but his family has a place in it.

We have worked together in a variety of ways to try to get a clearer understanding of U.S. history among our children, among our citizens—not because we want to punish them, but because we have such a unique and diverse country that it is critical that we all understand these common unifying principles which come from our history. It’s the source of leadership today: rule of law, equal opportunity, laissez-faire, E pluribus unum. We are not pro-immigrant or anti-immigrant;
May 18, 2006

CONGRESSIONAL RECORD — SENATE

S4759

we just have four principles on which we all agree, and we are trying to put them together into a bill. Those are the things which unite us as a country, along with one other thing, and that is our common national language.

The second part, the Inhofe amendment has in it language to help improve the citizenship exam that legal immigrants take to become citizens, of which 541,000 did last year. It is good language, language which was in the legislation Senator KENNEDY, Senator REID, and others worked on with many others a couple of years ago to help create summer academies for outstanding teachers and students of American history. We tried to define the history we were talking about in the sense of key ideas, key documents such as the Declaration of Independence, the place from which come our unified principles.

Here are the differences between the amendment from the Senator from Colorado, the Inhofe amendment, and another amendment from the Senator from Connecticut. There are four differences. It is important for colleagues to understand.

Senator INHOFE’s amendment declares that English shall be the national language. The Senator from Colorado is adding the word ‘exclusive.” He does not want it to say that. He says “common and unifying” language. I prefer the wording of the Inhofe amendment because while English is our common language, it is more than that. It is the common language of a number of countries, but English is also part of our national identity. It is part of our blood. It is part of our spirit. It is part of what we are. It is our national language. That is one difference.

No. 2, the Salazar amendment does not include the provision that is in the Inhofe amendment that says that for all those people here illegally who may become lawful and put on a path to citizenship, the sponsors, it says those persons must learn English. The Inhofe amendment strengthens that requirement. Currently, in the underlying bill, simply says they must be enrolled in school to learn English, and the Inhofe amendment strikes that, so those persons have to learn English in order to be here lawfully. That is very important.

This large number of 10 million or so people who are here illegally who may become lawful and put on a path to citizenship is the goal of the sponsors, it says those persons must learn English. The Inhofe amendment strengthens that requirement. Currently, in the underlying bill, simply says they must be enrolled in school to learn English, and the Inhofe amendment strikes that, so those persons have to learn English in order to be here lawfully. That is very important.

The third difference is the Salazar amendment completely takes out the excellent work Senator INHOFE and Senator SESSIONS did, much of the language having been borrowed from work that Senator KENNEDY, Senator REID, and others worked on, which tried to improve the citizenship exam. This may not be an intention of the Salazar amendment, but it does it. It takes out the language that says the test should mention key documents, such as the Constitution, the Bill of Rights, the Emancipation Proclamation, and key events such as the American Revolution, the Civil War, the world wars, the civil rights movement, and the key ideas and key documents.

Why is that important? Because we are not a nation based on race, we are not a nation based on ancestors; we are a nation based on common and unifying language. So I prefer an amendment that has those provisions in there. That is the third reason.

The fourth, as I read it, suggests that Executive orders issued by the President are just like statutes. Constitutional lawyers would have a problem with that.

A vote for the Inhofe amendment is a vote to say English is our national language. It is a vote to say that those who may not be here legally, who are here illegally, are not required now for the legislation that is the goal of the sponsors, it says those persons must learn English. The Inhofe amendment strengthens that requirement. Currently, in the underlying bill, simply says they must be enrolled in school to learn English, and the Inhofe amendment strikes that, so those persons have to learn English in order to be here lawfully. That is very important.

This large number of 10 million or so people who are here illegally who may become lawful and put on a path to citizenship is the goal of the sponsors, it says those persons must learn English. The Inhofe amendment strengthens that requirement. Currently, in the underlying bill, simply says they must be enrolled in school to learn English, and the Inhofe amendment strikes that, so those persons have to learn English in order to be here lawfully. That is very important.

The third difference is the Salazar amendment completely takes out the excellent work Senator INHOFE and Senator SESSIONS did, much of the language having been borrowed from work that Senator KENNEDY, Senator REID, and others worked on, which tried to improve the citizenship exam. This may not be an intention of the Salazar amendment, but it does it. It takes out the language that says the test should mention key documents, such as the Constitution, the Bill of Rights, the Emancipation Proclamation, and key events such as the American Revolution, the Civil War, the world wars, the civil rights movement, and the key ideas and key documents.

Why is that important? Because we are not a nation based on race, we are not a nation based on ancestors; we are a nation based on common and unifying language. So I prefer an amendment that has those provisions in there. That is the third reason.

The fourth, as I read it, suggests that Executive orders issued by the President are just like statutes. Constitutional lawyers would have a problem with that.

A vote for the Inhofe amendment is a vote to say English is our national language. It is a vote to say that those who may not be here legally, who are here illegally, are not required now for the legislation that is the goal of the sponsors, it says those persons must learn English. The Inhofe amendment strengthens that requirement. Currently, in the underlying bill, simply says they must be enrolled in school to learn English, and the Inhofe amendment strikes that, so those persons have to learn English in order to be here lawfully. That is very important.

This large number of 10 million or so people who are here illegally who may become lawful and put on a path to citizenship is the goal of the sponsors, it says those persons must learn English. The Inhofe amendment strengthens that requirement. Currently, in the underlying bill, simply says they must be enrolled in school to learn English, and the Inhofe amendment strikes that, so those persons have to learn English in order to be here lawfully. That is very important.

The third difference is the Salazar amendment completely takes out the excellent work Senator INHOFE and Senator SESSIONS did, much of the language having been borrowed from work that Senator KENNEDY, Senator REID, and others worked on, which tried to improve the citizenship exam. This may not be an intention of the Salazar amendment, but it does it. It takes out the language that says the test should mention key documents, such as the Constitution, the Bill of Rights, the Emancipation Proclamation, and key events such as the American Revolution, the Civil War, the world wars, the civil rights movement, and the key ideas and key documents.

Why is that important? Because we are not a nation based on race, we are not a nation based on ancestors; we are a nation based on common and unifying language. So I prefer an amendment that has those provisions in there. That is the third reason.

The fourth, as I read it, suggests that Executive orders issued by the President are just like statutes. Constitutional lawyers would have a problem with that.

A vote for the Inhofe amendment is a vote to say English is our national language. It is a vote to say that those who may not be here legally, who are here illegally, are not required now for the legislation that is the goal of the sponsors, it says those persons must learn English. The Inhofe amendment strengthens that requirement. Currently, in the underlying bill, simply says they must be enrolled in school to learn English, and the Inhofe amendment strikes that, so those persons have to learn English in order to be here lawfully. That is very important.

This large number of 10 million or so people who are here illegally who may become lawful and put on a path to citizenship is the goal of the sponsors, it says those persons must learn English. The Inhofe amendment strengthens that requirement. Currently, in the underlying bill, simply says they must be enrolled in school to learn English, and the Inhofe amendment strikes that, so those persons have to learn English in order to be here lawfully. That is very important.
Mr. ALEXANDER. The differences I see in the two amendments are, No. 1, the Salazar amendment says no to making English our national language. It uses another description. No. 2, it says no to the requirement that immigrants who are illegally here and who may wish to seek citizenship should learn English before they go on that path to citizenship. And it says no to the provisions in the Inhofe amendment which improve the citizenship test, requiring those who become citizens to learn the key events, key dates, key documents, key ideas of our history.

The Inhofe amendment is well within the mainstream of 90 to 95 percent of the thinking of the American people. It is a valuable contribution. It is a restrained proposal. It does not seek to change any existing right that someone might have to receive services from the Government in some other language.

Mr. INHOFE. Mr. President, I know the minority leader has several speakers who want to speak. I also know that virtually everyone on our side is wanting to stay with the 4:15 vote.

Mr. BINGAMAN. Mr. President, I yield the floor.

Mr. INHOFE. Well, I yield the floor to Senator Kennedy.

Mr. KENNEDY. I yield 10 minutes to the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague from Oklahoma. He has been putting forward a position that I think is very close to the position of my own State constitution which I think is pretty close on this issue. It says: In all criminal prosecutions the accused shall have the right to appear and defend himself in person, and by counsel, to demand the nature and cause of the accusation, to be confronted with the witnesses against him, to have the charges and testimony interpreted to him, and in a language that he understands.

Now, I know there is a Federal law that says the same kind of thing today. So it falls under one of the exceptions that is provided for in the Inhofe amendment.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. BINGAMAN. Right.

Mr. INHOFE. Those protections are specifically exempted on page 2.

Mr. BINGAMAN. Mr. President, let me explain my time and indicate I said that very thing. I am not disagreeing with the Senator from Oklahoma. He has pointed out there are legal provisions that make an exception to his general rule, and the exception in this case is that you are entitled to have the Government provide interpretation when you are accused of a crime and you are trying to defend yourself in court.

All I am saying is, why are we writing into law a general rule that you are not entitled to communicate with your Government or have your Government communicate with you in any language other than English, except where we provide for it? I think that is a mistake. It is directly contrary to what my own State constitution does. It is directly contrary to the sentiment behind my State constitution.

We have the Native American Languages Act where Congress specifically said that there is considerable evidence that student achievement and performance and community and school pride and educational opportunity are tied to respect for the first language of the child or the student. And we talk there about that Native American languages shall not be restricted in any public proceeding.

Well, you can say: OK, now, we have already written a law that protects the rights of Native American languages to be used in public proceedings. So that is not a problem.

I do not know that I want to have to have this Congress write a law to cover every circumstance that might arise where an American wants to communicate with his or her agent in some language other than English. I think it is a bad precedent for us. I think it is contrary to the history of my State. It is certainly contrary to that.

I hope very much we will resist this amendment. I think this is a nonproblem. I do not know why we are spending most of the day debating an issue of this type, except to say to people who do not speak English. You are not going to be entitled to the full rights that other citizens are entitled to.

Clearly, that is true economically. We all know that. We all know you cannot succeed economically in this country in a full way unless you can speak English, and probably speak English with adequate proficiency. But I do not think as a legal matter we need to be writing statutes into the Federal law that say if you are not speaking English, you are entitled to fewer rights, you are entitled to fewer legal rights than other citizens are, and we want to remind you of it.

In fact, as to this amendment, it is very interesting, because it says: Look, there are exceptions where we will allow you to use other languages, or the Government will agree to communicate with you in other languages, but...
Mr. SALAZAR. Mr. President, I ask unanimous consent that my amendment be modified with the change that is at the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so ordered. The amendment (No. 4073), as modified, is as follows:

At the appropriate place insert the following:

Notwithstanding any other provision:

SEC. 161. DECLARATION OF ENGLISH.

English is the common and unifying language of the United States that helps provide unity for the people of the United States.

SEC. 162. PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE.

The Government of the United States shall preserve and enhance the role of English as the common and unifying language of America. Nothing herein shall diminish or expand any existing rights under the law of the United States with respect to materials provided by the Government of the United States in any language other than English.

For the purposes of this section, law is defined as including provisions of the U.S. Code, the U.S. Constitution, controlling judicial decisions, regulations, and controlling Presidential Executive Orders.

(a) FINDINGS.—The Senate makes the following findings:

(1) Under United States law (8 USC 1423 (a)), lawful permanent residents of the United States who have immigrated from foreign countries must, among other requirements, demonstrate an understanding of the English language, United States history and Government, to become citizens of the United States.

(2) The Department of Homeland Security is currently conducting a review of the testing process used to ensure prospective United States citizens demonstrate knowledge of the English language and United States history and government for the purpose of redesigning said test.

(b) CONFORMING AMENDMENT.—The Senate makes the following conforming amendment:

The Senate makes the following conforming amendment:

(1) Under United States law (8 USC 1423 (a)), lawful permanent residents of the United States who have immigrated from foreign countries must, among other requirements, demonstrate an understanding of the English language, United States history and Government, to become citizens of the United States.

(2) The Department of Homeland Security is currently conducting a review of the testing process used to ensure prospective United States citizens demonstrate knowledge of the English language and United States history and government for the purpose of redesigning said test.

(c) PROVISIONAL PERIOD.—For the purposes of this section only, the following words are defined:

(1) KEY DOCUMENTS.—The term ‘key documents’ means the documents that established or explained the foundational principles of democracy in the United States, including the United States Constitution and the amendments to the Constitution (parliamentary style of presentation), the Bill of Rights, the Declaration of Independence, the Federalist Papers, and the Emancipation Proclamation

(2) KEY EVENTS.—The term ‘key events’ means the critical turning points in the history of the United States (including the American Revolution, the Civil War, the world wars of the twentieth century, the civil rights movement, and the major court decisions and legislation) that contributed to extending the promise of democracy in American life.

(3) KEY IDEAS.—The term ‘key ideas’ means the ideas that shaped the democratic institutions and heritage of the United States, including the notion of equal justice under the law, freedom, individualism, human rights, and a belief in progress.

(4) KEY PERSONS.—The term ‘key persons’ means the men and women who led the United States as founding fathers, elected officials, scientists, inventors, pioneers, advocates of equal rights, entrepreneurs, and artists.

(5) GOALS FOR CITIZENSHIP TEST REDIGN.—The Department of Homeland Security shall establish as goals of the testing process designed to comply with provisions of §8 U.S.C. 1423 (a) that prospective citizens:

(1) Demonstrate a sufficient understanding of the English language for usage in everyday life.

(2) Demonstrate an understanding of America’s common values, including the principles of the Constitution of the United States, the Pledge of Allegiance, respect for the flag of the United States, the National Anthem, and voting in public elections.

(3) Demonstrate an understanding of the history of the United States including the key facts, key people, and key documents that shaped the institutions and democratic heritage of the United States;
(4) Demonstrate an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States; and

(5) Demonstrate an understanding of the rights and responsibilities of citizenship in the United States.

(d) IMPLEMENTATION.—The Secretary of Homeland Security shall implement changes to the testing process designed to ensure compliance with (8 U.S.C. 1423 (a)) not later than January 1, 2008.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Vermont.

Mr. LEAHY. Mr. President, I have spoken several times in the course of this debate about my belief that immigrants should learn the English language. In my experience, most new Americans want to learn our language and make efforts to do so as quickly as possible. The bill that we are debating calls for immigrants to learn English as one of the several steps they must take before they can earn citizenship.

We know that English should be the common language of the United States, but by making English the “national” language, the Inhofe amendment goes too far. The amendment was modified to remove a ban on publishing official documents in any language but English, so good communities should be striving for. We should not be mandating artificial and shortsighted restrictions on State and local government.

I regret, however, that the amendment continues to include language that strongly discourages the use of other languages to inform residents and continues to treat those who speak another language as second-class citizens. We would do better to recognize our diversity and provide greater opportunities to those for whom English is a second language to become more fluent.

My mother spoke Italian as a child and learned English when she went to school. My wife grew up in a family that spoke French. She began speaking English when she started going to school. Both were helped throughout their lives by being completely and totally bilingual as a result.

Mr. KENNEDY. Mr. President, if the Senate will yield, we are trying to find out how much time the Senator wants.

Ten minutes, does that work?

Mr. LEAHY. Mr. President, I tell the distinguished Senator from Massachusetts, I will have a total amount of 10 minutes.

Mr. KENNEDY. I thank the Senator.

Mr. LEAHY. Mr. President, information is vital and sometimes lives depend on it. Is it not in the interests of all Americans to have every member of our society as well-informed on matters of health, safety and our democracy as possible? Do we really want to restrict government publications and communications, such as those on disaster preparedness, public health concerns, if there is an avian flu pandemic, to English only? We have recently seen the extensive and effective reach of Spanish radio in this country. Would we not want to employ that resource in our schools and tie our test to one hand and require Congress to pass a special statute every time health and safety materials, for example, would be useful?

We already have statutes that call for bilingual election materials to assist language minorities in accordance with our commitment to making participation in voting fair and meaningful. We know that there are many circumstances in which effective access to information requires communications in many ways and many languages.

Would it not have been useful for the President to try to sell and explain the Medicare drug benefit plan with all its complications and permutations in many languages? How many benefits would the most possible beneficiaries? Do we really intend to require such obviously beneficial actions to need a special statutory authorization? Should we review agency requirements to take account of how many Americans speak English off our airlines and automobiles and dangerous equipment? Are we going to stop providing court translators and require all court proceedings, which are themselves official proceedings, to occur in English, only to the detriment of fairness and justice?

Are we going to go back into the CONGRESSIONAL RECORD and scrub the statements of Senators MARTINEZ and others who have used Spanish here on the floor? If I recall correctly, the Senator from Oklahoma has spoken on this floor in Spanish. Would this amendment make his use of Spanish illegal—or does the Constitution’s “speech and debate” provision mean that the rule that he is asking us to adopt applies to everyone else but not to Senators?

Now, the distinguished Senator from Tennessee is on the Senate floor. It was only a few weeks ago that we worked together to adopt the Alexander amendment to S. 2454, the immigration bill we debated in April. The text of Senator ALEXANDER’s amendment is included in S. 2611, the bill before us now. The Alexander amendment created a grant program to promote the integration of immigrants into American democracy by teaching civics, history and the English language.

That is the right approach for America to take. The Inhofe amendment takes the opposite approach, the wrong approach and has the effect of stigmatizing those who grew up where Spanish or Chinese or other great languages were spoken. It risks driving a wedge between communities. This is contrary to our values and what we should be seeking to do. Do we really want to teach English with this important legislation?

I recognize that not every State is like my home State of Vermont, where the majority of residents speak English. Even in my State, however, there are many families who first came to America speaking only French. My parents-in-law were proud American citizens. They spoke French at home, and that was the first language of my wife and her grandparents. We emigrated from Italy speaking Italian. That was the first language of my mother until she went to school. We are proud of that.

In prior generations, we welcomed large groups of Irish, Italians, Eastern Europeans, and in recent years, immigrants and refugees from Africa, Asia and many other parts of the world. I wish my French was better. I wish my Latin was more polished. I wish I knew more than a few words and phrases in Chinese and Spanish.

On Monday night, the President spoke eloquently about the need to help newcomers assimilate and embrace our common identity. He spoke of civility and respect for others and said, "America belongs to all of us." Are we really going to tell people that their language is a second-class citizen? Is it not in the interests of our society as well-informed on matters of health and safety and our democracy as possible? Do we really want to restrict government publications and official documents in any language but English off the populus unum" as the French flag includes the phrase “Ense suprema lex esto”; the Michigan flag includes not only “e pluribus unum” but also “Circumspice...” and “Si quaevis amicae spectet (...et suprema lex esto)” the flag of New York includes the expression “Excelsior”; the Virginia flag includes the
Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

I think those who have been listening to this debate understand what this discussion is about. On one hand, we have the amendment of the Senator from Colorado, which is effectively a way to unite all of us, and on the other hand, we have the Inhofe amendment that is a way that is going to divide us. The language couldn't be clearer. From the Salazar amendment:

English is the common and unifying language that helps provide unity for the people of the United States.

It is clear.

Preserving and enhancing the role of the English language. The Government of the United States shall preserve and enhance the role of English as the common and unifying language of America.

On the other hand, we have the Inhofe amendment that has the statement:

Unless otherwise offered or provided by 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.

We have had a debate about how that applies or whether it doesn't apply, and we have a mixed debate on the floor.

I would be impressed if the Inhofe amendment had provided some resources to help those who are limited English speaking to be able to learn English. In the immigration legislation before the Senate, we have the requirement, except otherwise provided in this title, that can be naturalized upon their application without understanding the English language, including the ability to read, write or speak the English language. That is what we have said. That is underlined. That is what we are committed to.

Now, we have this amendment which is effectivity a limiting one. In Alaska, the Catholic Charities reports 1,000 people on their waiting list and a waiting time of 12 months to learn English. Is there anything in the Inhofe amendment that will help those people? No, there is not. In May, in Arizona, there are 16,000 adults on the ESL list waiting to learn English. It is 2 to 3 years. Anything in the Inhofe amendment to help those people who want to learn English? No. There is nothing. In Phoenix, AZ, in the Rio Solado community, over 1,000 are waiting 18 months. The list goes on. In New York, 12,000 are waiting. All of these individuals are waiting to study English. But does their amendment do anything about that? No. We can't help people to get to the point where English is their language.

What did the 9/11 Commission say. It said we lacked sufficient translators. It also had a provision in the 9/11 Commission report that we ought to give emphasis to other languages and that that was in our national security interest. It is on page 415, developing a stronger language program with high standards. Do you think that is consistent with the Inhofe amendment? Of course, it is not consistent with the Inhofe amendment.

We have outlined the requirements in this legislation that have to be met. It is very clear that an understanding of the English language, the ability to read and write and to speak, that is the requirement, a restatement of the importance of developing and keeping consistent with a common and unifying language, which is English. I don't understand those who say that English is a part of our national identity. Is that more a part of our national identity than our common commitment to liberty or fairness or decency or opportunity? Are we going to say we are the only ones who own those? Other countries don't own those values; it just belongs to the United States?

The Salazar amendment states effectively and well what we as a nation are committed to. It deserves to be supported. It defines English as the common and unifying language, guarantees that nothing shall diminish existing rights relative to services and materials in a language other than English. I urge my colleagues to reject the Inhofe amendment and support the Salazar amendment.

I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mr. INHOFE. Mr. President, I have and I have spoken about this amendment. As I said to him when he first decided to offer it, is there any question in anybody's mind that in America we speak English, and that is the language of the country? If you ask any person in this country, they will say English. If you ask any foreigner, they will say English. So the question is: Why do we have to say that English is the language that we speak in America? Are we that insecure about ourselves? Of course, it is. We are a nation of many who proudly keep their own culture. But, of course, English is our language.

If we have to say that it is your language, fine with me. Fine, I have no problem with it. In other words, if there are those who believe we have to now tell people what they already know, fine. But I want to do it in a way that unites us, not in a way that sets up some unintended consequences.

Even though my friend from Oklahoma would not agree that there are unintended consequences, I think there are. For example, he said 50 minutes of the floor of the Senate in Spanish. And he went and he translated them so they appeared in English. Did he go over and did he dub in the videotapes? Because the videotapes will show the speech in Spanish. Is he breaking the rule then by not going up and hiring someone to dub in his words? What if there is an outbreak of a pandemic and it is moving quickly and there is no Federal law saying that you can't let people know in a series of different languages to protect our people and we didn't have time?

What if there is a terrorist attack, God forbid, and we are not even here, and we need to spread the word and the 9/11 Commission had no law, no law to let people know in a series of languages to protect our people and we didn't have time?

I know my friend tried hard to get us all to unify, but I have to say, if that

phrase “Sic semper tyrannis”; the flag of West Virginia includes the phrase “Montani semper liberi”; and the Wisconsin flag also includes the phrase “e pluribus unum.”

I see the distinguished Presiding Officer, the Senator from Minnesota, and I remind the Senate that the State of silver.

serves as the State motto of West Virginia includes the phrase oro y plata,” a Spanish phrase that serves as the State motto “gold and silver.”

Do we in this Senate mean to demand that the States change their State flags to eliminate Latin and French? Do we really mean to frown on their use? Or is it only Latin and French? Do we really mean to demand that we wish to denigrate? In that case, I remind the Senate that the State of Montana includes on its flag the phrase ‘L’etoile du Nord.’

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from California.

Mrs. BOXER. Mr. President, Senator INHOFE and I have spoken about this amendment. As I said to him when he first decided to offer it, is there any question in anybody's mind that in America we speak English, and that is the language of the country? If you ask any person in this country, they will say English. If you ask any foreigner, they will say English. So the question is: Why do we have to say that English is the language that we speak in America? Are we that insecure about ourselves? Of course, it is. We are a nation of many who proudly keep their own culture. But, of course, English is our language.

If we have to say that it is your language, fine with me. Fine, I have no problem with it. In other words, if there are those who believe we have to now tell people what they already know, fine. But I want to do it in a way that unites us, not in a way that sets up some unintended consequences.

Even though my friend from Oklahoma would not agree that there are unintended consequences, I think there are. For example, he said 50 minutes of the floor of the Senate in Spanish. And he went and he translated them so they appeared in English. Did he go over and did he dub in the videotapes? Because the videotapes will show the speech in Spanish. Is he breaking the rule then by not going up and hiring someone to dub in his words? What if there is an outbreak of a pandemic and it is moving quickly and there is no Federal law saying that you can't let people know in a series of different languages to protect our people and we didn't have time?

What if there is a terrorist attack, God forbid, and we are not even here, and we need to spread the word and the 9/11 Commission had no law, no law to let people know in a series of languages to protect our people and we didn't have time?

I know my friend tried hard to get us all to unify, but I have to say, if that
was what he wanted to do. Senator SALAZAR has put together an excellent amendment. English is the common and unifying language of the United States that helps provide unity for the people of the United States. That is a beautiful statement. It says that English is our common language. But he doesn’t set up an issue in his amendment, which I have read very carefully, that can have the unintended consequence of coming back to bite us. His particular amendment unifies us. I thank him for that very much, coming from a State that has great diversity, the great State of California. I thank him for his hard work.

I yield the remainder of my time to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, again, it is a beautiful statement in opposition to an amendment that doesn’t exist. When the Senator from California talks about an emergency and an emergency evacuation, I previously used the example of California because I suspected she might be coming down. That is, if there is an evacuation or some emergency, it can be done in Chinese so Chinese people can all evacuate. That is not a problem.

Yet when I spoke on the floor in Spanish, the only reason I had to translate it is because that is one of the rules of the Senate. It has nothing to do with this bill. That would not be affected in any way.

I yield to the Senator from South Carolina 8 minutes.

Mr. GRAHAM. Mr. President, this is a debate which you wonder why you are having it the more we talk about it. How did we get here from where we started?

Let me suggest that what Senator INHOFE was trying to do here is important. Senator BINGAMAN, my good friend from New Mexico—I disagree with him that this is not that big a deal in terms of its importance to the bill or the debate. I think it is a very important part of the debate. I appreciate Senator INHOFE putting it on the floor of the Senate. We will talk about what I think the amendment does and does not do. Let’s talk about why it is important to the debate.

One thing we have to remember is that the underlying bill that came out of June 2005, the McCain-Kennedy concept as changed by Hagel-Martinez, which I support and I think is a good solution for a real problem for America, has as one of the provisions that if you will come out of the shadows and you raise your hand and say: Here I am, I am undocumented, the bill allows you a path to citizenship with several requirements before you can ever apply for citizenship. One of those requirements is that you come out of the shadows, and for a 6-year period you can work here, but you have a $2,000 fine. I think that is fair. I don’t think that is being oppressive. That is making people pay for violating the law. It is a punishment that is consistent with a nonviolent offense.

Another condition is that you must learn English. Why did we make that a condition of coming out of the shadows? I think Senator KENNEDY and Senator BINGAMAN are aware of the Democrat side of the aisle—the Democratic side of the aisle—understands that to require an illegal immigrant to learn English is not unfair. If we thought it was unfair, we should not have put it in the bill. Why did we put it in the bill? We realize as a body the best you can do for people coming out of the shadows is challenge them and help them learn English so they can be value added to our country and they can survive in our economy.

It is true that the Inhofs amendment doesn’t provide any resources, nor does the Salazar amendment. The reason neither one provides resources to learn English is that we have already done that with my good friend, Senator ALExANDER from Tennessee. We put a requirement on the undocumented illegal immigrant to learn English but in a true American fashion. We have put some resources—a $500 grant—on the table which will help meet that obligation.

Here is the important point. If you fail to pass the English proficiency exam, you will be deported. Under the bill, if you fail to pass the English proficiency exam, probably the worst advocate in the country for the English language—you can be deported. That is not unfair. That is not too hard. That is just. So if you are willing to make everybody come forward and learn English, and if they fail you are going to deport them, why can we not say as a body that the Government of the United States shall preserve and enhance the role of English as the national language of the United States of America? If we are willing to deport people who aren’t able to say English, surely we should stand behind the concept as a nation that it is in our best interest for people to learn English.

Now, as to the unintended consequences, I have looked at this all day, and I am of the belief that this amendment, as written, preserves every legal opportunity avenue available for the Federal Government to interact with the people of the United States by issuing forms and documents in languages other than English. There are a lot of laws that allow the Federal Government to provide services in languages other than English. The amendment protects those laws; it doesn’t change their status at all.

Now, to read this amendment to say that some State flag has to be changed—I will be honest with you, that is not even an honest interpretation of the words as printed on the paper. It is not the intent of anyone. It is something being said that is not rationally related to the words or the intent of the author or the way the bill works. We are trying to preserve whatever legal rights there are to do business in languages other than English that are in existence today, and maybe tomorrow, and we are trying to reinforce the role that English is our national language. If we don’t do that, if we back off of that concept, what signal are we sending to the people we are willing to deport if they fail to learn English?

We cannot have it both ways. We need to take a strong stand for a couple of principles. If you want to assimilate into American society, it is important that you learn English. How have we stood for that principle? If you come out of the shadows and you fail the English exam, you are going to get deported. We are giving people money to help them pass that exam, but we are not going to waive the requirement that you learn English to be assimilated for the 11 million undocumented workers. I think it would help everybody in this country if the Senate went on record and said that the policy of this Government will be to preserve and enhance the role of English in our society, and do it in such a way that understands that speaking other languages, having a different culture, is not a bad thing but a good thing. There is nothing in this amendment, in my opinion, that does away with any laws that already exist or in the future for a language other than English.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. Mr. President, the Inhofs language in this amendment

The assistant Democratic leader is recognized.
The date was November 12, 2003. Senator INHOFE came to the floor and gave his remarks to the Senate in Spanish. I was impressed. He is proficient in Spanish, and I respect his skills in that language, which I do not share. I didn't even know if he knew English, but I respected him for being confident enough to come to the floor and express himself in the Spanish language. And then what happened was that the CONGRESSIONAL RECORD, which is printed every day from the day after they are included in typing Senator INHOFE's speech in Spanish and his translation in English. They are both part of the RECORD.

But wait. Had Senator INHOFE's amendment been in effect then—the one he wants us to vote for today—it would have been illegal for our government to print the CONGRESSIONAL RECORD with Senator INHOFE's speech in Spanish. There is no statute which creates the right of any Member to come to the floor and speak in any language and have our government print and publish materials in any language other than English. Senator INHOFE's speech is Spanish and his translation in English. They are both part of the RECORD.

What is our common and unifying language? Our common language is English. That is a fact. So when you get down to it, there is no argument here about the basic premise. We agree on the basic premise. It is not as if it is just in America. We know that the language of aviation around the world is English. We know that the common universal language in most places on the Internet is English. That is a fact. So when it comes to the first part of Senator INHOFE's amendment and that first part of Senator SALAZAR's amendment, there is no dispute. If the debate ended there, we would have voted a long time ago. But that is not where the debate ends. Senator INHOFE added several sentences beyond that, which now take us into a legal thicket.

He argues that these are technical issues. They are not technical issues. They are issues about a person's basic rights in America. They are issues that really emanate from landmark legislation, such as the Civil Rights Act of 1866. This is not a technicality; it is the Civil Rights Act of 1864. People literally fought and bled and died for the passage of civil rights legislation. Before we casually cast aside some part of the protection of that law, we should think about it long and hard.

I look at the language Senator INHOFE brings to the floor and, on its face, it appears to be easy to accept:

Unless otherwise authorized or provided by 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. You would think if it is not authorized by law, that means the Government cannot communicate or provide materials in any language other than English. How could that possibly come up? Well, it's quite the opposite. I happen to know that the day that Senator INHOFE of Oklahoma came to the floor in the midst of a debate on a judicial nominee, Miguel Estrada.
The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. First of all, I request that the minority leader not use leadership time since he now has 45 more minutes than we have, but that is just a request. I would say this: We have a very short period of time to wind up. I would have to say that all of these ridiculous examples, such as the one the Senator from Illinois just came up with and the flag examples, have nothing to do with this amendment. It might be some other amendment that was referred to. This merely recognizes and declares English to be our national language. We have exceptions for anything that is in there in law or would refer to anything else that is accepted.

Mr. President, I would like to ask, how much time do we have remaining?

The PRESIDING OFFICER. There is 8 minutes 9 seconds remaining.

The Senator is recognized.

Mr. REID. Mr. President, English is today, as I speak, the language of America. In spite of the fact that in Nevada, we have the beautiful Sierra Nevada mountains; in Las Vegas, the meadows. In some of our counties, White Pine County, 200 miles from Las Vegas, Ely, a longtime mining community, I can remember going there to the Slav festival and being taken to the graveyard because in the days of early Kennecott, they had a section in that graveyard for Greeks, for Slavs, for Italians.

Today, as I speak, the language of America is English. Things have changed around the world. If a person wanted to join the Foreign Service, whether they were in England, the United States, or any country in South America, to be in the diplomatic corps of their country, they had to learn French. That was the language of diplomacy. Not anymore. It is English. The world in diplomatic relations around the world is English.

If I am a pilot and I am flying into National Airport, the air traffic controller speaks English. If I am a pilot and am flying into Lima, Peru, the air traffic controller speaks English. If I am a pilot flying into Moscow, the air traffic controller in Moscow speaks English. The language of flying is English. It applies to every country in the world where they have an airport. You have air traffic controllers. English is the language, and my distinguished friend, the Senator from Oklahoma, knows that. He himself has flown around the world as a pilot.

I have affection for my friend from Oklahoma, but I have the greatest disagreement with him on this amendment. While the intent may not be there, I really believe this amendment is racist. I think it is directed basically to people who speak Spanish.

I have three sons who speak Spanish—fluent Spanish. One of them lived in Argentina for a couple of years, one lived in Ecuador, one lived in Spain. They speak fluent Spanish. I am very proud of these young men. They have acted as interpreters for me when I do radio programs that are in Spanish. I can remember once being so frustrated. I was a guest in a hotel. I had locked myself in the bathroom. There was a lady pushing the cart, and I told her I would like to get back in my room. She did not know what I was saying. She could not converse with me in Spanish. So as luck would have it, here comes one of my colleagues who spoke to her in Spanish, her whole demeanor changed. She became a different person because, through my son, we could communicate.

I have a young man who works for me. An American citizen, of course, Frederico. Frederico comes from Puerto Rico. We were talking today about this amendment had been laid down, and Frederico said it wasn’t long ago—and these were his words—that a cleaning lady, a janitor, was buying a home in Nevada. And he had been in Nevada for 10 years, doing her best to become part of society. She was very concerned, though. She was buying a home. Maybe by some standards the home wasn’t much, but to her, it was a home. It was so frightening. She had papers; she couldn’t understand them. She asked Frederico if he would help her, and he did that. She was able to buy the home.

He also told me that he became ill—very ill. He couldn’t communicate. He speaks Spanish, and I don’t think I would embarrass Frederico in saying that even today—he is well educated, a longtime citizen—he still speaks with an accent, a Hispanic accent, for want of a better description. He speaks good English with a slight accent. He was so sick. He didn’t know what was wrong with him, and he was afraid, when he went to the hospital, the emergency room, he was afraid he couldn’t communicate to the health care workers what was wrong with him. He speaks Spanish, and there was—of the nurses—and he was able to communicate. He felt better and the emergency room personnel felt better because he could explain to them what was wrong.

I believe this amendment cuts the heart out of public health and public safety. I gave you the example of the example of the example. I don’t know all of the reasons that the Executive order was issued by the President. I think one reason is because of public health. It is so important for us, English speakers only, that when someone goes to get help and they are sick, that they are able to tell the health care personnel everything they need to know because it is important to me if, for example, it is a communicable disease.

So I believe we have to understand that this amendment would hurt public health badly. We need people to be able to take their children, when they are sick, to a facility, whether it is for mumps that is going around now or whether, Heaven forbid, it is avian flu at some later time.

I have served in the Congress of the United States with Jim Inhofe for many years, and we disagree on issues on occasion. But even though I believe this amendment isn’t in any way suggest that Jim Inhofe is a racist. I don’t believe that at all. I just believe that this amendment has, with some people, that connotation—not that he is a racist but that the amendment is. So I want to make sure the record is spread. But I have only the strongest, as I indicated early on, affection for Jim Inhofe, the senior Senator from Oklahoma.

Public safety. Mr. President, one of the earmarks I got a number of years ago in our appropriations bill was for the Las Vegas Metropolitan Police Department because they needed police officers who were fluent in Spanish. Why? Because we have a large influx of Spanish speakers coming to southern Nevada, the sheriff of Clark County believed he could do a better job with law enforcement if he had people who could communicate. And that is true. That worked out very well. We believe the police for police could be affected. This amendment, if it passes.

Domestic violence is a perfect example. There is a lot of domestic violence, and we need people who can speak the language that people understand.

Reporting crimes—it is so important that people have the ability to understand when people report crimes. In Nevada, 6 percent of the population is Asian American. We have now in Las Vegas a very large, burgeoning Chinese-American community. One of my former employees went from here to the district attorney’s office and is now working for a private individual and/or company, building a big hotel in what we call Las Vegas Chinatown.

I have been there. A lot of people therefore are not real good at speaking English. We have to do everything we can, whether people speak Chinese or whether they speak Spanish, to have them assimilated into our society. It is good for all of us. One of my concerns is that this will turn us back in the wrong direction.

I have said before, my wife is Jewish. Her father was born in Russia. He learned to speak English as a little boy. He spoke good English. His parents didn’t speak English. And we need people to be able to communicate to police officers who can speak Spanish. We know what happened in years past. I have heard Senator Leahy, the ranking member of the Judiciary Committee, state on many occasions that there were signs in his State of Vermont: No Catholics or Italians need apply for jobs. We know that applied to people who emigrated from Germany.

I think this turns us in the wrong direction. I think we should make sure that people who are 911 operators can immediately switch to somebody who can speak Spanish. I think what I did, to get a little extra money there for the Las Vegas Metropolitan police department so we could have people who were fluent...
in Spanish. I think that is the right way to go. I am not too sure this amendment wouldn’t stop that, or certainly slow it down.

Today, as I speak, the language of America is English. We want people to integrate English for your need tools to do this no matter what their native language. This amendment takes some of those tools away, and we need all of those tools.

The fastest growing component of adult America today is English as a second language. This will slow that down. This amendment impacts English speakers, reporting of crimes, reporting of diseases, involvement in commerce. Next, is it going to impact upon the right to vote?

This amendment is divisive. We should be here to unify our country, not divide it by ethnicity or language differences. I rise in strong opposition to this amendment. Everyone who speaks with an accent knows that they need to learn English as fast as they can. Success in America means the ability to speak English. That is the way it is now. We don’t need this amendment. Speaking English is critical to the functioning of anyone in our country, the English language of our Government, of our Nation, and as I have indicated before, air traffic controllers and diplomacy. This amendment, I believe, is unconstitutional. It raises serious concerns that American citizens could lose some of their rights.

This amendment directly conflicts with several provisions of Federal law. I believe, that guarantee the right of non-English-speaking students to learn English in our public schools. Does this amendment apply to a Presidential order, an Executive order? Does it apply to a city ordinance? A county ordinance? A State statute? What does it apply to? Federal law.

This amendment conflicts with provisions of Federal law that require language materials or assistance to be provided to voters in some areas of non-English languages, where there is evidence of educational discrimination resulting in high illiteracy and low registration turnout.

One of the problems we are having all over America is children dropping out of school. This amendment will not help that. Do we benefit by children dropping out of school? Of course not. Don’t we have a waiting list for those who want to vote? Don’t we want people to vote? This is going to slow that down, people asking to register to vote.

There has been substantial evidence of harassment, intimidation, even violence against language minority voters. This provision makes a blatant violation of the 14th and 15th amendments and criminal provisions of the Voting Rights Act more likely to occur. Look at history. In Nevada, Chinese who couldn’t build the railroad, the transcontinental railroad, were treated like animals. There were laws passed, State laws, county ordinances, local ordinances promulgated against the Chinese. Those laws which were discriminatory did not help our country. They hurt our country. This amendment is not going to help our country, it is going to hurt our country.

By the very terms of this amendment, persons accused of crimes would be denied the ability, I believe, to receive information material in their native language to assist in their own defense. This clearly violates the due process clause of the fifth amendment of the Constitution.

I have talked about public health. This amendment will stand in the way of efforts to facilitate the transmission of vital information necessary for the receipt of health care and public safety, including informed consent by non-English-speaking patients.

Doctors need this. Health care workers need this. This undermines our Nation’s public health and safety. The foregoing things I have talked about have unintended consequences. There are many more areas, public service and public safety, that will be negatively impacted by this amendment, hurting all Americans in the process. I hope we all support civic integration, but this amendment not that we want to do it.

Why don’t we spend more money so we can educate more people who want to learn English? We are short of money. We have programs that are cut every day. That is the way it is in Nevada and around the country. That is where we should be directing our efforts. That brings people together. That is good for all of us. This does not bring people together. It makes it far more likely that we will end up with civic exclusion, including the denial of rights they should have to millions of U.S. citizens.

I hope we reject this amendment. It is bad policy. It is un-American. It turns back the clock on the substantial gains that language minority citizens have made. There will be a resounding vote against this.

I have no problem going home today and telling the people of the State of Nevada: English is the language of America. We are not going to change that with this amendment. This is divisive, it is mean spirited. I think it is the wrong way to go.

Mr. President, I also want to express my appreciation to the manager of the bill and Senator Inhofe for giving me extra time. We had not enough time over here, and it was gracious of him to allow us the extra time.

The PRESIDING OFFICER. Who yields time? The Senator from Colorado.

Mr. SALAZAR. Mr. President may I inquire as to how much time is left?

The PRESIDING OFFICER. There remains 12 minutes 45 seconds.

Mr. SALAZAR. How much is left on the other side?

The PRESIDING OFFICER. They have 8 minutes 7 seconds.

Mr. SALAZAR. Mr. President, I thank Senator Reid and state his eloquence today, in terms of pointing out issues and concerns with respect to the Inhofe amendment, is very much appreciated.

I want to reiterate to my colleagues on the floor of the Senate today that I have asked my colleagues to vote against the amendment that will unify America, that will say that English is in fact the language of the land and that we will work to make sure English is the common language of America. I am also have to ask my colleagues to vote against the amendment that will unify America because I am concerned about the unintended consequences that will flow from the proposal which Senator Inhofe has offered.

Let me say there can be no doubt at all that English is, in fact, the unifying language of America. In my own State of Colorado, as I look at some of the statistics on the number of people who are waiting in long lines to learn English, it is an incredibly long line. In the five-county Denver-Metro area, adult ESL programs working with the Department of Education have 5,000 people enrolled in those programs. They have a waiting list that is up to 2 months, because there are so many people in the Denver metropolitan area who want to learn English.

This debate is not about the endangerment of English in America today. People in America understand that we conduct our business in English, that we are conducting our business in the Senate today in English. The people of America understand that the keystone to opportunity is learning the English language, and you need not look any further than the number of people who are enrolled in educational classes, trying to learn English to know they understand that very fact.

The concern with the amendment of Senator Inhofe is that you are going to have unintended consequences that will flow from the language of the amendment. Many of my colleagues have spoken about those unintended consequences. I want to focus on one particular aspect of that which I find to be very un-American and that is the fact that when you allow for discrimination to occur on the basis of national origin, on the basis of race, on the basis of gender, on the basis of language, that we are taking a step backwards. We have made. None of us wants to revisit what has happened in the history of America as we have moved forward as a nation to become a much more inclusive nation and a nation that celebrates the diversity that makes us a strong nation. None of us wants to revisit the latter half of the last century, when segregation was sanctioned under the law until 1954, and until the Civil Rights Act. None of us want to move back into those dark days of American history.

Yet the fact remains today we still have some of that discrimination that exists in our society. We have example
after example, personal examples we can cite about people who have been the victims of language discrimination. When we elevate one language, in the manner that Senator INHOFE has attempted to do in his amendment, above every other language, what will happen as an unintended consequence of his amendment is that you will usher in, in my judgment, a new era of language discrimination in America. I do not believe that ushering in a new era of language discrimination in America is something that will be helpful to us as we struggle in this 21st century to make sure that we maintain the strongest America, the strongest Nation possible in our world.

I ask people, those of you who are concerned about language discrimination in America, to vote against the amendment of Senator INHOFE on that point.

Let me conclude by saying that the amendment we have proposed today talks about the importance of English and the importance of unifying America through the English language. I believe we can work together. I believe that will require the immigrants to whom we are trying to address the immigration reform package to learn English. It is important that they learn English.

As I conclude my portion of this discussion, I think back to a mother and a father who in the 1940s were part of that greatest of generations fighting for the freedom of America—a father in World War II as a soldier, and a mother at the age of 20 speaking Spanish but coming to Washington to work in the Pentagon. They were victims of language discrimination. That generation was a victim of language discrimination. They would have had maybe the same opportunities I have had if they had been part of an America that fully understood they would be treated the same as those who speak languages other than English. But I do not want us to go back in the history of our country to a place where we are darkened again by that discrimination which existed in the 1940s or the 1950s.

My fear is that the amendment that my good friend from Oklahoma is offering today will open the door once again to that history of discrimination, which I find very pernicious.

I yield the floor.

The PRESIDING OFFICER. Who yields the floor?

Mr. INHOFE. Mr. President, I yield 5 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. ALEXANDER. I thank the Senator. I thank the Presiding Officer.

Mr. President, I have been listening to the Democratic leader and colleagues struggle to come up with some reason why the declarations are made that English is our national language. They are having a very difficult time doing that. In fact, what they have been doing is arguing all sorts of unusual ways against an amendment that no one has proposed.

Let me say what Senator INHOFE's amendment does. It declares English as the national language of the United States. If there is a language where we want, speak whatever we want, but it is our national language. Specifically, the Inhofe amendment says it doesn't prevent those receiving Government services in another language from doing so, whether authorized by law or by Executive order or by regulation.

That is No. 1. The Salazar amendment, in contrast, does not say English is our national language. That is the first point.

The second thing is the Inhofe amendment would say that those who are illegally here, who might become legal under this law and get on a path to citizenship, would have to actually learn English rather than just enroll in school. Anyone can sign up and not learn English. Senator SALAZAR's amendment doesn't do that.

A third reason Senator INHOFE's amendment is better, in my opinion, is it has some excellent language that would improve the citizenship test that new citizens have to take. The key ideas, key documents, and key events of our history that we all agree on, and which we voted unanimously on a couple of years ago in another piece of legislation.

If you believe English is our national language and you don't want to interfere with any existing law or right, if you want new citizens who might be illegally here today to learn English as a part of that path to citizenship, and if you want a better American history test for new citizens, the Inhofe amendment is preferable.

I think a lot of this debate is about unity versus diversity. That is the struggle. It is a real struggle in this country.

Some on the other side of the aisle said this is unimportant. It might be to them, but it is not to me, nor is it to most Americans. I think it is at the center of this whole discussion about what we are doing with immigration. If the American people got any whiff that we thought having a national motto or a national anthem or a national pledge of allegiance or a national language was unimportant to us, I think they would throw us all out because most people in this country is of the magnificent strength—we are a land of immigrants—but our greater strength is that we have turned that all into one country.

Irans, diverse, and Bosnia is diverse. Are they better places for that? They haven't been able to unite themselves into one country. How did we do that? Partly because of these unifying principles which we debate here with respect for one another, and through our national language.

No matter what they say, the opponents of this amendment are reluctant to say that English is our national language. If they were not, they would vote for the Inhofe amendment. First, it declares that if you have any rights now, you will still have them after the Inhofe amendment passes. It requires those who are here illegally but want to become citizens to learn English rather than just enroll in school. And it beeps up the U.S. history requirement in a way the Senate has previously approved.

The Democratic leader talked about how nice it would be for someone to call 9-1-1 and get a Spanish-speaking voice. It wouldn't have been so nice to the 200,000 new citizens from Asia who came in last year because they do not speak Spanish. That is why we have a common language.

My goal is that every child in America be bilingual or even multilingual. But one of those must be to learn English, and every child should learn it as soon as possible. We have a common language because we are a land of immigrants. It is our national language.

A vote for the Inhofe amendment is a vote for our national language. It is a vote to leave everyone's rights to receive services in other languages exactly where they are today. It is a vote to say that those who might be here illegally today but who seek to become citizens must learn English, and it is a vote to beef up our U.S. history tests which are required of those coming into this country and applying for citizenship.

For generations, we have helped people in this country learn English. We do it even further in the underlying bill with new $500 grants. It should be a simple statement to say that English is our national language, that we have a national motto, a national pledge, a national oath. Then why struggle to come up with reasons not to make English our national language?

I yield the floor.

Mr. INHOFE. Mr. President, I think it is very obvious what is going on here. It has been 23 years since we have had a chance to vote on it. It probably will be the last time most Members—maybe all of the Members in this Chamber—will have a chance to vote to make English the national language.

Those who are offering this amendment today don't want English to be the national language. They use the word “common,” the common language.

Those opposing this amendment want an entitlement to have the Federal Government provide for language, services, and materials. They can do it now. If you pass this bill, they can still do it. It is just not mandatory. It is not something they can't be done; it doesn't have to be done. They say that national origin equates to language. Their claims are consistently refuted by the Federal Government, the most recent one being in 2001, the Sandoval case.

The opponents of this don't want people learning English but instead being served in foreign languages.
I think it is interesting that the word “racist” was used. I just wish the people here knew what has happened in the past and what I have been involved in in my State of Oklahoma. This is not the time to repeat what I said earlier. But the bottom line is I received the letter given by the Hispanic community in the city of Tulsa. I started the first Hispanic community commission, and it is now a model for the Nation.

Mr. LEYH. Mr. President, I thank the Senator from Colorado for his amendment. He is a Senator who continues to demonstrate his interest and ability in bringing us together rather than seeking to drive wedges between us. We can all agree that English should be the common language of the United States. His is a good suggestion for an alternative that I will support. In many local communities and States, it may well be useful and helpful for the Government to reach out to language minorities. Greater participation and information are good things. We should not be mandating artificial and shortsighted restrictions on State and local government.

I have spoken in the course of this debate about my belief that immigrants should learn the English language. In my experience, most new Americans want to learn our language and make efforts to do so as quickly as possible. The bill that we are debating calls for immigrants to learn English as one of the several steps they must take before they can earn citizenship.

I certainly understand why the Mexican American Legal Defense and Education Fund, the Asian American Justice Center, the Lawyer’s Committee for Civil Rights, the National Council of La Raza, the National Association of Latino Elected and Appointed Officials Educational Fund and others have been concerned about the Inhofe amendment, which could turn around and vote for the Salazar amendment because that would completely negate our amendment. I hope they understand why, if they have seen this debate today, and the dialogue that is going on, pulling out of the air very eloquent statements that might be referring to some bill someone may want to introduce someday, or some amendment. It is certainly not this amendment.

I look at this and wonder, and I shake my head. What have you been reading? It has nothing to do with this. Our amendment does not prohibit using the official services, or any other Government services in languages other than English. It doesn’t prohibit it at all; it allows it. It doesn’t prescribe and say you have to do it. There is no prohibition of giving Medicare services or any other Government services in a language other than English. This amendment simply says there is no right unless Congress has explicitly provided that right. If you read page 2 of the bill, it very specifically says “unless otherwise authorized by law.” That is the exception. In every one of these examples that have come up—from the Senator from California, the Senator from New Mexico, the Senator from Illinois, they fall into that category.

This is going to answer the question for a lot of people out there saying: Why can’t we have this as our national language? It has been 23 years since we had our last debate. You can’t have it both ways. I wouldn’t want anyone here to be under the misconception that they could vote for my amendment and then turn around and vote for the Salazar amendment because that would completely negate our amendment.

This is your last chance to vote to make English the national language. When we listen to the National Anthem: O, say can you see, by the dawn’s early light . . . bombs bursting in air . . . gave proof through the night that the flag was still there . . . the land of the free, and the home of the brave—that is not an official anthem, that is not a common anthem, that is the national anthem.

This is our last chance to have English as the national language for America.

Mr. KENNEDY. Mr. President, I will take 1 minute. Patriotism doesn’t belong to a political party or any individual. The Salazar language is very clear. English is the common unifying language of the United States. It helps provide unity for the American people, preserving and enhancing the role of the English language. It couldn’t be clearer.

Let us not distort and misrepresent the amendment that is before us. I ask unanimous consent that it be in order to ask for the yeas and nays on the Salazar amendment and the Inhofe amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I ask for the yeas and nays on the Inhofe amendment.

The PRESIDING OFFICER. Is there a further question? Mr. KENNEDY. I ask unanimous consent that it be in order to ask for the yeas and nays on the Salazar amendment and the Inhofe amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from Florida (Mr. MARTINEZ).

Further, if present and voting the Senator from Kentucky (Mr. BUNNING) and the Senator from Florida (Mr. MARTINEZ) would have voted “yea.”

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKETT) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 34, as follows:

YEAS—63

[Rollcall Vote No. 131 Leg.]

Bennett
Brownback
Burns
Burr

Alexander
Baucus
D from New Mexico, the Senator from Illinois, they fall into that category.
The amendment (No. 4073), as further modified, was agreed to.

Mr. KENNEDY. Mr. President, what is now before the Senate?

The PRESIDING OFFICER (Mr. CORKY). The question is on agreeing to amendment No. 4073, offered by the Senator from Colorado, Mr. SALAZAR.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCOLLIN. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from Florida (Mr. MARTINEZ).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted “yea” and the Senator from Florida (Mr. MARTINEZ) would have voted “nay.”

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFLER) is necessarily absent.

The PRESIDING OFFICER (Mr. SANTORUM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 39, as follows:

Byrd
Frist
Nelson (FL)
Alexander
DeMINT
Lugar
Carper
Graham
Nelson (NE)
Allen
Dole
McClellan
Chafee
Grassley
Pryor
Allen
Ensign
Roberts
Chambliss
Greer
Robert
Cheney
Hatch
 Sessions
Bond
Burns
Grassley
Santorum
Collins
Inhofe
Smith
Dorgan
McCain
Vitter
Domenici
McCain
Warner

The amendment (No. 4073), as modified, was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. SPECKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECKER. Mr. President, we are now ready to proceed with an amendment by Senator CLINTON and a side-by-side Senate, with a half-hour equally divided. At the conclusion of those 2 votes, we will discuss the business for the remainder of the evening.

Mr. KENNEDY. Mr. President, we intend to support as soon as we get a chance to see the Cornyn amendment. May we see that before the Senator makes that request? Is that possible?

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, while they are looking at that amendment, the plans will be that in about 30 to 45 minutes we will have 2 rollcall votes, and then we will keep amendments going, and we will be voting tonight. We will do at least several other amendments. I will let the chairman speak to that. We plan on having two votes tomorrow morning. We don’t know exactly what time. I expect us to be able to debate those. I ask whatever amendments they be, we debate them tonight so we can vote as early as possible tomorrow morning.

Mr. SPECKER. Mr. President, I think we are now prepared to go to Senator CLINTON and then Senator CORKY, with 30 minutes equally divided.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from New York is recognized.

AMENDMENT NO. 4072

Mrs. CLINTON. Mr. President, I call up amendment No. 4072, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself, Mr. OBAMA, Mrs. BOYSTER, Mr. SALAZAR, and Mr. SCHUMER, proposes an amendment numbered 4072.

Mrs. CLINTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Purpose: To establish a grant program to provide financial assistance to States and local governments for the costs of providing health care and educational services to noncitizens, and to provide additional funding for the State Criminal Alien Assistance Program

On page 259, line 23, strike “section 286(c)” and insert “section 286(x).” On page 261, strike line 13, and insert the following:

“(c) STATE IMPACT ASSISTANCE ACCOUNT.—

“(1) ESTABLISHMENT.—There is established within the State Impact Aid Account a State Criminal Alien Assistance Program Account.

“(ii) DEPOSITS.—Notwithstanding any other provision under this Act, there shall be deposited in the State Criminal Alien Assistance Program Account 25 percent of all amounts deposited in the State Impact Aid Account, which shall be available to the Attorney General to disburse in accordance with section 241(i).

“(b) STATE CRIMINAL ALIEN ASSISTANCE GRANT PROGRAM.—

“(b) ESTABLISHMENT.—Not later than January 1 of each year beginning after the date of enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary of Homeland Security, in cooperation with the Secretary of Health and Human Services (referred to in this paragraph as the ‘Secretary’), shall establish a State Criminal Alien Assistance Grant Program, under which the Secretary shall award grants to States for use in accordance with subparagraph (D).

“(b) AVAILABLE FUNDS.—For each fiscal year beginning after the date of enactment of this subsection, the Secretary shall use 3/4 of the amounts deposited into the State Health and Education Assistance Account under paragraph (2)(B)(ii) during the preceding year.

“(c) ALLOCATION.—The Secretary shall allocate grants under this paragraph as follows:

“(I) NONCITIZEN POPULATION.—

“(a) IN GENERAL.—Subject to subclause (II), 80 percent shall be allocated to States on a pro-rata basis according to the ratio that, based on the most recent year for which data of the Bureau of the Census exists—

“(aa) the noncitizen population of the State; bears to

“(bb) the noncitizen population of all States.

“(b) MINIMUM AMOUNT.—Notwithstanding the formula under subclause (I), no State shall receive less than $5,000,000 under this clause.

“(c) HIGH GROWTH RATES.—Twenty percent shall be allocated on a pro-rata basis among the 20 States with the largest growth rate in noncitizen population, as determined by the Secretary, according to the ratio that, based on the most recent year for which data of the Bureau of the Census exists—
“(I) the growth rate in the noncitizen population of the State during the most recent 3-year period for which data is available; bears to

“(II) the combined growth rate in noncitizen population of the 20 States during the 3-year period described in clause (I).

“(iii) FUNDING FOR LOCAL ENTITIES.—The Secretary shall make grants to recipients of the State Impact Assistance Grants to provide units of local governments with not less than 70 percent of the grant funds not later than the 60th day after the State receives grant funding. States shall distribute funds to units of local government based on demonstrated need and function.

“(D) USE OF FUNDS.—(i) A State shall use a grant received under this paragraph to return funds to State and local governments, organizations, and entities for the costs of providing health services and educational services to noncitizens.

“(E) ADMINISTRATION.—(i) A State may elect to refuse a grant under this paragraph.

“(ii) A public health provider, such as a hospital, community health center, or other appropriate entity; a unit of local government; (iii) a local education agency; and (iv) a charitable organization.

“(F) REFUSAL.—(i) In GENERAL.—A State may elect to refuse a grant under this paragraph.

“(ii) ACTION BY SECRETARY.—On receipt of notice of a State’s election under clause (i), the Secretary shall deposit the amount of the grant that would have been provided to the State into the State Impact Assistance Account.

“(G) REPORTS.—(i) In GENERAL.—Not later than March 1 of each year, each State that received a grant under this paragraph during the preceding fiscal year shall submit to the Secretary a report in such manner and containing such information as the Secretary may require, in accordance with clause (ii).

“(ii) CONTENTS.—A report under clause (i) shall include a description of—

“(I) the services provided in the State using the grant;

“(II) the amount of grant funds used to provide each service and the total amount available during the applicable fiscal year from all sources to provide each service; and

“(III) the method by which the services provided using the grant addressed the needs of communities with significant and growing noncitizen populations in the State.

“(H) COLLABORATION.—In promulgating regulations and issuing guidelines to carry out this paragraph, the Secretary shall collaborate with representatives of State and local governments.

“(I) STATE APPROPRIATIONS.—Funds received by a State under this paragraph shall be subject to the legislation of the State, in accordance with the terms and conditions described in this paragraph.

“(J) EXEMPTION.—Notwithstanding any other provision of law, section 6503(a) of title 31, United States Code, shall not apply to funds transferred to States under this paragraph.

“(K) DEFINITION OF STATE.—In this paragraph, the term ‘State’ means each of—

“(i) the several States of the United States;

“(ii) the District of Columbia;

“(iii) the Commonwealth of Puerto Rico;

“(iv) the Virgin Islands;

“(v) the Commonwealth of the Northern Mariana Islands.”

On page 371, line 4, strike “(B) 10 percent” and insert the following:

“(B) 10 percent of such funds shall be deposited in the State Impact Aid Account in the Treasury in accordance with section 268(x);

“(C) 5 percent

On page 371, line 8, strike “(C) 10 percent” and insert “(C) 5 percent”.

Mrs. CLINTON. Mr. President, I ask unanimous consent that Senators SALAZAR and SCHUMER be added, along with Senators OBAMA and BOXER, as co-sponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, as has become abundantly clear from the debate on the floor, immigration is a Federal responsibility. As this debate has shown, for too long the Federal Government has neglected its duty.

My amendment addresses one of the clearest examples of this neglect because our failed national immigration policy has left our State and local government to pay the cost of this unlawful immigration. Our schools, our hospitals, our other State and local services are being strained.

Obviously, this is a problem in many communities and not just in border areas. Communities throughout our country and in my State, there are counties and municipalities that are covering the costs of dealing with education, health care, and law enforcement without adequate or any Federal reimbursement. So, we’re looking for Federal and State governments to fend for themselves. They should not be left to bear these costs alone because it is not they who are making Federal immigration policy.

This amendment does several things.

It helps finally provide adequate support for State and local governments. How? Well, it not only appropriates the State Criminal Alien Assistance Program funding to our States, but it establishes a program that provides financial assistance to State and local governments for the cost of health and educational services related to immigration.

Money is allocated to our States in accordance with a funding formula based on the size and recent growth of the State’s noncitizen population. The State must then pass the funds on to local governments and other entities that need the money for reimbursement. States have left our local and State governments to fend for themselves. They should not be left to bear these costs alone because it is not they who are making Federal immigration policy.

This amendment does several things. It helps finally provide adequate support for State and local governments. How? Well, it not only appropriates the State Criminal Alien Assistance Program funding to our States, but it establishes a program that provides financial assistance to State and local governments for the cost of health and educational services related to immigration.

Money is allocated to our States in accordance with a funding formula based on the size and recent growth of the State’s noncitizen population. The State must then pass the funds on to local governments and other entities that need the money for reimbursement. States have left our local and State governments to fend for themselves.

This still leaves about $1 billion for processing and administrative costs at the Federal level. What happens with this money? Pursuant to my amendment, 25 percent goes to the State Criminal Alien Assistance Program, known as SCAAP, to pay for the cost of detention which our State and local governments incur.

Each year, the SCAAP program is underfunded. A 2005 GAO study documents that State and local governments get only 25 percent of their costs reimbursed through this program. A report indicates that my State of New York received even less—21 percent of their costs were compensated in 2002 and 24 percent in 2003. The remaining 75 percent of the money collected from the fees deposited in the State Impact Aid Account, known as SCAAP, to pay for the cost of detention which our State and local governments incur.

Now, to ensure that the funds actually get to the counties and cities and don’t sit in State governments, my amendment also requires that at least 70 percent of those funds be passed on to localities within 180 days of the States receiving the money. States can retain the remaining 30 percent to help offset their own costs related to immigration.

I think this amendment helps us fix a problem I care a lot about as I travel around my State. Our local communities have a tradition in New York of being very welcoming. We are a State that is not only built on immigrants but very proud of that, as the Statue of Liberty shows. In New York Harbor so eloquently says. But the costs of immigration have steadily increased, and the Federal Government’s neglect has

To which fees are we referring? Well, there is a $500 fee for immigrants who participate in the guest worker program. Right now, that fee is not marked for any purpose, and the funds simply go to the Treasury. My amendment directs these $500 fees into the States through the assistance account. Additionally, the underlying bill imposes a $2,000 fee for the undocumented immigrants to participate in the path to legalization program spelled out in title VI of the bill, plus imposes an additional fee that is left to the Department of Homeland Security to determine later. Eighty percent of these funds go to border security; 20 percent go to processing and administrative costs related to the undocumented.

My amendment does not touch the 80 percent going to border security. Instead, it takes half of the processing fees—in other words, 10 percent of the $2,000 fee and the yet-to-be, unspecified fine by DHS—and redirects that money away from Federal Government administration to this fund which will help State and local governments get reimbursed.
The amendment also helps State and local governments not only recoup some of their expenditures, but it underlines a message to communities that they are working together, they welcome people who work hard and who make a contribution and will be on the path to earned legalization.

So I hope this amendment will be supported. It has support from the National Immigration Law Center, the National League of Cities, the National Association of Counties, and the National Conference of State Legislatures.

I think our laws can be both fair and strict. I think we can have laws which don’t shut the doors of America to people who want to make a contribution and don’t really provide disincentives to communities to be part of that welcoming tradition. Balancing all of these interests in this debate is not easy, but I appreciate the efforts that are being made on this floor to this difficult problem. I hope we will also send a message to local communities that we are here to help them because they don’t set immigration policy, they don’t enforce immigration laws, but they are often left holding the bag for the costs that flow because we haven’t done our job.

So I hope that this amendment finds favor in this body and we send a message to our local executives and legislators around our country that we are committed to securing our borders and enforce our immigration laws.

The Federal Government requires, under the IMTALA act, that hospitals treat every person, irrespective of their immigration status. But then Congress fails to secure the border and our local hospitals have become overrun. So while the Government requires hospitals to treat everyone, the Government then falls in its own responsibility to secure the borders or reimburse health care providers for carrying out their federally mandated obligations.

The bill before the Senate fails to reimburse States for the costly burden placed upon their health care system and education system by undocumented immigrants. For example, recent reports are that 70 percent of the children born at Parkland Hospital in Dallas, TX, are born to undocumented immigrants.

What does my amendment do? The current Senate bill does not reimburse State and local governments for health care and education costs related to the millions of undocumented immigrants. While the underlying bill creates a State impact assistance account for future temporary workers, it is an unfunded account. The Cornyn amendment would impose a surcharge on any alien who applies for legal status under this bill.

AMENDMENT NO. 4038

Mr. President, at this time I ask unanimous consent to call up the current amendment and to call up amendment No. 4038 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas (Mr. CORNYN) proposes an amendment numbered 4038.

AMENDMENT NO. 4038

Mr. CORNYN. Mr. President, at this time I ask unanimous consent as is the case with this amendment and to call up amendment No. 4038 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require aliens seeking adjustment of status under section 245B of the Immigration and Nationality Act or Deferred Mandatory Departure status under section 245C of such Act to pay a supplemental application fee, which shall be used to provide financial assistance to States for health and educational services for noncitizens

On page 264, strike lines 13 through 20.
to be distributed under this clause that is equal to the noncitizen resident population of the State divided by the noncitizen resident population of all States, based on the most recent data available from the Bureau of the Census.

(ii) High growth rates.—Twenty percent of such amounts shall be allocated among the 20 States with the largest growth rates in noncitizen resident population, as determined by the Secretary of Health and Human Services, so that each such State receives equal to the noncitizen resident population, as determined by the legislature of each State in accordance with the terms and conditions under this paragraph.

(iii) Legislative appropriations.—The use of grant funds allocated to States under this paragraph shall be subject to appropriation by the legislature of each State in accordance with the terms and conditions under this paragraph.

(D) Certification.—(i) Distribution criteria.—Grant funds received by States under this paragraph shall be distributed to units of local government in accordance with the distribution criteria established by the Secretary.

(ii) Minimum distribution.—Except as provided in clause (iii), a State shall distribute not less than 30 percent of the grant funds received under this paragraph to units of local government not later than 180 days after receiving such funds.

(iii) Exception.—If an eligible unit of local government that is available to carry out the activities described in subparagraph (D) cannot be found in a State, the State does not need to comply with clause (ii).

(iv) Prohibitions.—Any grant funds distributed by a State to a unit of local government that remain unexpended as of the end of the grant period shall revert to the State for redistribution to another unit of local government.

(D) Use of funds.—States and units of local government shall use grant funds received under this paragraph to provide health services, educational services, and related services to noncitizens within their jurisdiction through contracts with eligible service providers, including—

(i) health care providers; and

(ii) local educational agencies; and

(iii) charitable and religious organizations.

(E) State defined.—In this paragraph, the term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(F) Certification.—In order to receive a payment under this section, the State shall provide the Secretary of Health and Human Services with a certification that the State’s proposed uses of the fund are consistent with—

(G) Annual report.—The Secretary of Health and Human Services shall inform the States annually of the amount of funds available to each State under the Program.

Mr. CORNYN. The problem is this, Mr. President: Under the current bill, about 80 percent of the $2,000 paid by undocumented immigrants at the time they receive a green card or legal permanent residency, 80 percent of that $2,000 fee goes for border security. Ten percent of it goes to administering the process provided for under the underlying bill and another 10 percent for other uncovered administrative costs.

In other words, there is an 80–20 split of the $2,000 that are paid by undocumented immigrants at the time they regularize their status. In contrast with the Clinton amendment—the Senator from New York provides essentially an 80, 10, and 10 split, with 80 percent of the money going for border security, 10 percent going to a State impact fund, and 10 percent each for the administrative costs. In other words, rather than an 80–20 distribution, the Senator from New York sets aside 10 percent for the State impact fund, and then retains 10 percent to pay for the administrative costs.

The difference between the Cornyn amendment and the Clinton amendment is this: The Clinton amendment takes money away from the program that temporarily delays the illegal immigration reform bill in order to pay the State and local taxpayers under the impact fund.

I don’t think most of our colleagues are familiar with this, but actually the $2,000 that is required to be paid under this bill is not paid at the time that illegal aliens get a H–2C card and remain in the country for approximately 6 years, pending their application for a green card or legal permanent residency, it’s when they apply for their green card or legal permanent residency that money is due. So for 6 years, they are able to stay in the country with an H–2C card without paying a penny, while continuing to impose financial burdens on local taxpayers for health and educational costs that are unreimbursed. Under my proposal, they will get money right away as the money and costs are being incurred and not some 6 to 8 years later.

Mr. SCHUMER. Mr. President, I rise today to speak for 5 minutes after my colleague, Senator CLINTON, co-sponsored by a number of us on this side. I commend her efforts to address this important subject. But there is another way to do it, and that is to provide $1.3 to $1.5 billion for State impact funds. Under my proposal, which is a 20–80 split of the $7.5 billion in money for this State Impact Fund as opposed to approximately $1.3 to $1.5 billion under the Clinton amendment.

Just by way of comparison, in 1986 when the U.S. Congress granted amnesty to 3 million undocumented immigrants, it set aside $4 billion in taxpayer money to help reimburse the States for these uncompensated costs. It didn’t provide for $1.3 to $1.5 billion for State impact funds. Under my proposal, which would impose a $750 surcharge at the very time an individual registers for the H–2C program, it would generate about $7.5 billion, obviously necessary to pay for the unfunded mandates I mentioned a moment ago.

I reserve the remainder of my time and yield the floor.
I think it is only just that these individuals be required to pay a surcharge of $750, a reasonable amount for reimbursement to State and local governments and taxpayers for the costs of health care and education that have been imposed by their very presence on local taxpayers and punishing anybody. This is not about making it unusually difficult for them to comply. This is a matter of simple justice.

Indeed, if the only source of that money is the funds that are paid some 6 years after they began to transition into legal permanent residency, under the Clinton amendment—and I applaud the goals of the Senator, to pay some money into a State impact fund, but it will amount to about $1.3 billion as opposed to $7.5 billion under my amendment. We will not see any of that money for at least 6 years and, in fact, it is making money away from the program necessary to administer this undermining legislation which is necessary to make it a success.

Certainly, we are not going to build failure into this model by underfunding the very administrative process by which it is supposed to work.

I suspect that it is the Federal Government’s responsibility to step up. This is not taking any tax dollars in order to fund this unfunded mandate. This is coming from the beneficiaries of the program that is supposed to be enacted but, in fact, it made sense to appropriate from tax dollars $4 billion for the 3 million individuals who were given amnesty in 1986, it makes sense to me, today, that it is going to cost quite a bit more than the $1.3 billion under the amendment of Senator Chambliss. But it also makes sense that burden should not be borne again by the taxpayers of the United States but, rather, should be borne by the individuals who are going to receive a benefit under this bill.

I suggest it is also the Federal Government’s responsibility to step up. This is making it unusually difficult for them to comply. This is not punting or being unnecessarily harsh. But fair is fair. To suggest that it is not fair for them to pay a fee really stands in stark contrast to the fact that these same individuals, when they apply for legal permanent residency or a green card, will be required to pay $2,000.

The truth is, most individuals who come across at least the southern border in violation of our immigration laws, they have turned their lives over to human smugglers and pay on average about $1,500 each for each trip they make into the United States. Certainly, these individuals, in return, for the benefits that are conferred upon them under this bill, should be expected, and I think they would expect, to pay some modest cost to help defray the expenses to local and State taxpayers. In fact, these individuals are being given an opportunity for a second chance, and I believe there should be some cost associated with that. In fact, we have been told during the course of this debate that this underlying bill creates a situation where people earn their right to legal status.

As we found out, during the first 6 years of their presence in the United States, after this bill passes, if it passes in its current status, they will be able to live and work and travel and have all the benefits of living in this country and have paid nothing—zero—and there will be some cost associated with that. In fact, we have been told during the course of this debate that this underlying bill creates a situation where people earn their right to legal status.

As we found out, during the first 6 years of their presence in the United States, after this bill passes, if it passes in its current status, they will be able to live and work and travel and have all the benefits of living in this country and have paid nothing—zero—and there will be some cost associated with that. In fact, we have been told during the course of this debate that this underlying bill creates a situation where people earn their right to legal status.
who feel very strongly. We are just trying to find out the amount of time they would need. Hopefully, we are going to be having two votes now, and by the end of those votes we will have more information.

The PRESIDING OFFICER. The question is on agreeing to the Clinton amendment.

Mr. SPECTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from Florida (Mr. MARTINEZ), and the Senator from Wyoming (Mr. THOMAS).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) and the Senator from Florida (Mr. MARTINEZ) would have voted "aye."

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. Dorgan) and the Senator from West Virginia (Mr. Rockefeller) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—64

Alexander 
Aliard 
Allen 
Baucus 
Biden 
Bond 
Boxer 
Brownback 
Bond 
Burns 
Byrd 
Cantwell 
Carcieri 
Chafee 
Clinton 
Conrad 
Cochrane 
Coburn 
Cochran 
Collins 
Conrad 
Curnyn

NAYS—32

Akaka 
Bayh 
Bingaman 
Baucus 
Biden 
Bond 
Boxer 
Brownback 
Burns 
Byrd 
Cantwell 
Carpenter 
Chambliss 
Cochran 
Coburn 
Collins 
Conrad 
Curnyn 
Feinstein

The amendment (No. 4038) was agreed to.

The PRESIDING OFFICER. The amendment (No. 4072) was rejected.

Mr. DURBIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Would the Senator from Pennsylvania outline what the rest of the evening is going to be?

Mr. SPECTER. That is what I am in the process of doing. I commented about the Ensign amendment. I was about to say we are going to have the amendment of the Senator from Florida, Mr. Nelson, which I anticipate will be accepted. Then we are going to take the Kyl amendment under an arrangement where there will be a tabling motion. And it is now anticipated that we have an hour- and-a-half time limit there. I would like to do it in an hour time limit, if that would be acceptable to that side. Senator Kyl is prepared to take a half hour.

Mr. KENNEDY. That is fine, an hour evenly divided.

Mr. REID. Will the Senator from Pennsylvania yield?

Mr. SPECTER. I do.

Mr. REID. We just received a call from one of our Senators who objects to the Ensign amendment. So let's do the hour and a half on Kyl, and maybe we can work that out while we are doing that.

Mr. ENSIGN. Mr. President, through the Chair. I ask the Senator from Pennsylvania if it would be possible at least to make my statement, lay down the amendment, and then we can consider it at the appropriate time based on the two managers of the bill.

Mr. REID. That certainly is appropriate. Mr. President, as you know, we don’t run this place. I don’t know why we need to wait an hour and 45 minutes to vote. We are going to have votes in the morning anyway. I talked to Senator Kennedy. It is all right to go ahead for 90 minutes prior to a motion to table tonight on Kyl; we have no objection. Following that, we can decide what we will do for tomorrow.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I ask unanimous consent that we have a time agreement of an hour and a half. We have just been informed that Senator Kyl wants an hour. I hope we can get some of that yielded back.

Mr. REID. We will take 30 minutes prior to a motion to table.

Mr. SPECTER. And a motion to table with no second-degree amendments being in order.

The PRESIDING OFFICER. The Senator from Nevada, Mr. ENSIGN.

Mr. ENSIGN. Mr. President, did I understand that prior to the debate, I would have 10 minutes?

Mr. SPECTER. I was about to come to that. Let me include in the unanimous consent request that we lay down the Ensign amendment and give him 10 minutes, and then we will move to the Nelson amendment. There would be 5 minutes for Senator Nelson. I anticipate it will be accepted.

Mr. REID. Mr. President, that is not fair to our folks over here. If we are going to have a vote tonight, let’s vote and let people go home. Those people...
who want to still stand around and talk—that is NELSON and ENSIGN and LANDRIEU or anybody else—let them do it.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Reserving the right to object, may I just ask that at any time tonight or any time in the morning, I be allowed to offer the two amendments that have been pending all week. We can vote whenever the leadership will like, in the morning or later tonight.

Mr. SPECTER. Mr. President, we will take a look at the amendments. I will give the Senator from Louisiana an answer as soon as we can take a look at the amendments.

The PRESIDING OFFICER. The Senator from Texas.

Ms. LANDRIEU. I want to modify the unanimous consent request that after Senator NELSON from Florida, Senator LANDRIEU would then be allowed to offer two amendments.

Mr. SPECTER. Mr. President, I am advised that we have not seen the amendments of the Senator from Louisiana. I repeat, we are going to be in amendments of the Senator from Louisiana. I repeat, we are going to be in

amendments before we can say anything.

The PRESIDING OFFICER. The Senator from Nevada, Mr. ENSIGN.

Ms. LANDRIEU. I want to modify the unanimous consent request that after Senator NELSON from Florida, Senator LANDRIEU would then be allowed to offer two amendments.

Mr. SPECTER. Mr. President, I am advised that we have not seen the amendments of the Senator from Louisiana. I repeat, we are going to be in amendments of the Senator from Louisiana. I repeat, we are going to be in

amendments before we can say anything.

The PRESIDING OFFICER. The Democratic leader.

Mr. SPECTER. Mr. President, I suggest we modify the unanimous consent to accommodate all the minority and those who want to vote. I would be first recognized for 10 minutes right after the vote on Kyl to lay down my amendment, debate for 10 minutes, followed by Senator NELSON, followed by Senator ENSIGN.

Ms. LANDRIEU. I want to modify the unanimous consent request that after Senator NELSON from Florida, Senator LANDRIEU would then be allowed to offer two amendments.

Mr. SPECTER. Mr. President, I am advised that we have not seen the amendments of the Senator from Louisiana. I repeat, we are going to be in here next week. We will take a look at them. We will accommodate her tomorrow, if we can, but we have to see the amendments before we can say anything.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. CORNYN. Mr. President, on behalf of Senator Kyl and myself, I call up amendment 3969.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk reads as follows:

The Senator from Texas [Mr. CORNYN], for Mr. KYL, for himself and Mr. CORNYN, proposes an amendment numbered 3969.

The amendment is as follows:

(Purpose: To prohibit H-2C nonimmigrants from applying for adjustment to lawful permanent resident status)

Beginning on page 236, strike line 8 and all that follows through page 237, line 2, and insert the following:

"(n) Notwithstanding any other provision of this Act, an alien having nonimmigrant status described in section 101(a)(15)(H)(i)(c) is ineligible for and may not apply for adjustment of status under this section on the basis of such status."

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, the bill that is on the floor purports to create two different paths to American citizenship for those, first of all, who are in the country living outside of the law in an undocumented status, and secondly, for those who are not yet present in the country but who want to come here at some future date to work. We have given the somewhat misleading name of "guest worker" to the so-called future flow, the people who are not yet citizens.

As I pointed out earlier, a guest is someone who comes into your home or wherever it may be temporarily and then leaves. The title "guest worker" to describe the future flow of people coming into the country to work is simply inaccurate. It does not describe what the program is.

First let me talk about the future flow. Under the Bingaman amendment, the Government would authorize the entry of 200,000 people a year who would qualify for an H-2C visa. These guest workers could work here up to 6 years, live, travel, enjoy the benefits of this country short of citizenship, after which they then apply for a green card, whereby they become a legal permanent resident. They then get on the path to American citizenship 5 years later. Rather than a temporary worker, these are individuals who, under this bill, will become first legal permanent residents and then American citizens. Because of that, the title of "guest worker" is a misnomer. It is a mischaracterization of what this bill does. Submit it is simply misleading.

It is important for us to debate this issue honestly. This is a complicated bill, over 600 pages long. Obviously, the Congress has not debated the issue of comprehensive immigration reform for the past 20 years, since the last time Congress dealt with this in a comprehensive fashion. But at the very least, we ought to require of each of ourselves that we have an honest debate, that we call things what they are and we don't call things what they are not.

The Kyl amendment, one I am proud to cosponsor, simply makes the point that a guest worker ought to be temporary. It doesn't sound like a profound amendment but, in fact, it will change the fundamental structure of this underlying bill to make the representation that everyone, from the President of the United States on down to those of us here, believes that a guest worker program is part of a comprehensive solution to the crisis that now confronts our country with our broken immigration system, that, in fact, we are talking about a temporary worker program.

That is important for many reasons. Let me mention two beyond the initial reason that we ought to be honest and accurate and clear about what it is we are doing.

First, in terms of the future flow of individuals who come into the country to work, it is important that we have a temporary worker program in order to protect American workers. In fact, if we have an influx of 200,000, or whatever the number is, permanent residents and then new citizens in this country, without regard to the fact that our economy is in a boom time when we need those workers or in a bust when we find that those new workers will end up working with Americans and potentially displacing them from their jobs, it is important that we keep faith with the American
people and we protect American workers by being able to dial up or dial down the provisions of this guest worker program in order to meet the demands of our economy.

Secondly, Mexico, as an example, which I have had the opportunity to discuss with my State of Texas, has seen the mass exodus of some of its best and brightest and hardest working people permanently out of their country to live forever, the rest of their natural lives, in the United States.

Now, I believe we ought to have a legal system of immigration and that ought to serve our national interests. But the reason why there is so much pressure put on our borders and on illegal immigration is because when a country’s young workers leave permanently and never return, how in the world can that country, whatever the country is—Mexico, United States, Guatemala, Honduras, or Brazil—how can any country ever hope to create economic opportunity and jobs if they lose their brightest and hardest working people by being able to dial up or dial down the provisions of this guest worker program for a while and then return to their country of origin with the savings and skills they have acquired working in the United States. That would benefit not only the employers who need the workforce, a legal workforce that cannot be satisfied with sufficient numbers of Americans—but it would also satisfy the demands and the needs of their country of origin by providing circular migration—in other words, people coming for a while to work and then going home with the savings and skills they have acquired in the United States. What are they going to do with the money they have earned? Some may decide to buy a home or start a small business in their country of origin.

I think that has at least the promise of developing economic opportunity and jobs in those countries that are now a net exporter of people to the United States. It would give them a realistic opportunity of creating jobs for those who, in fact, would prefer not to sever their ties with their home and their family and their culture. It would reinstate this circular migration that would benefit both the United States and the countries of origin.

I remember some time ago—maybe 2 years ago—I was visiting Guatemala and had lunch with our American Ambassador to Guatemala at his residence. We were talking about American trade policy, and specifically the Central American Free Trade Agreement, which had not yet come to Congress for a ratification vote. What a gentleman from Guatemala told me at that time very concisely—I will never forget—was that they want to export goods and not people. So he said it perfectly. We ought to provide countries such as Guatemala, Mexico, and others an opportunity to do business with the United States in a way that will help them develop their economy, so their people can stay home and enjoy their culture and their country and their family and not feel compelled to leave permanently to come to the United States and never return home.

Some have said that, well, what attracts countries such as Mexico to massive illegal immigration of its own citizens is the fact that this last year they sent home $20 billion in remittances; that is, savings that workers from Mexico earned in the United States while working in the shadows, in the cash economy, in the black market, so to speak. They sent that money home to their family to help support them. Recently, though, a high official in the Mexican Government pointed out to me that it is not a benefit to countries such as Mexico to see their people leave just to send maybe 10 percent or 15 percent of their money or savings back home if you look at the economic activity that occurs in the United States, they would much rather have that economic activity occur in their country of origin.

Let’s say, for example, that $20 billion represents saving workers in Mexico and sending it back home. That means that for the $20 billion that is sent from Mexican workers back to Mexico, there is $180 billion in economic activity occurring in the United States that could occur in Mexico, in Mexico, if the workers could stay there. Obviously, that kind of economic activity feeds on itself and provides greater opportunity for those people and benefits to those people living at home. It takes a lot of pressure of illegal immigration off our borders.

Ultimately, I believe in comprehensive immigration reform because I believe that whatever we do has to be built upon a foundation of security. In 2006, national security is about border security. We simply must know who is coming into our country and the reasons they are coming here. We cannot assume that people are coming here only for benign reasons. We all understand that when people have no hope and no opportunity where they live, they are going to do whatever it takes. Any one of us, assuming we had the courage, would take whatever risk was necessary, including a risk to life itself, to provide for our loved ones. So at a very human level, we understand this is a problem for employers to confirm legal authority to work in the United States; then we punish those employers who cheat. If we do that, I believe we can get this problem under control. If we fail to do that, we have not addressed the problem that will have been engaged in a futile act, and we will have been laboring and debating in vain on this bill.

Finally, I believe there are sectors of our economy that create jobs that are not necessarily satisfied by Americans and by legal citizens, legal immigrants in the United States. So I believe that to supply a legal workforce for those sectors that cannot find an adequate workforce among native-born and legal immigrants, we ought to create a temporary worker program, as I have described it a moment ago. This would also have the additional benefit of allowing law enforcement to direct their attention at the real problems of illegal immigration and those who simply want to come here and work in a temporary worker program.

Mr. President, I also say that the other part of this amendment deals with those who are already here and who, under the underlying bill, would be able to stay in place and then participate in the H-2C program or those who would have to go to a port of entry and then who could come back in, participate and get on a path to permanent residency and citizenship. This would say that notwithstanding any other provision of this act, an alien having non-immigrant status is ineligible for and may not apply for adjustment of status under this section on the basis of such status. In other words, temporary means temporary, and that a guest is welcome, assuming they qualify, to come for a time and participate in the benefits of this program but not necessarily be put on a path to a green card or legal permanent residency and citizenship.

Now, there are those who say that this kind of plan will not work and
that we have no option but to legalize those who are here in place and those who want to come in the future. There are those who say there is no such thing as a temporary worker because America has not shown itself capable of enforcing its own immigration laws and making sure that people whose visas expire, in fact, leave the country at the expiration of their legal author- ization.

I believe that we can, assuming we have the political will, enforce our laws. We can create humane and real- istic laws that provide for our Nation’s needs and that serve our Nation’s inter- ests and which, incidentally, serve the interests of countries who have young workers who want to come for a while and then return to their country of origin.

I don’t believe that we are incapable of enforcing our laws. I don’t believe we have to throw our hands up and say the only way we can deal with this is to create an opportunity for people to basically stay in place and become legal permanent residents and citizens. It is not that I think that we should not provide that opportunity. In fact, I believe we should provide for those who meet our Nation’s capacity to deal with this and who create a realistic cap based on our ability to assimilate those people and for them to become Americans.

So I think we can create a category of temporary workers, people who have no desire to stay, and then those who do want to come to our country, as- suming that we can establish realistic caps that are based on that popu- lation and they could become Ameri- can citizens, and that we ought to create a reasonable opportunity to do that.

But our interests ought to be, first and foremost, what is in America’s best interest? What is in America’s best in- terest?

I guess I wish that America could open its arms and accept the flood of humanity that might want to come from some of the corners of the world, from every oppressed and downtrodden part of the planet. But the fact is that we cannot. We cannot do that without jeopardizing what America is. That is not to say that we would discontinue being the melting pot, where people who want to come legally from any part of the world and become Ameri- cans can do so. We ought to provide an opportunity for them to do so, to the extent that it serves America’s inter- ests and serves America’s needs.

Mr. President, I reserve the remain- der of my time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. Is this from the time in opposition?

Mr. MCCAIN. Yes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I rise in strong opposition to the amendment. It undermines both the intention and the spirit of this bill. The amendment would not only treat future workers as less than American workers, it would treat them as less than all other immi-grant workers.

The reason is—I will get right to it—after many long months and weeks and hours of negotiation, we had a pro-posal that passed through the Judici-ary Committee and then a compromise, thanks to Senators Hagel, and Mayo- TINEZ, basically establishing the frame- work for a compromise in the Senate. If this amendment should pass, that whole compromise is destroyed because a fundamental part of that compromise was that those who have been here for 2 to 5 years, after having gone back to a port of embarkation, would then be eligible for temporary work under the temporary worker program, and then over time be eligible for green card sta-tus and citizenship. This amendment would destroy that.

I understand very well why the Senator from Texas and the Senator from Ala-bama on the floor of the Senate, and others, have been opposed to this bill from the beginning. I understand that and appreciate it and I respect it. But let’s have no doubt about what this amendment would do. It would destroy the entire carefully crafted com-promise.

Now, the Senator from Texas has an interesting theory about people who would want to come here and only work and then go back, or maybe not go back, but not have any opportunity for citizenship. We have examples today in Europe of the situation that the Senator from Texas and my col- league from Arizona would want to cre- ate, which is having people living in your country with no hope to ever be a part of that society.

I would want my colleagues of what happened not long ago in France. There were thousands of young Mus- lims who were burning cars everywhere and rioting and demonstrating because they have no opportunity.

Why is it that all over Europe you find these enclaves of foreign workers who are totally and completely separate from society? Because they are in the situation which this amendment would dictate: No hope, no job, no oppor-tunity, no future, but we will let you work.

This is not what we do with highly skilled workers. That is not what we do with university professors, and espe-cially for those who have already been here between 2 and 5 years under this very carefully crafted compromise, the Hagel-Martinez compromise, as it is called, embodied. I understand why the Senator from Texas or the Senator from Arizona would oppose that. They oppose the very principles upon which the legislation was based and the Hagel-Martinez compromise was shaped.

The Senator from Alabama is on this floor constantly against virtually every aspect of the bill. I understand that.

But I want my colleagues who are voting to understand that if this amendment would pass, this whole compromise and this whole legislation collapses because it removes a funda-mental principle of this legislation, which is that we give people an oppor-tunity to earn citizenship, which is ex-actly what the 2- to 5-year part of the compromise under the Hagel-Martinez proposal represents. If you are here be-tween 2 to 5 years, you have to go to a port of embarkation, you come back, you take part in the temporary worker program, and then over time you ob-tain eligibility for a green card, and ul-timately citizenship. That is what America has been all about: people coming here and having the opportu-nity to obtain citizenship.

So we have a fundamental disagree-ment. I hope all of my colleagues will recognize that passage of this amend-ment would cause the entire bill to col-lapse, which we have been working on now for a week with good debate and good votes, and I think the way the Senate should function. So I hope that everybody understands exactly the im-plication of this amendment, and I un-derstand and respect the view that is held by my colleagues who support this amendment. But I want all of my col- leagues to understand the impact of passage of this amendment. It under-mines not only the principles of the bill but, in my view, the principles of what this Nation should be and is all about today.

We have talked many times about people who live in the shadows, the people who don’t have the benefits of our citizenship, or an opportunity to become citizens, these 11 million peo-ple who are living in the shadows. If this amendment would pass, I can as-sure you we would keep several million in the shadows because they would never come out of the shadows because they would never want to return to their country and they do not want to be on a path to citizenship. So from a principled viewpoint and, frankly, from a practical viewpoint, this amendment is unacceptable.

I know the hour is late. I know a lot of my colleagues are not paying as much attention, perhaps, as they would at other hours of the day, but I hope we make it very clear that the passage of this amendment would cause the entire legislation to implode, and we would then obviously be in a position where we could probably not pass meaningful legislation that would entail com-prehensive immigration reform, which is what the President has espoused and what I believe the overwhelming ma-jority of the Senate has proved in nu-merous votes this week that we sup-port.

Mr. President, I reserve the remain-der of my time.

Mr. CORNYN. Mr. President, I yield 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Sen-ator from Alabama is recognized.
Mr. SESSIONS. Mr. President, I thank the Senator from Texas for his hard work on this amendment and his thoughtfulness.

The Senator from Arizona just tells us that he and a few masters of the universe are somewhere in a room to which I wasn’t invited—I am not sure many other Senators were invited—and they have decided that this bill as written is the compromise and if any of it is changed, well, the compromise collapses and the bill fails. So, if I am not sure if the Senator from Az- rizona correctly, he thinks we should all just give it up and quit offering amend- ments. But I don’t think that is the way the Senate does business. I know the Senator from Arizona is a smart man and so are some of the others who have worked on this bill and worked out all of these compromises with Sen- ator KENNEDY.

When they were working out these compromises did they consult the American people? I submit they haven’t consulted the American people. The American people, when they find out what all is in this bill, they are going to be more upset with it than they are today.

More is wrong with this piece of legis- lation than can be explained. I took an hour or so Friday, not condemning the philosophy of comprehensive immi- gration reform, not condemning steps to make the legal system work prop- erly in a way that we can be proud of, I talked about why the legislation is insufficient and flawed and is unable to do what the sponsors say.

Senator MCCAIN doesn’t back down from a challenge, and I don’t intend to back down either. I am not going to just hide under my desk because he and Senator KENNEDY have worked out a compromise. They think we shouldn’t even make an argument against it, I suppose.

Let me just show you what the bill says. In big print up here: “Title IV—Nonimmigrant And Immigrant Visa Reform.” All this rubric at the top in big letters: “subtitle A, Temporary Guest Workers.” It says, “Temporary Guest Workers” in big print—not even the normal print. It says “temporary” and “guest” I don’t know how many times in this provision.

The President told me—and he has said publicly a half dozen times—he believes in immigration reform, not a guest worker program. I suppose his lawyers, maybe they thought it must be temporary, right? Well, it is not so. Let’s take the people who will be allowed to enter our coun- try in the future under this bill. This bill says that they can come in as a guest worker, temporary, and they can come for 3 years and then they can ex- tend and stay another 3 years.

So that means it is temporary, right? Sorry. All you have to do is read the language of the bill, and as Senator KYL, the Senator from Arizona has pointed out, and you discover that the first day the temporary workers are here they can apply for a green card through their employer. And what is a green card? It makes them a legal, perma- nent resident. Permanent resident, not a temporary guest workers.

Five years after that green card is issued, they are entitled to apply for naturalization. Of them, not that enter under this so-called tem- porary provision. That is the truth, but it is not the message we are being told.

Earlier today I thought about offer- ing an amendment or a resolution to bar anyone in the Senate from using the phrase “temporary guest worker” when they talk about this bill because it is so bogus. It is an utter and total misrepresentation. As I just explained, and as the Senators have just ex-plained, everyone coming in under this provi- sion for the indefinite future get to become permanent workers. I chal- lenge anybody to dispute that. They have the ability to become a legal permanent resident, and after that, they get to go and become a citizen. So it is not just not a temporary worker program, it is permanent immigration. That is the deal.

Now, President Bush, as much as he believes in immigration and has been supportive of it, he has made clear that this is not what he wants. He supports the principles behind the Kyl-Cornyn amendment. We need to listen to him. This is a big amendment. And I do not think the Members of this body should feel in any way that they are not able to reject the bill, to reject it by legislation because some group says they have reached a compromise and nobody can fix it, when they have made mistakes, and there are a lot of mis- takes. This is just one of them. But I don’t believe this Senate has ever seen—since I have been here, a piece of legislation of such monumental con- sequence have a misrepresentation as great as the allegation that the bill deals with temporary guest workers when it absolutely creates an auto- matic path to citizenship.

So why don’t we do it right? Why don’t we do what Senator KYL and what Senator CORNYN say and fix it, make it actually do what we the bill claims, make it temporary? A green card is valuable. It entitles people to great benefits of the United States alone, even short of citizenship. So we have benefits that accrue like the earned income tax credit, like the food stamps and benefits of that kind, as you come to be on the path of legal permanent residence. A legal perma- nent resident can bring their family into the country, their wife, and their children. When they become a citizen, which they will have a right to do in 5 years, they will then be able to bring in their parents who would probably soon, as a matter of demographics, be eligi- ble and in need of substantial health care as they age, which the American taxpayers would provide them in one form or another. In addition, their brothers and sisters. They all are eligible to come under the chain migra- tion provisions of existing law.

This is a huge provision of the bill, is all I am saying. It is a major increase in the amount of people who will come into the country lawfully. It is a pro- gram that allows permanence and citi- zenship for every single person who comes in under this provision. It is not a temporary guest worker program. It is contrary to the whole message the American people have been told repeatedly that they are somehow dealing with, which is a guest worker program, when it is a permanent citizenship program. It is contrary to the President of the United States believes in. In fact, he has now endorsed the Kyl- Cornyn amendment because he has been saying all along he thought we ought to have temporary workers in not such a large number that would be coming in permanently under this provi- sion.

There will be other provisions by which people can come and get on the citizenship track. But the temporary guest worker provisions of the bill should be simply that. I think that will meet the needs of businesses. I think it will meet the needs of businesses. I think it will be the right way to handle this matter. I think it is what the American people have in their minds and think we are talking about. Unfor- tunately, if they heard that message and think that is what we are doing, it is not. Unless the Kyl-Cornyn amend- ment passes, we will not have a tem- porary guest worker provision in the bill.

The choice is clear. If Senators actu- ally believe what they have been saying about what they are trying to pass, that they want a temporary guest worker program, then they should sup- port Kyl-Cornyn. If not, they ought to come out of the shadows and stand be- fore the American people and say that temporary guest worker words printed right here in this bill—well, they don’t mean what they say. They ought to tell us plainly and simply that they know that this is a provision that takes people straight to perma- nent resident status and straight to citizenship, so when we vote, Ameri- cans will know where we stand.

I thank the Senators from Texas and Arizona for offering the amendment and yield the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Texas.

Mr. CORNYN. Mr. President, I will yield myself 3 minutes. Also, I yield to the Senator from Arizona, Senator KYL, 20 minutes.

One of the hardest things about this whole subject I think is there so many assumptions that people make based upon their own experience. How in the world can we put ourselves in the place of some of the individuals that this bill impacts and know what their desires are, know what their aspira- tions are, know what their relations- ships are to their country and their family and their culture?
I think there are some people who assume if America was to offer individuals from other countries an opportunity to come and qualify and work legally in the United States for a period of time, that they would not want to do so. There is a world view among some who wouldn’t want to go back home. I think common sense tells us these individuals love their country, they love their culture, and they love their family as much as we love ours. There is a deep and abiding connection that is not easily severed. The reason why people do sever it is necessity, when they don’t have any opportunities where they live so they are willing to do whatever it takes, including leave their country and come to work in the United States. But what they would like—there is at least some segment of these individuals who like to come and work for awhile and then go back home and then maybe come back again and work for another couple of years and then maintain their ties to their culture and their country and their family. I would like to point out to our colleagues there is one piece of what I would call objective evidence out there that I think is rather compelling. There is one segment of these workers that is part of the American dream, the workers who want to come, immigrate to the United States, and to become legal permanent residents and American citizens. But there is also opportunity. We respect those individuals who do menial jobs because after the 4 years that they are here, if there is not going to be an American to do the job, they can petition, and if they meet all the other requirements—they learn English, they obey the laws—they can be part of the American dream. The Cornyn amendment applied to our immigration laws 150 years ago, no Irish needed apply, no Polish needed apply, no Italians needed apply, no Jews needed apply. But tonight we are saying no Mexicans, primarily, need apply because those are the ones—sure, it is 85 percent, the rest 5 percent or 6 percent Asian, the rest from Central America. But that is what the Senate tonight is confronted with. This undermines the history of the development of things in this country. It undermines the development of the American dream, the right of any individual to come and work in freedom, and you believe in opportunity, that you, too, can become an American if that is what you want. But I believe we ought to provide a reasonable opportunity, based on our national interest, for people who want to immigrate to the United States, to have a legal basis, and we also ought to provide another category for people who don’t want to sever their ties, don’t want to come here permanently, they want a job and then they want to go home. That is why the temporary worker provision would provide. It is, in fact, I believe, an honest representation of what the program is, as opposed to the problem that the Senator from Alabama noted and that I noted earlier. This bill, as written, is neither a guest worker program or temporary in any sense. This amendment, I believe, would correct that. I yield the floor and retain the remainder of my time.

Mr. KENNEDY. Mr. President, how much time do we have?

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day.
have sexual harassment and abuse for them. That is the record. Read the history of the Braceros. I went to the hearings. I attended the hearings all through the Southwest and into California; one of the most shameful periods in our history. We are going to play by the rules and earn their way to be a part of the American dream. I withhold the reminder of my time.

Mr. McCAIN. Mr. President, how much time on both sides?

The PRESIDING OFFICER. There is 25½ minutes on the Kyl side and 16½ on the other.

Mr. MCCAIN. I thank the Chair.

Mr. HAGEL. Mr. President, I would like to address the Kyl-Cornyn amendment tonight. I obviously have listened to some debate on this issue, not just tonight. There are some things I want to address before I get into what I think are the real critical issues here, not just on this amendment that we are going to be voting on but the bill, the purpose, the real critical issues here, not just on this issue. There is one thing I want to add—

I heard the junior Senator from Alabama say that the White House, the President of the United States, articulated very clearly about the Hagel-Martinez bill. That is not my understanding. As a matter of fact, he felt the underlying bill was imperfect. He laid out his principles. Those principles are the principles in this underlying bill.

I welcome clarification of where the President is on this. Maybe the White House would like to clarify that as well.

Let us talk about what this is about. This is a difficult issue. It is complicated. It is wide and deep. Yes. Why is that? Because we have essentially deferred this issue for years. We have provided constructive citizenship for the American people. We have not had the courage to deal with it because it is political, because it is emotional, because it cuts across every sector and every line of our society. It is about national security. It is about autonomy, and our future. It is about our society, our schools, our hospitals. That is difficult. It is difficult.

But what the President of the United States did Monday night—and a number of my colleagues have been doing for a long time—was to try to find a resolution.

Mr. President, the American people have a very low opinion of you, of me, of the Congress, of the President—not because I say it. Read the latest polls. I do not want you to address any heart in the fact that his job approval numbers are higher than ours.

Why are the American people upset with us? Because we are not doing our job. We are talking about: Let’s run to the base. Let’s run to the political, lowest common denominator. That is not governing. That is cheap, transparent politics. That is why we are all down in the twenties and the low thirties. The people of this country have lost confidence in us, and no wonder. We run from every tough issue. We can get into the subsections on page 17 and 500 and 433 of the underlying bill—all imperfect, absolutely, because resolution on this issue will be imperfect, absolutely. But we are not trying to come to some resolution. We are trying to find some answer for the American people.

What do we do with the 12 million illegal aliens in this country? Do the American people really believe we are going to ship them all out of here, go down to the bus depot? Is that really what they are going to do? Come on. That is not the answer.

Why are we so afraid of this issue? This issue brings out the best in our society and the worst in our society. Why are we afraid to deal with this issue? Do we really want, as Senator McCain, Senator Kennedy, and others have said, a second-class system in this country? Do we really want that? Do we know what the consequences of that are? I am not sure we do.

This Kyl-Cornyn amendment destroys every fiber of what many of us have worked for, including the President of the United States. We try to find some solution, some common denominator center point, some consensus of purpose about how we do this. Sure, we can pick apart temporary worker visas. Does that really mean that somebody is going to stay longer or not going to stay longer? All imperfect, absolutely, but do you know what we were doing with a resolution like this, as imperfect as it is? What are we saying to our country, to the world?

That can deal with the tough issue. We, in fact, can put people onto a path of responsible behavior, of legal status, just like America has always stood for—hard work, opportunity, do your best. 12 million illegal immigrants, not here illegally. Of course, they are, Yes.

This nonsense about amnesty. I said on the floor yesterday—Mr. President, you might remember 1978 when Jimmy Carter gave amnesty, unconditional, no questions asked: Come on back over the border, all of you who ran away from this country and didn’t want to serve your country, didn’t want to go to Vietnam, didn’t want to be a part of our country. Jimmy Carter said in 1978, questions unconditional, come back. That is amnesty.

What we are talking about is not amnesty. The President said it very clearly Monday night.

We are talking about pathways to legality, responsible processes, opportunities for people to come out of the shadows.

Who are we helping with the current situation that we have today? How are we winning? People just in the shadows don’t collect the taxes we need, we don’t have the complete involvement in communities that we have always had from our immigrants. There is a national security element to this. There is a law enforcement element to it. There is certainly an economic element to it.

Are we really winning? No, we are losing. We are losing everywhere.

What are we trying to do is find a way to move this forward so that we can get to a resolution. I will be the first to say, since I had a little bit to do with helping construct this and I have been at this for many years—I have not been at this as long as Senator Kennedy has, but I tell you, not many Senators on the floor of this Senate have been at this as long as I have. It doesn’t mean that I am right. But I do know a little something about it. I have been down on the border. I have talked to immigrants and have spent thousands of hours on this issue, as has my staff. It doesn’t mean I am right or that I am smarter. But I know a little something about it. I know a little about this country. I know how this country was built, and I know about the people of this country.

The people of this country want us to resolve the problem. It isn’t perfect. That is what we have been doing this week. We have been adding amendments. Some amendments I did not vote for, some I didn’t like. But adding to this, crafting something for the future, for our history, for our children, and for our society, that is what it is about.
I differ with the interpretation of some of our colleagues who say we are trying to replace the normal immigration path with legal permanent residency and citizenship with a temporary worker program. That is not true at all. What we are trying to do is say, there is an additional way that people who want to come here and don’t want to stay here can come for a while and work in a legal system and then go home, and those who want to become American citizens. We are going to provide a temporary, a reasonable path for them to do so subject to cap, subject to our ability to determine what is in America’s best interests.

I know the Senator from Massachusetts talked about distinguishing between immigrant populations based on skills, based on talents and their contribution. I say we have every right as a nation to determine what the attributes are of the immigrants we want to come to our country, whether they are a net-plus in terms of their contribution. Let’s say have engineer, math, or science skills as opposed to low-skilled workers. I think we have a right to make that distinction.

This is an important amendment. I do not believe it will gut the bill but will advance it.

I yield the remainder of my time to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, this is a simple amendment, a very important amendment. It is not inconsequential. It changes in a major way a specific feature of the underlying bill. But I believe that feature is wrong and needs to be changed. The underlying bill sets up a temporary worker program, but it is not temporary in the sense that the workers who come here and get a temporary worker permit can then apply for permanent legal residency and ultimately citizenship. There is no reason to deny them that under the bill. As a result, have temporary workers. You always have permanent workers, people who are allowed to come here originally as temporary but who can in effect automatically convert their status to permanent legal residency and then citizenship.

The question is, Why is that necessary? The second point is it creates a problem when economic conditions change.

Why would it be necessary? There are many visas in our system today that are temporary. In fact, there are skilled labor visas that are temporary. They can be renewed. They are based on skills. There is not at this point or job here that is going unfulfilled by an American worker, we have the ability to issue visas to foreigners who can then come here and work for a temporary period of time. Then they return home. As long as there are jobs here, those visas ordinarily continue, but when the work is not here, the visas stop. That is a good thing.

I support a temporary worker program under this legislation. However, it should be temporary. That is to say, the program may be permanent, but the visas under it are temporary, for a period of limited time. They may be 5 or 10 years, but not out of the realm of 1 or 2 or 3 years in duration. In my view, they should be renewable. There are a lot of different ways to construct it. The bottom line is, when you come in because there is a job available for you 3 years ago, and the same job or another job may not be available to you 5 years later. There may be no work for you 5 years later.

Let me give an illustration I have used before. In my home State of Arizona, we are in a construction boom period. We cannot get enough people to help build houses. There are jobs that go begging, and therefore we have to rely on a large supply of foreign labor to help. It is undoubtedly the case that many of the foreign laborers are illegitimate; they are not here the appropriate way. However, they are workers who are performing a valuable function in our economy today.

Here is the question. I have been in Arizona now for almost 50 years. We have seen lots of upturns and lots of downturns. What happens when the downturn comes, when we are not building as many houses or office buildings, there aren’t many jobs available, and Americans begin to find that jobs are not available for them, they are unemployed, and there is just not the work for people? What happens if you have a temporary visa issued and say that visa is for a period of 2 years? That visa expires, and there is no more job available. In fact, there are Americans looking for work. That foreign worker goes home. When another job opens up, when the construction industry gets going again and there are opportunities for foreign labor because Americans can no longer fill all of the labor required, the visas would begin being issued again, and that individual could come back and begin working again. Perhaps there is some other industry in which the individual can work. In any event, the visa for that job would, after a year or after 2 years, expire, and if there is not a job available, you do not issue a new visa.

The problem in the underlying bill is that once you get your temporary visa, you can apply or you can apply for you to turn that automatically into a permanent legal residency status or a green card status. And we know from that you can apply for citizenship. When you have a green card, it does not matter whether there is a job here or not; it does not matter whether we are in the middle of a recession and Americans are looking for work; you have a legal right to be in the United States and no one can kick you out. That is what legal permanent residency means.

So there is no reason in a temporary worker program to be able to convert the temporary visa or permit into a...
legal permanent residency. In fact, there can be great harm done if the economy changes, the economic situations change, jobs are no longer available, and instead of having those visas expire, you have converted the individuals to permanent status and have a permanent right to stay in the United States.

This amendment does absolutely nothing to change the existing law with respect to how you can acquire a green card in the United States or convert other legal status into benefits under our immigration laws. You can still apply for a green card. You can still apply for other ways of remaining in the United States for differing periods of time. We do not change any of that. If you are somebody who wants a green card, there is still a way to get a green card. In fact, under different versions of the bill, the number of green cards is increased so that there are greater opportunities for green cards. The bottom line is, you do not have to convert the temporary worker program into a permanent worker program.

There are economic studies which back up what I am saying. For the sake of time, I will not get into the details of such studies. Among other things, in previous times, going back to the year 2000, for example, in the skilled visa era where we issued large numbers of visas, there were economic studies that suggested we could have a continuing need for those visas in the future for some number of years, and we were issuing those visas at a very high rate at that time. Little did we know that the economic conditions were going to change very rapidly, and very quickly those high-skilled jobs fell off. Yet we had issued visas for people to come into the country at a time when, in fact, we were starting to go into a recession and, in fact, those jobs were not available for those people.

If they had been able to permanently reside in the United States after they got their temporary visas, it wouldn’t matter whether there were jobs available for them; they would be here. It would be legal. There would be no way to remove them. And of course, with green cards, they would be entitled to benefits which would flow from that status. The United States is going to have to pay a lot of unemployment compensation if we now have two bodies of workers who are both willing to fill a job.

Unlike all of the demographic studies of the last decade or two, there is something upon us as a nation that we have never experienced before. I am a 1945 baby. I am 60 years old. I am just 1 year ahead of a great class of people—77 million Americans—called baby boomers. They, similar to myself, been here 5 years or less and are required to go into the temporary worker program—those are the two groups of people we are talking about—our view is they should be temporary workers, subject to the economic conditions of the United States, not replacing American workers but fulfilling a work requirement when there aren’t enough Americans to do the job. It is basically the same theme that was said in his speech earlier this week when he said that the temporary workers should have an opportunity to be matched with a willing employer when there are not Americans who can do the job. When that is not needed, they can return home. I am paraphrasing, but I think those are the words of the President.

The concept the President has articulated is the same concept that we believe is appropriate. It is the basis of the temporary worker bill in the Kyl-Cornyn legislation. We believe it is appropriate for that same concept to be embodied in this legislation.

Might I inquire how much time remains on the other side? Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator from Idaho.

Mr. CRAIG. Mr. President, I approach this part of the issue on a critical piece of legislation with due caution. I say that because of my respect for my colleagues from Arizona and from the State of Texas and the work they have done as members of the Judiciary Committee and the due diligence they have always put into this critical issue.

I believe there is a component missing from this debate that speaks to the need for this country to be in a continual and progressive mode of training and shaping a permanent stable workforce.

That is what we are trying to do. I do not believe that a constant temporary environment is a stable environment. For those who work for long periods of time and get a green card, does it mean they will become a citizen? No, it does not. Does it mean they are greater opportunities for green cards. The United States is going to be faced with public policy decisions we are not yet brave enough to make: Social Security reform, Medicare reform, Medicaid reform. And without a sustained economic growth cycle, become phenomenally expensive and maybe unaffordable.

That does not sound like part of the debate that would tie itself to the Kyl-Cornyn amendment, but I suggest it does. I suggest it behooves this country to create a legal transparent immigration system with a secured border that allows America’s employers to train and sustain a permanent workforce, a sustainable, growing workforce, because the American, by birth, is no longer going to do that. It is the nature of our country. It is, in fact, the wealth of our country. That is, in part, what all of this debate is about.

Americans said: Get your borders secured and get the illegal flow under control; identify them, control them. That is what we are trying to do.

I do not believe that a constant temporary environment is a stable environment. For those who work for long periods of time and get a green card, does it mean they will become a citizen? No, it does not. Does it mean they are eligible? In this bill, it says: Yes, if you go to the end of the line and apply, and that is 6 years, another 5 years, and it goes on and on.

I don’t believe this is an appropriate amendment to this bill. There is a time component to the bill itself by the nature of H-2A’s, H-2B’s and H-2C’s, and that is written in. There has to be some stability of permanency. That is critical to the American economic scene and to the stability of America’s workforce. And even in that, we will have the down cycles that the Senator from Arizona talks about. I am not sure at that point, when trained workers are at hand and have supplied the American economy with its goods, that one can say: The lights are out, leave the country.

Somewhere, we have to balance that out. That is what we are attempting to do. That is why tonight I ask my colleagues to oppose the Kyl-Cornyn amendment.

Mr. LEAHY. Mr. President, this is yet another amendment designed to undermine the well-balanced programs in this bill. The Comprehensive Immigration Reform Act is the product of hard-fought compromise and it reflects a balance between the needs of American business and American workers. Strong coalitions representing both of those sectors of our society support...
this bill and endorse the temporary worker program contained in it.

One critical provision in the bill creates an opportunity for temporary workers who have followed the rules and worked hard while in the U.S. to seek legal permanent status after a period of residence. An employer who has come to rely upon an immigrant guest worker and wants to keep that immigrant on staff can file a petition after 1 year for the immigrant to get in line for a green card. The guest worker does not receive any preferential treatment in this program. He must get in the back of the line and meet all the other requirements to earn citizenship, a process that will likely take more than a decade to complete.

The Kyl amendment strips out this provision, taking away a valuable option for both the immigrants and their employers.

When a similar amendment was debated in the Senate Committee and defeated, as I hope this one will be—the sponsor stated his belief that lower skilled immigrant temporary workers should have to leave the U.S. after a few years. High-skilled workers are not treated in this manner. H-1B visas hold an opportunity to earn for green cards under current law. But some sponsors of this bill are willing to treat guest workers as second class.

This attitude is deeply disturbing. Lower skilled workers are essential to our economy, deserving to be treated with respect and dignity. Many of our great American leaders, scientists, artists, and teachers have immigrant roots of very modest means. Throughout this debate we have heard many Senators tell their personal stories. Almost all of these reflected early years of hardship and struggle while immigrant parents worked hard under very tough circumstances so that their children could have greater opportunities.

Nor is this attitude offensive to me, but it makes little business sense. Employers of immigrants in the sectors most likely to use these temporary workers, such as hotels and tourism, food service, health care, and meat packing, support the program in the bill. The National Restaurant Association has stated that the restaurant industry is expected to create almost 2 million new jobs by 2016. It expects this growth to outpace available labor. For reasons in the fast food service to be treated fairly, the American worker needs to know his job is secure. In all of the industries we are talking about, while there is a significant need for foreign labor, there are far more American workers working in those industries than foreign workers.

The bottom line is, there are American workers while in the U.S. to do these jobs. The temporary worker program contained in it.

I yield the floor.

The PRESIDING OFFICER. There is 2 minutes remaining on the opposition side and 12 minutes on the proponents.

Mr. KENNEDY. We are prepared to yield back our time if the other side wants to yield back.

Mr. KYL. Mr. President, let me take a couple of minutes to respond to my friend, the Senator from the State of Idaho.

He projects that 500,000 workers are going to be needed every year. That sounds a bit high, but there is a way to resolve the question. If we have a temporary worker program that works well and brings in all of the temporary employment needed to fill your labor needs, then whatever that number is can be satisfied with the temporary worker program. But if the Senator is wrong and we do not need that many people but we have allowed that many people to come into this country and remain here permanently, then we have a big problem because we also have to consider the American worker, and the core of the compromises contained in it. We would have benefited from the White House’s involvement earlier in the process in a helpful way, but its continued silence on an issue of great importance today is a grave disappointment.

The reality is, whether you are talking about the hospitality industry with people making beds and washing the dishes or talking about the construction industry or landscaping, there are millions of Americans doing these jobs. And we want to know that those jobs will be there for American citizens when the economy is not as strong as it is now.

So in periods of decreasing jobs and increasing unemployment, we want to be able to ensure the workforce can remain employed. With a temporary foreign worker program, we can ensure that because the foreign workers are brought in, to the extent they are needed, when they are needed, in each of these industries. But if they can convert to permanent status automatically, which is what this legislation would allow, they cannot be removed. They are here. They have legal permanent residency and eventually can acquire citizenship, if they desire. Whether they choose to remain here or not, they are here. The studies show they compete with American workers very well in the low-skilled job categories by usually taking less money than Americans, with the result that many times Americans will be unemployed, for which we will be responsible for paying unemployment compensation and other benefits, and yet the foreign worker might have the job.

So instead of a situation in which there is no job, we will have a situation in which there is a job, but it is held by a foreign worker rather than an American worker.

Why do we need to take the chance, is my question. We all agree with the concept of a temporary worker program for skilled labor. In skilled labor, these visas expire. For student visas, they expire. For tourist visas, they expire. They can be renewed in certain situations. In the different categories that we are talking about, in the law today, they are all for a specific period of time, and then they expire.

What is the matter with that same principle being applied to low-skilled workers? In fact, the experts all agree—we had testimony before our committee—that with respect to low-skilled workers, you are more likely to have people who are undereducated or less well educated and likely to work in the lower skill occupations. But if you have high-skilled workers, you are more likely to have people who are undereducated or less well educated and likely to work in the lower skill occupations. But if you have high-skilled workers, you are more likely to have people who are undereducated and low-skilled workers.

Our immigration law has always been very leery of allowing large numbers of uneducated workers to enter the country to do jobs that represent a potential expense for this country in the event that the employment that was promised to them does not materialize or goes away.
So there is no need to take a chance on this. If, in fact, my colleague is correct that we will need more laborers, we can get them under a temporary program where permits can continue to be expanded. We can expand the number or they can be renewed.

In any event, there is always the opportunity for people to acquire green cards. In fact, under I think all of the bills that are pending, the number of green card slots is increased. So there is also an opportunity for that.

But in case they are wrong, and jobs evaporate over time, and even Americans cannot find work, why would we want to be granting these foreign residents who are here temporarily the right to be here permanently? It seems to me it is unnecessary. It is potentially devastating, devastating to American workers, and we ought to change it.

As a result, I hope my colleagues will support this amendment, which could go a long way toward improving this bill, creating a true temporary worker program rather than one which automatically converts to legal permanent residency.

The PRESIDING OFFICER. Who yields time?

There is 5½ minutes on the proponents’ side and 2 minutes on the opponents’ side.

Mr. KYL. Mr. President, the Senator from Massachusetts is willing to yield back his time. And if there is no one else on this side desiring to speak, I will be happy to yield back our time. I hope our colleagues will support the amendment. Thank you.

Mr. MCCAIN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Who is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will please call the roll.

The motion was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, we have made good progress on the bill but, candidly, not enough progress. We have about two-thirds of the Republican list included, and I think that much or perhaps even more of the Democrats’ list. We are not sure there will be ever fitting the list. We have been trying hard to schedule two votes for tomorrow to try to get the Senate back on a schedule where we work on Fridays. It would take about a half hour to go through the chronology of about eight different amendments that we have tried to structure but all of which have collapsed. Managing a bill has a lot of pitfalls, where we have absences for dinners on both sides, where we have adjournments for signing ceremonies, where we have recesses for social events at the White House and other places.

In one situation, we had an arrangement for a half hour, equally divided, and to have a vote tomorrow and that was changed to we cannot do it tomorrow to we can do it tomorrow, but we want 2 hours, to we cannot do it ever.

I think there would be a 100-to-nothing vote on the point that we don’t have enough discipline here to move ahead with our work. We have tried to get this bill complete. So after telling the majority leader what the situation was, it was decided that it would be fruitless to have two 99-to-0 votes which are meaningless when they could be accepted. It would be ludicrous, notwithstanding the fact that we all deserve to be voting tomorrow on ludicrous matters. But the majority leader decided we will not bring in people to have meaningless votes. It is our hope that this will spur us to some meaningful votes early on.

The Chambliss amendment will be laid down tonight, and there will be 30 minutes of debate on it before the vote at 30 on Monday. We will have a vote on Senator FEINSTEIN’s amendment, where she will have substantial time on Monday afternoon. We will see if we can construct a vote for Senator ENSign on what he is trying to work out, which has quite a number of concerns. Senator bond has an amendment that we may be able to take.

The remaining business tonight is to take the amendment of the Senator from Florida by a voice vote, which will, I believe, conclude business on the bill for the evening and the week.

Mr. FRIST. Mr. President, in the big picture, let me say at the outset that things are going very well. It is 9:30 on a Thursday night. We are making decisions about tomorrow and Monday. We have had a very good week. I thank the Democratic leader and both managers for making great progress over the course of the week.

It is very frustrating, from a leadership standpoint, for the Democratic leader and myself, the opposite party, to see the American people have to wait. It is 9:30 on a Thursday night. We are making decisions about tomorrow and Monday. We have had a very good week. I thank the Democratic leader and both managers for making great progress over the course of the week.

Given where we are, it is in our best interest to complete debate tonight, and the votes we would have had tomorrow we will have Monday. There will be at least two votes starting at 5:30 on Monday.

We do have to recognize in this body that we cannot stop work on a Thursday afternoon or evening. We have to be able to use Fridays, especially over the remainder of the session. We don’t have as many votes left between now and next week, we have this bill—and that is why we are working as hard as we can—and we have the Kavanaugh nomination, which is out there and ready to bring to the floor. We have a supplemental spending bill which funds our troops overseas, I talked to three different generals today and the Secretary of Defense, all of whom say we have to act on that supplemental. So we have to have Senators here. We have to have them participating.

Again, this is not the fault of the managers. They have done a superb job. It means that tomorrow we will likely be in session, but we will not
Thank you very much for the opportunity to add to the debate. I would like to begin with a very brief comment.

I have met with the leaders and my colleague, Senator SPECTER, on the senator from Florida, and we have done good work. We have had some very timely amendments and difficult bill. This bill is not finished yet, so there is no reason to give high fives and say we have hotlined it. We can always go back and do an amendment at a time if we have to. We are going to take an amendment at a time on a case-by-case basis, and we have no objection tonight—or very likely in the near future—being able to set amendments aside and move on. I think we have been able to accomplish a great deal in this short week.

I applaud and commend Senator SPECTER for a job well done. There is still a lot of real hard work to do. I have submitted at the request of the manager, the distinguished chairman of the committee, a list of Democratic amendments that we have had—about a lot of them. I have indicated to the managers that I am confident that most of them will not have to be offered. You asked for that and you have gotten that. I think that this coming week we all have a lot of work to do. I have very significant amendments. I applaud and commend Senator SPECTER and Senator KENNEDY for the way I see the Senate working. I think we have done good work. We have had some very timely amendments and difficult amendments. We have had winners and losers. That is what legislation is all about. Some of the compromise takes place not in the back room but on the Senate floor when we vote.

Mr. KENNEDY. Mr. President, I wish to thank the leaders and my colleague, Senator SPECTER, for this bill. I think this has been a very good week in terms of talking and debating. I think we have seen some real debates on the floor of the Senate, some which we have not seen for a long period of time. I think the Members know a great deal more about what is in this legislation. They may like it or not, but I think the debate will be a lot better next week. I think we have made good progress. Sometimes it is useful to take a little time to go over these amendments, as someone who has been here for 12 hours. Sometimes we can have a better debate and discussion if we can go over them and know where we are going to be on Monday and then what the priorities are. The Republicans have had, as I remember, 20 sort of key issues. We have gotten through a fair amount of them. There is still a good group of them. I think we need to put out the issues, and I think we can use this time and be better prepared and have a better debate and a better outcome next week.

I thank the leaders for all they have done, and I thank the Members on both sides.

Mr. SPECTER. Mr. President, we will now go to the Nelson amendment.

The PRESIDING OFFICER. Under the provisions of the Senator from Florida, is the amendment before the PRESIDING OFFICER, Mr. DODD. Mr. President, if my colleague would yield, we have an amendment that I think has been agreed to, and I am prepared to take 5 or 10 minutes to get through it. I will leave it up to the leaders how they want to handle it.

Mr. SPECTER. Mr. President, let’s take the Nelson amendment. There is always a manana.

Mr. NELSON. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENNSIGN. Mr. President, my understanding of the earlier unanimous consent agreement was that I would be recognized followed by Senator NELSON.

The PRESIDING OFFICER. The Senator is correct. The unanimous consent agreement recognized the Senator from Nevada for 10 minutes prior to Senator NELSON. The Senator from Nevada is recognized.

AMENDMENT NO. 4076, AS MODIFIED

Mr. ENNSIGN. Mr. President, we have spent a great deal of time talking about how to proceed with tonight’s debate. We have been trying to work out whether we would have a vote on my amendment No. 4076.

I send a modified version of my amendment to the desk which has been seen by both Senator BYRD and Senator GREGG who had previously expressed problems with the text of the amendment. The modification strikes a particular paragraph which had dealt with the questions of which agency would fund the program if the cost exceeded a certain dollar amount. I would ask for immediate consideration of the modified amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senate from Nevada [Mr. ENNSIGN], for himself and Mr. GRAHAM, proposes an amendment numbered 4076, as modified.

Mr. ENNSIGN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4076), as modified, is as follows:

To authorize the use of the National Guard to secure the southern border of the United States. At the end of subtitle C of title I, add the following:

SEC. 133. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—(1) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized in subsection (b), for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(b) AUTHORIZED ACTIVITIES.—Units or personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(c) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(d) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(e) DEPLOYMENT.—(1) The term ‘State’ means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin Islands.

(3) The term ‘State along the southern border of the United States’ means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

(g) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2007.

(h) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under the authority of this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

Mr. ENNSIGN. Mr. President, I will speak just briefly, because it is late. I am not going to take up a lot of time, but this is a very important amendment. The substance of this amendment is something that I have been
working on for over a month. During the last Congressional recess, I went down to Yuma, AZ, where the President was today. I saw firsthand how an extraordinary job our Border Patrol is doing. I also observed firsthand how undermanned and overtaxed they are with the permanent structures that are crossing across our southern border.

When I was at the border, I asked a question of the Border Patrol personnel. That question was: Could you use more National Guardsmen at the border, beyond those in the Counter Drug Program, to help you with your mission of protecting and securing our borders? The overwhelming answer was that they would absolutely welcome our National Guard in larger numbers down on the border.

The Border Patrol was very clear. It would create problems if the National Guard were to come down to the border to carry on law enforcement duties like arresting, detaining, and questioning detainees. Each of those things are part of the speciality role that the Border Patrol should do. They are, after all, highly trained law enforcement personnel while the National Guard is trained in other areas, areas for which the Border Patrol requires support.

In his Monday night address, the President proposed using up to 6,000 National Guardsmen on the border this year. That would multiply the force of the Border Patrol that is currently on the border. What do I mean by that? In many instances, the Border Patrol is taken away from their normal duties when they have to, for instance, perform a medical rescue of somebody who has gone into distress. This is actually a common occurrence in the southwestern desert. Immigrants crossing the desert become dehydrated and nearly die. Some of the Border Patrol surveillance cameras might pick it up, or the alien might set off a distress beacon to signal they need help, and the Border Patrol actually goes to rescue them. This is something the National Guard is very well trained to do. When they are on the border, the National Guard can fulfill that mission which will free up the Border Patrol to perform some of the other functions of their duties, like arrest and detention.

When the National Guard trains today, when personnel are performing their required 21 days of training, they are building roads, building fences, and building bridges. They do all of these things as part of their training. Except most of the time when they are training, after they build something they are required to tear it down. It is a training exercise. What this amendment envisions is that what they will build, fences, barriers, and roadways, will all be essential infrastructure needed to secure the border. The National Guard can use their training time to build roads on the border. If at this time they won’t have to tear them down. What they build will actually be permanent structures.

We had a hearing in the Senate Armed Services Committee yesterday. The National Guard told the committee that they are very excited about this mission, about what they will be accomplishing. Instead of building roads, construction of roads with a tractor, they will actually be building a road that is going to help secure the United States of America. I have received e-mails from National Guardsmen in my State that say they believe in this mission, and they are very excited about it.

I want to be clear. Some people have erroneously reported in the media that the National Guard were on the border and would be arresting, they would be shooting at people, that they would be militarizing the border and performing law enforcement activities. That is not true. Let me tell you exactly what we have put in this amendment that states exactly what the National Guard will be authorized to do. They will be authorized to conduct ground reconnaissance activities, airborne reconnaissance activities, logistical support, provision of translation services in training, administrative support services, technical training services, emergency medical assistance and services, communications services, rescue of aliens in peril, and construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States. They will also cooperate with ground and air transportation.

We are very clear on what their mission is going to be down there. I appreciate the work of Senator CRAIG on this issue. I see him here on the Senate floor. He has been one of the biggest proponents of using the National Guard down on the border, and I appreciate the time that the National Guard has been in the United States Senate to bring everybody’s attention to this issue.

Mr. CRAIG. Mr. President, will the Senator yield?

Mr. ENSIGN. Mr. President, I would ask unanimous consent for an additional 2 minutes so that I will be able to yield for a question.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I would like to ask the Senator a question because perhaps he has thought this through and he could help me understand it. I support the President’s effort to make the border stronger and safer. What I understood him to say was at least 6,000 National Guardsmen at any one time, rotated every 2 or 3 weeks to accommodate what was their requirement for that period. That is a recalculation, that means that in the first year over 100,000 National Guardsmen from around the United States will be sent to the border. And in the second year, when half as many are needed, and I say, 500,000, the 400,000 National Guardsmen nationwide—I hope my figure is correct, although I don’t know if it is—but is it your understanding that 100,000 to 150,000 will end up on border duty during any period?

Mr. ENSIGN. Mr. President, I thank the Senator for his question. I was going to address his very point. The way that the Border Patrol, the National Guard, and the administration have developed their plan envisions that about one-third of the 6,000 Guardsmen would actually be on the border for longer than the 21 day maximum. My amendment mirrors their plan. It sets forth that two-thirds of the overall personnel will perform in the required 21 days of annual training down on the border. That time is time that the Guardsmen committed to when they signed up. The amendment also says that about a third of the force, consisting of command personnel and guardsmen who are necessary for integration purposes, will be down there full time. They will be there full time to ensure some continuity. The personnel who are rotating in will need to have leadership that can organize normal training schedule. By any calculation, that means that in the first year over 100,000 National Guardsmen from around the United States will be sent to the border. And in the second year, when half as many are needed, and I say, 500,000, the 400,000 National Guardsmen nationwide—I hope my figure is correct, although I don’t know if it is—but is it your understanding that 100,000 to 150,000 will end up on border duty during any period?

Mr. DURBIN. Mr. President, I thank the Senator for bringing this issue before the Senate. Yesterday the Senator from Nevada and I were in attendance at a hearing of the Armed Services Committee chaired by Senator Warner, with the Secretary of the Army, the Chief of the National Guard, the lieutenant general of the Army, and the Chief of the Border Patrol. What we saw was the coming together of a complete unit, a complete unit to secure our border and build an orderly process on the border.

Mr. DURBIN. Would the Senator yield?

Mr. ENSIGN. Mr. President, I thank the Senator for his question. I was going to address his very point. The way that the Border Patrol, the National Guard, and the administration have developed their plan envisions that about one-third of the 6,000 Guardsmen would actually be on the border for longer than the 21 day maximum. My amendment mirrors their plan. It sets forth that two-thirds of the overall personnel will perform in the required 21 days of annual training down on the border. That time is time that the Guardsmen committed to when they signed up. The amendment also says that about a third of the force, consisting of command personnel and guardsmen who are necessary for integration purposes, will be down there full time. They will be there full time to ensure some continuity. The personnel who are rotating in will need to have leadership that can organize normal training schedule. By any calculation, that means that in the first year over 100,000 National Guardsmen from around the United States will be sent to the border. And in the second year, when half as many are needed, and I say, 500,000, the 400,000 National Guardsmen nationwide—I hope my figure is correct, although I don’t know if it is—but is it your understanding that 100,000 to 150,000 will end up on border duty during any period?

Mr. DURBIN. Mr. President, I thank the Senator for bringing this issue before the Senate. Yesterday the Senator from Nevada and I were in attendance at a hearing of the Armed Services Committee chaired by Senator Warner, with the Secretary of the Army, the Chief of the National Guard, the lieutenant general of the Army, and the Chief of the Border Patrol. What we saw was the coming together of a complete unit, a complete unit to secure our border and build an orderly process on the border.

Mr. CRAIG. Mr. President, I thank the Senator for bringing this issue before the Senate. Yesterday the Senator from Nevada and I were in attendance at a hearing of the Armed Services Committee chaired by Senator Warner, with the Secretary of the Army, the Chief of the National Guard, the lieutenant general of the Army, and the Chief of the Border Patrol. What we saw was the coming together of a complete unit, a complete unit to secure our border and build an orderly process on the border.

What the Senator from Nevada speaks to tonight is a reality that is very doable, and it is done in the normal activity of the summer training of our Guard. The Senator knows that we are not putting Guardsmen out on the front lines. They will facilitate those of the Border Patrol who are the front-line officers in this defensive securing mechanism that we will call the southwestern border of our country.
Mr. DURBIN. Will the Senator yield for another question?

Mr. ENSIGN. I am happy to.

Mr. DURBIN. I would like to address this with the Chairman. About 75 percent of the Illinois National Guard units have been activated to serve in Iraq or Afghanistan, and some have been on more than one tour of duty. During the course of that, they have left behind in Iraq and Afghanistan a lot of wornout equipment, damaged equipment. Currently our National Guard, in some areas of supplies, like certain trucks, is down to 7 percent of what they need, and nationwide we have been told the National Guard stock of supply and equipment has been depleted to the level of 34 percent of what they need.

Can the Senator from Nevada tell me whether our commitment of the National Guard to the border will also be a commitment to replenish the equipment they will need to serve effectively there and return home and do their job?

Mr. ENSIGN. Mr. President, to address that question, we actually talked about this with the Secretary of Defense, is take the equipment down there, and it will stay down there. If the Secretary of Defense, is take the equipment down temporarily there and return home and do their job.

Mr. DURBIN. Can the Senator from Nevada tell me about certain trucks, is down to 7 percent of what they need, and nationwide we have been told the National Guard stock of supply and equipment has been depleted to the level of 34 percent of what they need.

Mr. ENSIGN. Mr. President, to address that question, we actually talked about this with the Secretary of Defense, is take the equipment down there, and it will stay down there. If the Secretary of Defense, is take the equipment down temporarily there and return home and do their job.

Mr. DURBIN. Can the Senator from Nevada tell me whether our commitment of the National Guard to the border will also be a commitment to replenish the equipment they will need to serve effectively there and return home and do their job?

Mr. ENSIGN. Mr. President, to address that question, we actually talked about this with the Secretary of Defense, is take the equipment down there, and it will stay down there. If the Secretary of Defense, is take the equipment down temporarily there and return home and do their job.

Mr. DURBIN. Can the Senator from Nevada tell me whether our commitment of the National Guard to the border will also be a commitment to replenish the equipment they will need to serve effectively there and return home and do their job?

Mr. ENSIGN. Mr. President, to address that question, we actually talked about this with the Secretary of Defense, is take the equipment down there, and it will stay down there. If the Secretary of Defense, is take the equipment down temporarily there and return home and do their job.

Mr. DURBIN. Can the Senator from Nevada tell me whether our commitment of the National Guard to the border will also be a commitment to replenish the equipment they will need to serve effectively there and return home and do their job?

Mr. ENSIGN. Mr. President, to address that question, we actually talked about this with the Secretary of Defense, is take the equipment down there, and it will stay down there. If the Secretary of Defense, is take the equipment down temporarily there and return home and do their job.

Mr. DURBIN. Can the Senator from Nevada tell me whether our commitment of the National Guard to the border will also be a commitment to replenish the equipment they will need to serve effectively there and return home and do their job?

Mr. ENSIGN. Mr. President, to address that question, we actually talked about this with the Secretary of Defense, is take the equipment down there, and it will stay down there. If the Secretary of Defense, is take the equipment down temporarily there and return home and do their job.

Mr. DURBIN. Can the Senator from Nevada tell me whether our commitment of the National Guard to the border will also be a commitment to replenish the equipment they will need to serve effectively there and return home and do their job?

Mr. ENSIGN. Mr. President, to address that question, we actually talked about this with the Secretary of Defense, is take the equipment down there, and it will stay down there. If the Secretary of Defense, is take the equipment down temporarily there and return home and do their job.

Mr. DURBIN. Can the Senator from Nevada tell me whether our commitment of the National Guard to the border will also be a commitment to replenish the equipment they will need to serve effectively there and return home and do their job?

Mr. ENSIGN. Mr. President, to address that question, we actually talked about this with the Secretary of Defense, is take the equipment down there, and it will stay down there. If the Secretary of Defense, is take the equipment down temporarily there and return home and do their job.

Mr. DURBIN. Can the Senator from Nevada tell me whether our commitment of the National Guard to the border will also be a commitment to replenish the equipment they will need to serve effectively there and return home and do their job?

Mr. ENSIGN. Mr. President, to address that question, we actually talked about this with the Secretary of Defense, is take the equipment down there, and it will stay down there. If the Secretary of Defense, is take the equipment down temporarily there and return home and do their job.

Mr. DURBIN. Can the Senator from Nevada tell me whether our commitment of the National Guard to the border will also be a commitment to replenish the equipment they will need to serve effectively there and return home and do their job?

Mr. ENSIGN. Mr. President, to address that question, we actually talked about this with the Secretary of Defense, is take the equipment down there, and it will stay down there. If the Secretary of Defense, is take the equipment down temporarily there and return home and do their job.

Mr. DURBIN. Can the Senator from Nevada tell me whether our commitment of the National Guard to the border will also be a commitment to replenish the equipment they will need to serve effectively there and return home and do their job?

Mr. ENSIGN. Mr. President, to address that question, we actually talked about this with the Secretary of Defense, is take the equipment down there, and it will stay down there. If the Secretary of Defense, is take the equipment down temporarily there and return home and do their job.

Mr. DURBIN. Can the Senator from Nevada tell me whether our commitment of the National Guard to the border will also be a commitment to replenish the equipment they will need to serve effectively there and return home and do their job?

Mr. ENSIGN. Mr. President, to address that question, we actually talked about this with the Secretary of Defense, is take the equipment down there, and it will stay down there. If the Secretary of Defense, is take the equipment down temporarily there and return home and do their job.

Mr. DURBIN. Can the Senator from Nevada tell me whether our commitment of the National Guard to the border will also be a commitment to replenish the equipment they will need to serve effectively there and return home and do their job?

Mr. ENSIGN. Mr. President, to address that question, we actually talked about this with the Secretary of Defense, is take the equipment down there, and it will stay down there. If the Secretary of Defense, is take the equipment down temporarily there and return home and do their job.

Mr. DURBIN. Can the Senator from Nevada tell me whether our commitment of the National Guard to the border will also be a commitment to replenish the equipment they will need to serve effectively there and return home and do their job?

Mr. ENSIGN. Mr. President, to address that question, we actually talked about this with the Secretary of Defense, is take the equipment down there, and it will stay down there. If the Secretary of Defense, is take the equipment down temporarily there and return home and do their job.

Mr. DURBIN. Can the Senator from Nevada tell me whether our commitment of the National Guard to the border will also be a commitment to replenish the equipment they will need to serve effectively there and return home and do their job?

Mr. ENSIGN. Mr. President, to address that question, we actually talked about this with the Secretary of Defense, is take the equipment down there, and it will stay down there. If the Secretary of Defense, is take the equipment down temporarily there and return home and do their job.

Mr. DURBIN. Can the Senator from Nevada tell me whether our commitment of the National Guard to the border will also be a commitment to replenish the equipment they will need to serve effectively there and return home and do their job?

Mr. ENSIGN. Mr. President, to address that question, we actually talked about this with the Secretary of Defense, is take the equipment down there, and it will stay down there. If the Secretary of Defense, is take the equipment down temporarily there and return home and do their job.

Mr. DURBIN. Can the Senator from Nevada tell me whether our commitment of the National Guard to the border will also be a commitment to replenish the equipment they will need to serve effectively there and return home and do their job?
Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Senators ALEXANDER and BOND be added as original cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I have said it before and I say it again today that I think the approach taken in this legislation we are considering today is contrary to the best interests of agriculture. By ignoring proper enforcement of our immigration laws for many years, the Federal Government has been sending the wrong message to farmers and ranchers across the United States: that it pays to break the law.

Quite literally, it has. For those who have flouted rule of law by refusing to utilize the temporary worker program for agriculture—the H-2A program—have gained a tremendous economic advantage over their counterparts who have adhered to the laws on the books today. I will be the first to admit that some farmers have had little choice but to utilize an illegal workforce—for the H-2A program, as presently written has its limitations—for instance, farmers with jobs that are not seasonal are not able to utilize it. However, changes can be made to the H-2A program to make it more responsive to the needs of agriculture and more user-friendly for farmers.

That is what the focus of immigration reform should be. Instead, the bill we are considering today is putting in statute what has only been implied previously by the Federal Government's blind eye about illegal workers: it pays to break the law.

The amendment I have introduced is one of a series that I will use that same workforce, which is legalized through this bill, will only be bound by the applicable minimum wage.

This does not make the least bit of sense.

To give you some examples: a farmer who utilizes H-2A workers must pay $8.47 an hour while an employer of blue card workers must pay only $5.15 per hour to his workers:

- In Arizona, an H-2A employer must pay $8.95 an hour while an employer of blue card workers must pay only $5.15 an hour.
- In Montana, an H-2A employer must pay $7.58 an hour to his workers while a farmer who employs blue card workers will only have to pay $5.15 per hour.
- In Nebraska, an H-2A employer must pay $8.47 an hour while blue card employers only have to pay $5.15 an hour.
- In Arkansas, H-2A employers must pay $7.58 an hour to their workers, while those who continue to use the previously illegal workforce pay only $5.15 an hour.
- In Maryland, an H-2A employer must pay $9.23 an hour while an employer of blue card workers must pay only $5.15 an hour.
- In Oklahoma, H-2A employers will have to pay his workers $8.32 per hour, while a farmer in the same place who uses a newly legalized blue card worker will have to pay only $5.15 per hour to his employees.

In general, as such, the National Agricultural Statistics Service's survey creates an artificial, multi-state wage floor—one that significantly increases annually, regardless of the economy, the agricultural market, and competitive factors within a product line or local area.

Supporters of maintaining an adverse effect wage rate for H-2A workers will tell you that it is necessary to prevent the presence of foreign workers from adversely affecting the wage rates of U.S. farm workers. These are generally the same folks who advocate for greater protections for farm workers.

So you can imagine my surprise when reading this bill when I found that there is no mandated wage floor for those workers who are now illegal working in agriculture once they get on a blue card or once they adjust to permanent resident status—assuming they stay in agriculture.

So while a farmer who utilizes H-2A workers in an occupation will have to pay all workers in that occupation the adverse effect wage rate, those farmers who have been using an illegal workforce and are allowed to continue to use that same workforce, which is legalized through this bill, will only be bound by the applicable minimum wage.

So while a farmer who utilizes H-2A workers in an occupation will have to pay all workers in that occupation the adverse effect wage rate, those farmers who have been using an illegal workforce and are allowed to continue to use that same workforce, which is legalized through this bill, will only be bound by the applicable minimum wage.

So an H-2A employer in Indiana must guarantee an H-2A worker with no experience who is working on a dairy farm the same minimum wage as a farm employee in Ohio with 5 years of experience operating a combine to harvest soybeans. Likewise, an inexperienced employee who is harvesting lettuce in California must be paid the same minimum wage as an experienced greenhouse worker in New Mexico. It just doesn't make sense.

Prevailing wages are determined by the U.S. Department of Labor through surveys conducted by States, insured that available U.S. workers would not be discouraged from applying for the job because it paid lower than usual wages. It also guaranteed that all workers, both foreign and domestic, would be paid a wage that was competitive in the local area, thus avoiding depressing wages for that occupation or making the use of foreign workers more attractive than hiring U.S. workers.

At the present time, prevailing wages are required for H-1B, H-2B, and permanent work-related visas. However, H-2A, the agricultural version of temporary, non-immigrant work visas, is not required to pay a wage rate that reflects the local standards which have adhered to the laws on the books today.
employer who uses blue card workers will only have to pay $6.75 an hour. And in Connecticut, an H-2A employer will be mandated to pay $9.16 an hour while the farmer who uses blue card workers will pay $7.10 an hour. This is not fair to the farmers and it is not fair to the worker.

This bill systematically rewards lawbreakers and punishes those who have, with some difficulty, been obeying the laws on the books today. This amendment is not just about parity, though I would argue strongly that it is needed—for not only will H-2A employers be mandated to pay higher wages than their counterparts who use the newly legalized workforce, H-2A employers will also continue to be responsible for providing to their employees free housing and utilities, reimbursement of transportation costs, and payment of visa, consular, and border crossing fees. This amendment is about what is right for agriculture, both for the farmer as well as the migrant worker.

We know from past experience that once farm workers are legalized through an amnesty, they leave farm work. This means that the farmers who use an illegal workforce today and plan to legalize their workers with the blue card program in this bill will be faced with the reality that the H-2A program will be the only avenue for legal workers when they cannot find others to do the jobs they need in the near future. The failure of the H-2A program in the past has created an overabundance of agricultural workers across the nation has been based, in part, on provisions such as the adverse effect wage rate. H-2A employers simply can’t compete with the illegal workforce and they won’t be able to compete with employers of blue card workers.

This amendment will require that all workers in agriculture be paid the higher of the applicable minimum wage and the prevailing wage rate, as determined by the Department of Labor.

This will allow the mandated wages to reflect geographic location, occupation, and skill level, unlike under current law and in this bill. In addition, it will provide much-needed additional worker protections to those workers who adjust status under this bill by ensuring that they are guaranteed the same wage as an H-2A worker in the same occupation.

I ask my colleagues to support this amendment. Let’s put parity in agriculture in a temporary worker program that has been on the books for decades and will work—if we can streamline it, if we can make it fairer for the employer, more attractive to the employer to use, and at the same time fair to the employee. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, the hour is late, but those at the desk, including the Chair, would like to dim the lights and say good evening. I will do that in just a few moments.

We are going to have an opportunity to debate in detail what the Senator from Georgia has put before the Senate as it relates to a wage rate for agricultural workers that is embodied within the bill that is before us in comprehensive immigration reform.

As I just noted after having worked on the agriculture portion of this bill for nearly 5 years, and as a farmer and rancher, I totally agree with the Senator from Georgia, that those who were under the H-2A program were very different, and those who weren’t were placing the farmer-producer who had adhered to the H-2A program at a true competitive disadvantage because of the adverse effect wage rate that the Senator spoke to.

As we work to reform and change the character of the H-2A program, and for those Senators who aren’t quite aware of that—that is the agricultural portion—we recognize that the adverse effect wage rate was a problem. It was skewed in large part by comparative and competitive disadvantaged margins that the Senator speaks to. The Senator has proposed moving to a prevailing wage, which, in my opinion, is in itself the problem.

Let me make those points. What the Senator from Georgia has failed to suggest is after an examination of the adverse effect wage rate and recognizing the problems, we changed it dramatically. We said let’s freeze it at the 2003 level, January 1, which is actually the 2003 level, and keep it flat for 3 years while we adjust the agricultural workplace into a true prevailing wage.

That is what the bill does. Let me show you what I believe the effects are. I will go into those in more detail on Monday because they are significant, and in many instances what the bill does for American agriculture is better than what the Senator from Georgia is proposing. I do so to focus on what is appropriate and right in bringing about equity and balance in the agricultural workforce and in that wage rate.

In 2006, the adverse effect wage rate was $5.63 an hour. This bill drops it to $8.19. In 2010, $10.25 and drops it to $9.06, and many examples on a State-by-State basis drop it more than that. But more than dropping the wage rate down and bringing equity in it, we bring equity in a sense by going in and thinking about it and making sure that we effectively change the indices, immediately upon the enactment of the agricultural portion known as AgJOBS of this bill.

In California, the wage rate will drop by 11 percent; in New Hampshire, 13 percent; South Carolina, 13 percent; Montana, 12 percent; Pennsylvania, 16 percent.

I wish the Senator would check his numbers. The numbers he talks about tonight are not prevailing wage. That is minimum wage. And minimum wage will not stand. That is something we are all going to have to look at as we focus on the Chambless amendment to see if those numbers are truly accurate. I am not in any way suggesting the Senator is wrong, but I am suggesting those who did the research used the Nation’s lowest indices possible. I challenge those numbers. It is appropriate to do so.

By 2016, the average farm wage is projected to be $12.81 but the projected adverse effect wage is $10 or down 17.5 percent below the average farm wage if we look at those kinds of indices. It is important for us to understand we are proposing significant changes in the wage rate and in the market.

The Senator is suggesting, and appropriately so, embodied within adverse effect wage were a variety of other things that agricultural producers had to supply, in some instances, housing, or housing certificates, and other types of amenities at the workplace. That will still happen, whether it is a transitional blue card employment force or an H-2A force because, clearly, once we have transitioned the modified and reformed H2-A program embodied within the bill before the Senate, will be the effective guest worker law portion of it dealing specifically with agriculture.

Agriculture is a different workforce. And it is a different wage scale. We know that.

Had the Senator embodied within it the advantage of piecework, the adverse effect wage rate does that. Do you know some workers who are getting $7 an hour, if they work piecework, get $12 an hour? It is their advantage to do is. There is a higher level of productivity when you bring them all to a common denominator that goes away. There are a variety of things that are critically important to look at.

I do not mean to suggest in any way that the numbers offered were offered in an untruthful way but the numbers that were provided to the offeror are the lowest common denominator at a minimum wage rate and not the 50th medium talked about by the Department of Labor in their analysis and in the establishment of an appropriate wage rate that would be a true prevailing wage rate.

I want a prevailing wage rate. That is what the bill proposes, a transitional pattern of time, a 3-year pattern of time with a frozen adverse effect wage rate, to move us to prevailing. The Farm Bureau asserts that the prevailing crop wage in Ohio ranges from $5.85 to $7.13 an hour. They compare this to the wage rate of $8.36 per hour which would apply during the AgJOBS wage freeze. Those are the kind of numbers that were being offered this evening. However, the medium hourly wage, which would be the prevailing wage under the amendment before the Senate, was $5.97 an hour in Ohio in the data sourced by the Farm Bureau.

I am still digging into the numbers because I cannot quite understand it.
May 18, 2006

CONGRESSIONAL RECORD—SENATE

S4791

There is a disparity that is troublesome if we are to arrive at a fair, responsible, and accurate measurement to establish an effective prevailing wage that is fair to the worker, but more importantly, and as importantly, fair to the producer so that we get the most out of it. This is one of the reasons that the Senator from Georgia has recognized and sees as critically important.

In other words, if this data source represented agricultural prevailing wages, which is my opinion it doesn’t, the prevailing crop wage I mentioned for Ohio would be at least 19 cents an hour higher than the AgJOBS minimum wage even in 2006 before we ramp it down in the law. The projected Ohio prevailing crop wage in 2010, based on the data source, would be $10.33 per hour compared to the AgJOBS minimum wage of $9.29.

In all sincerity, I offer to the Senator from Georgia a time for us to look at numbers and do some comparisons. There is no doubt that he knows what the bill does because the bill is accurately and effectively represented in these charts because we knew what the effective adverse wage was going to be, and there is a very clear projection line. There is no doubt that he knows the index given and provided as it relates to the Chambliss amendment. I will spend the weekend looking at it and looking at those numbers. They do concern me. It is important we get it right that we want to treat anyone in a disadvantaged way, but what we do has to be accurate, it has to create stability, it has to take away the competitive disadvantage the Senator from Georgia is talking about, that is real today in this disparity between those H-2A workers and, if you will, the undocumented workers out there in the American workforce that the provision of the bill that deals with agriculture attempts to get its arms around. We have to go through the blue card transition period the Senator and I have spoken to.

It is a very important part of the bill. Both the Senator from Georgia and I have been concerned for some time and have compared numbers about an American agricultural workforce built on a faulty employment base. You cannot be working 75 percent undocumented workers and be wholly dependent upon them to bring the perishable crops to market and then have them swept out from under you.

Yet we also know that when there is 1.2 to 1.5 million people in the American agricultural workforce that are foreign nationals, yet annually, the H-2A as a program only effectively identifies 42,000 to 45,000, something was and is dramatically wrong. That is why the Senator is here with his amendment. That is why I am here with a major reform package within the bill. We both agree that the wage part of this is very serious. This is why it is so important that we get back dramatically and we are proposing establishing a prevailing wage. And he has proposed a prevailing wage.

We have to get the numbers right. I disagree with his numbers. It is important that in the effort to bring stability and equity we get them right.

I hope the Senate would get the Chambliss amendment, stay with the freeze that is actually the 2002 wage for a 3-year phase-out; the numbers right as it relates to the effective establishment of a prevailing wage.

In the end, I would suggest that during that period of time we have substantially improved the competitive disadvantage and improved the overall wage base for agricultural workers in a sense of equity and balance.

We will be back to this amendment, I understand, Monday afternoon to debate it before a vote on Monday evening at 5:30. It is a challenge for all of us. More than one Senator over the course of the last week has said this is a very complicated bill. And the area that Senator Chambliss and I have ventured into is a very complicated area. And, that is why it should be. And that is what we are going to be talking about.

But the numbers are what they are. And the numbers speak for themselves. We look forward to debating in much more detail on Monday. Our purpose today on both ends was simply to get the amendment laid down. We will be back Monday to engage in more extensive debate.

Mr. President, I ask unanimous consent that at 5:30 on Monday May 22, the Senate proceed to a vote in relation to the Chambliss amendment No. 4009; provided further that the time from 5 to 5:30 be equally divided between Senator Chambliss and the Democratic manager or his designee. I further ask consent that following that vote, the Senate proceed immediately to a vote in relation to the Ensign amendment No. 4076, as modified. Finally, I ask consent that no second degrees be in order in either amendment prior to the votes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MORNING BUSINESS

Mr. CHAMBLISS. Mr. President, I do not intend to take but a few seconds to not necessarily respond to my friend from Idaho, who correctly states we have been working together in trying to solve a very difficult problem relative to reform of the H-2A program. He has been at it for a long time. My numbers and what they would mean on a State-by-State basis based on the indices he proposes to be used if this were to become law.

I yield the floor.

Mr. REID. THE PRESIDENT. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I do not intend to take but a few seconds to obviously respond to my friend from Idaho, who correctly states we have been working together in trying to solve a very difficult problem relative to reform of the H-2A program. He has been at it for a long time. My first vote on this was 11 years ago as a Member of the House of Representatives. That has been working on this issue. And we have yet to get the H-2A program reformed.

I am very hopeful, as we go through this, we will have the opportunity to look at the numbers. I did not even mention prevailing wage numbers for Ohio or any other State. Obviously, I am happy to look at those. But the numbers are what they are. And the Senator from Idaho, I assume, agrees with me and is going to vote with me because he wants a prevailing wage, and I am seeking to amend this bill to get a prevailing wage in a bill that has an adverse effect wage rate in it.

But seriously, the numbers are what they are. I think we can agree that the prevailing wage rate is higher than the minimum wage, and it is less than the adverse effect wage rate today virtually in every State and in every location in the country. Our farmers are very much at a disadvantage today, and it is not economic for them to pay a fair wage.

You are right, most of our employees work on a piece rate. They cut a bunch of squash, they take it to the wagon, and they get a chip. And that chip may be worth $2 or it may be worth $5. That is the way most agricultural workers are paid: on a piece-rate basis. But there has to be a floor. They have to be paid a certain amount per hour under the prevailing wage, and that is the way it should be. And that is what we are going to be talking about.

But the numbers are what they are. And the numbers speak for themselves. We look forward to debating in much more detail on Monday. Our purpose today on both ends was simply to get the amendment laid down. We will be back Monday to engage in more extensive debate.
Desert refuge offers a truly varied landscape. The Desert National Wildlife Refuge was originally established for the preservation and management of Nevada's desert bighorn sheep population, which had begun to decline as early as the 1880s. The desert bighorn sheep is the State animal of Nevada and, thanks in large part to the refuge and the work of groups such as the Preratinity of the Desert Bighorn and Nevada Bighorns Unlimited, our bighorn sheep population has been steadily rising in recent years. I would be remiss if I didn’t also take a few moments to talk about the incredible sheep range that runs up the east side of refuge. Rising nearly 10,000 feet out of the desert floor and running over 50 miles in length, this mountain range has engaged the imaginations of Americans since well before southern Nevada was settled. This most memorable natural landmark is one of the key wildlife corridors in every cornr and cranny of this wondrous State, filled with unparalleled scenic beauty, old-fashioned hospitality, and a sincere commitment to excellence. Our belief in ourselves and in our abilities is apparent when we welcome our troops home from service overseas; when we watch our sons and daughters receive their high school diplomas; when our communities band together to overcome tragedy; and when we gather together to celebrate our shared love of our unique desert state. I always like to talk about the incredible success of this unique wilderness area and how much of it is truly spectacular achievements in its first decade. I also would like to take your opportunity to once again congratulate Toyota on its 10th anniversary. I am honored to have the opportunity to enter this tribute in the CONGRESSIONAL RECORD of the Senate and commend Toyota Motor Manufacturing of Indiana for all that it has done for Hoosier workers and women over the past 10 years.
around the world suffering from poverty, hunger, or injustice. It is a voice for the most vulnerable worldwide, and this weekend Lutheran World Relief will shine a bright light on the current situation in Colombia.

For over 40 years, Colombia has been engulfed in a civil conflict pitting guerrilla groups again the Colombian Government. As a result, innocent civilians have been kidnapped and ransom money for their release. Drugs production and drug trafficking continue to plague the country; and thousands have died or have been forced from their homes in order to flee violence.

The United States has provided assistance to both military and economic, in order to stem the illegal trade in drugs and promote a peaceful resolution to the civil conflict. However, Colombia remains the leading supplier of the world’s cocaine, and it is home to at least three illegally armed groups that have been designated foreign terrorist organizations by the U.S. Department of State. Without question, Congress must assist countries in eradicating drug crops and combating drug production. However, we must also remember that societies are based on the rule of law, and human rights must be respected. We should not sacrifice one goal in order to achieve another.

Lutheran churches in South Dakota around the Nation are in solidarity with peace communities in Colombia. I commend Lutheran parishioners and worshippers of other faiths, as they pray for and remember all those who have perished in the conflict. As a Lutheran myself, I believe protecting human rights in Colombia must remain a high priority.

RETIREMENT OF LEONIDAS RALPH MECHAM

Mr. HATCH. Mr. President, today I rise to pay tribute to Leonidas Ralph Mecham, who recently retired after more than 20 years as Director of the Administrative Office of the U.S. Courts. As that agency’s longest-serving Director, Ralph ably guided the judiciary through some turbulent and challenging times, and for such he deserves the praise and commendation of this body.

Ralph Mecham was born on April 23, 1928, in Murray, UT. He earned a bachelor’s degree with highest honors from the University of Utah, a law degree from George Washington University, and a master’s degree in public administration from Harvard University. Ralph’s first stint here in Washington began more than 50 years ago, when he served as a legislative assistant and administrative assistant to Senator Wallace Bennett of Utah, the father of our colleague Senator Bob Bennett. Ralph returned to our State to serve as vice president of his alma mater, the University of Utah, where he also taught constitutional law and was responsible for creating the University of Utah Research Park.

Ralph could not stay away from Washington and returned to serve as Special Assistant to the Secretary of Commerce. In July 1985, Chief Justice Warren Burger appointed him Director of the Administrative Office of the U.S. Courts. The Administrative Office provides the support and executive branch needed to the judicial branch and communicates on behalf of the judiciary with Congress, the executive branch, and the public.

Ralph served in this capacity during a particularly challenging time for the judiciary. Providing effective judicial administration in the face of budgetary constraints is difficult when the Federal judiciary’s caseload continues its upward spiral. Cases filed in the U.S. Court of Appeals, for example, more than doubled during Ralph’s time as Director. The number of bankruptcy cases skyrocketed from 365,000 to over 1,780,000 in that same period. In addition, national tragedies such as the September 11 attacks, as well as catastrophes such as Hurricane Katrina, created their own unique challenges to the continued functioning of the judiciary. Ralph met each challenge effectively. His extensive background in public administration and experience in both the legislative and executive branches served him well in equipping the judicial branch for its critical tasks even through these challenges and troubled times.

Ralph also guided the judicial branch through a period of increased public attention and even criticism regarding judicial decisions. Protecting judicial independence while also enhancing public understanding of the function of judges in our system of government is just the kind of balancing act Ralph was prepared to tackle. He did so effectively with a steady hand.

The Director of the Administrative Office serves as secretary of the Judicial Conference, member of its executive committee. The judges who chaired the executive committee during Ralph’s tenure also have praised his work.

The current executive committee chairman, U.S. District Judge Thomas F. Hogan, says that “[w]atching Ralph operate is like watching a master conductor guide the philharmonic orchestra through a complicated Bach symphony.” If only this could be said of us Senators and our work on our committees.

Judge Carolyn Dineen King, Chief Judge of the Fifth Circuit, chaired the executive committee from 2002 to 2005. In tackling a wide range of problems, she says, “Director Mecham exhibited his usual inventiveness, intensity, tenacity, and judgment and his remarkable ability to inspire others . . . to do the very best they were capable of.”

Judge Wilfred Feinberg of the U.S. Court of Appeals for the Second Circuit chaired the executive committee from 1987 to 1989. He has said that “Ralph handled this difficult job with confidence, competence and dedication. It is a testament to his hard work and dedication that today the federal courts to a large extent so successfully manage their own resources and operations.”

Judge Ralph K. Winter, also a former Chief Judge of the Second Circuit, recently called Ralph “among the very best they were capable of.”

Perhaps the best applause for Ralph Mecham’s leadership comes from Sixth Circuit Judge Gilbert Merritt, who chaired the executive committee from 1984 to 1996. The judiciary is in much better shape administratively than it was 20 years ago.” Whether in our families, our communities, or our work, we should each strive to leave those in our charge better off than we found them.

I was pleased to hear that Ralph recently received the 2006 National Public Service Award in recognition of his excellence in a half-century of public service. The award announcement noted his support for the Judicial Conference by providing high-quality services to judges and the courts, and by building relationships both inside and outside the judiciary.

Ralph Mecham has been married to the former Barbara Folsom for more than 55 years. With 5 children and 14 grandchildren, he is a devoted family man. He has served in various positions in church and community, including time as a missionary in Great Britain, chairman of the Utah State Heart Association, chairman of the Salt Lake County Cancer Association, and chairman of the University of Utah National Advisory Council. His commitment to the community and to his church continues.

The judicial branch and the country are better because of Ralph’s service. I want to commend him for his commitment and for setting a good example of public service. His record tells me that, even in supposed retirement, Ralph Mecham will continue helping and serving those around him.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)
REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—PM 48

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the Federal Register for publication.

I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH,

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY PROTECTING THE DEVELOPMENT FUND FOR IRAQ AND CERTAIN OTHER PROPERTY IN WHICH IRAQ HAS AN INTEREST—PM 49

The PRESIDING OFFICER laid before the Senate the following messages from the President of the United States, together with an accompanying report:

To the Congress of the United States:

I have sent the enclosed notice to the Federal Register for publication. This notice states that the national emergency declared in Executive Order 13303 of May 22, 2003, as expanded in scope by Executive Order 13315 of August 28, 2003, and modified in Executive Order 13364 of November 29, 2004, is to continue in effect beyond May 22, 2006. The most recent notice continuing this emergency was published in the Federal Register on May 20, 2005 (70 FR 29435).

The threats of attachment or other judicial process against (i) the Development Fund for Iraq, (ii) Iraqi petroleum assets and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof, or (iii) any accounts, assets, investments, or any other property of any kind owned by, belonging to, or held by, on behalf of, or otherwise for the Central Bank of Iraq create obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development, administrative, and economic institutions in Iraq. Accordingly, these obstacles continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency protecting the Development Fund for Iraq, certain other property in which Iraq has an interest, and the Central Bank of Iraq, and to maintain in force the sanctions to respond to this threat.

GEORGE W. BUSH,

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:41 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1165. An act to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii.

S. 1869. An act to reauthorize the Coastal Barrier Resources Act, and for other purposes.

At 12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4200. An act to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

S. 1165. An act to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii.

The PRESIDING OFFICER laid before the Senate the following communications:

EC–6897. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, a report of the Commission’s authorization request for fiscal years 2007 and 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6898. A communication from the Secretary, Department of Housing and Urban Development, transmitting, the report of proposed legislation entitled “Lead-Based Paint Investigations Act of 2006”; to the Committee on Banking, Housing, and Urban Affairs.


EC–6900. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled “12 CFR part 707—Terrorist Sanctions Regulations”; received on May 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 18, 2006, she had presented to the President of the United States the following enrolled bills:

S. 1165. An act to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii.

S. 1869. An act to reauthorize the Coastal Barrier Resources Act, 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:


6899. A communication from the Chair- man, Securities and Exchange Commission, transmitting, pursuant to law, a report of the Commission’s authorization request for fiscal years 2007 and 2008; to the Committee on Banking, Housing, and Urban Affairs.

6898. A communication from the Secretary, Department of Housing and Urban Development, transmitting, the report of proposed legislation entitled “Lead-Based Paint Investigations Act of 2006”; to the Committee on Banking, Housing, and Urban Affairs.


6896. A communication from the Secretary, Department of Housing and Urban Development, transmitting, the report of proposed legislation entitled “Lead-Based Paint Investigations Act of 2006”; to the Committee on Banking, Housing, and Urban Affairs.
EC-6901. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the report of proposed legislation entitled “Arms Export Control Act of 2006” to the Committee on the Judiciary.

EC-6902. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board’s Inspector General Semiannual Report to Congress for the six-month period ending March 31, 2006, to the Committee on Homeland Security and Governmental Affairs.

EC-6903. A communication from the Acting Director, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled “Revisions to the Executive Branch Confidential Financial Disclosure Reporting Regulation” (A109 and RIN0520-AA99) received on May 17, 2006, to the Committee on Homeland Security and Governmental Affairs.

EC-6904. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, Oregon; Suspension of Handling Regulations; Establishment of Reporting Requirements, and Suspension of the Fresh Prune Import Regulation” (FV06-3920-1 FR) received on May 17, 2006, to the Committee on Agriculture, Nutrition, and Forestry.

EC-6905. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Amendment to the Hass Avocado Promotion, Research, and Information Order: Adjust Representation on the Hass Avocado Board” (FV-06-7010-1 FR) received on May 17, 2006, to the Committee on Agriculture, Nutrition, and Forestry.

EC-6906. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Amendment to and Support for Certain Nuclear Plant Delays” (RIN1901-A117) received on May 17, 2006, to the Committee on Energy and Natural Resources.

EC-6907. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 to Mexico; to the Committee on Foreign Relations.

EC-6908. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Identification and remove barriers to reduction of military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC-6909. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 1002 (P.L. 107–243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102-1) for the December 15, 2005 through February 15, 2006 reporting period; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCaIN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1899. A bill to amend the Indian Child Protection and Family Violence Prevention Act to identify criteria to reduce child abuse, to provide for examinations of certain children, and for other purposes (Rept. No. 109-235).

By Mr. SPECTER, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2856. An original bill to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes (Rept. No. 109-296).

By Mr. CRAPPO, from the Committee on Finance, with an amendment:

S. J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. WARNER for the Committee on Armed Services:


Air Force nomination of Brig. Gen. Dana T. Atkins to be brigadier general.

Air Force nomination of Col. Lawrence A. Stutzriem to be brigadier general.

Air Force nomination of Col. Linda K. McTague to be colonel.


Army nomination of Brig. Gen. Elder Granger to be general.

Army nomination of Lt. Gen. David F. Melcher to be lieutenant general.

Army nomination of Maj. Gen. Stephen M. Speakes to be lieutenant general.

Army nomination of Brig. Gen. Ronald D. Silverman to be major general.

Army nomination of Col. Michael A. Ryan to be brigadier general.

Army nomination of Brig. Gen. Stephen V. Reeves to be Major General.


Navy nomination of Capt. Alan T. Baker to be Rear Admiral (lower half).

Navy nomination of Rear Adm. (ih) Robert F. Burt to be Rear Admiral.

Navy nomination of Capt. Gregory J. Smith to be Rear Admiral (lower half).

Navy nominations beginning with Captains Townsend and ending with Captains Winters, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2006.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the Record on the dates indicated, and recommend their confirmation, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary’s desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Rosalind L. Abdulkahlik and ending with Jesse B. Zydalis, which nominations were received by the Senate and appeared in the Congressional Record on March 7, 2006.

Air Force nominations beginning with Steven L. Alger and ending with Rachelle Paulkagiurt, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2006.

Army nomination of Chantel Newsome to be a major.

Army nomination of Kenneth A. Kraft to be a colonel.

Army nominations beginning with Mark A. Burnt and ending with Robert L. Porter, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.

Army nominations beginning with Betty J. Williams and ending with Henry R. Lemley, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.

Army nominations beginning with Brian S. Hill and ending with Charles W. Wallace, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.

Navy nominations beginning with Robert T. Tate and ending with Edward A. Sylvestor, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2006.

Navy nominations beginning with William L. Yarde and ending with Bruce R. Deschere, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2006.

Navy nominations beginning with Gregory G. Alligger and ending with Timothy J. Yanik, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2006.

Mr. GRASSLEY for the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

*W. Ralph Basham, of Virginia, to be Commissioner of Customs, Department of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

The following bills and joint resolutions were introduced, read the first
and second times by unanimous consent, and referred as indicated: 

By Mr. LOTT (for himself and Mr. PRYOR):
S. 2830. A bill to amend the automobile fuel economy provisions of title 49, United States Code, to reform the setting and calculation of fuel economy standards for passenger automobiles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR (for himself, Mr. SPECTER, Mr. DODD, Mr. GRAHAM, and Mr. SCHUMER):
S. 2831. A bill to guarantee the free flow of information to the public through a free and active press while protecting the right of the public to receive the highest level of enforcement and the fair administration of justice; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mrs. CLINTON, Mr. WADE, Mr. DEWINE, Mr. LOTT, Mr. ALLEN, Mr. BURH, and Mrs. DOLE):
S. 2832. A bill to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965; to the Committee on Environment and Public Works.

By Mr. BROWNBACK:
S. 2833. A bill to suspend temporarily the duty on certain athletic footwear for men and boys; to the Committee on Finance.

By Mr. BROWNBACK:
S. 2834. A bill to suspend temporarily the duty on certain athletic shoes; to the Committee on Finance.

By Mr. BROWNBACK:
S. 2835. A bill to suspend temporarily the duty on certain leather footwear for persons other than men or women; to the Committee on Finance.

By Mr. BROWNBACK:
S. 2836. A bill to suspend temporarily the duty on certain work footwear; to the Committee on Finance.

By Mr. BROWNBACK:
S. 2837. A bill to suspend temporarily the duty on certain leather and textile footwear; to the Committee on Finance.

By Mr. BROWNBACK:
S. 2838. A bill to suspend temporarily the duty on certain rubber or plastic footwear; to the Committee on Finance.

By Mr. BROWNBACK:
S. 2839. A bill to suspend temporarily the duty on certain work footwear with outer soles of rubber or plastics and with open toes or heels; to the Committee on Finance.

By Mr. BROWNBACK:
S. 2840. A bill to suspend temporarily the duty on certain athletic footwear; to the Committee on Finance.

By Mr. BROWNBACK:
S. 2841. A bill to suspend temporarily the duty on certain turn or turned footwear; to the Committee on Finance.

By Mr. BROWNBACK:
S. 2842. A bill to reduce temporarily the duty on certain work footwear with outer soles of leather; to the Committee on Finance.

By Mr. BROWNBACK:
S. 2843. A bill to reduce temporarily the duty on certain welt footwear; to the Committee on Finance.

By Mr. BROWNBACK:
S. 2844. A bill to reduce temporarily the duty on certain women’s footwear; to the Committee on Finance.

By Mr. BROWNBACK:
S. 2845. A bill to suspend temporarily the duty on certain women’s footwear; to the Committee on Finance.

By Mr. BROWNBACK:
S. 2846. A bill to reduce temporarily the duty on certain women’s footwear; to the Committee on Finance.

By Mr. BROWNBACK:
S. 2847. A bill to reduce temporarily the duty on certain footware with open toes or heels; to the Committee on Finance.

By Mr. BROWNBACK:
S. 2848. A bill to reduce temporarily the duty on certain footwear; to the Committee on Finance.

By Mr. BROWNBACK:
S. 2849. A bill to reduce temporarily the duty on certain sports shoes; to the Committee on Finance.

By Mr. BROWNBACK:
S. 2850. A bill to reduce temporarily the duty on certain house slippers; to the Committee on Finance.

By Mr. DEMINT:
S. 2851. A bill to extend the temporary suspension of duty on sodium methylyate powder (Na methylyate powder); to the Committee on Finance.

By Mr. DEMINT:
S. 2852. A bill to extend the temporary suspension of duty on allyl isosulfocyanate; to the Committee on Finance.

By Mr. DEMINT:
S. 2853. A bill to suspend temporarily the duty on 1,2 Hexanediol; to the Committee on Finance.

By Mr. KOHL (for himself and Mr. DEWINE):
S. 2854. A bill to prevent anti-competitive mergers and acquisitions in the oil and gas industry; to the Committee on the Judiciary.

By Mr. BIDEN (for himself and Mr. JERRYMOORE):
S. 2855. A bill to amend the Safe Drinking Water Act to eliminate security risks by replacing the use of extremely hazardous gaseous chemicals with inherently safer technologies; to the Committee on Environment and Public Works.

By Mr. CRAPO:
S. 2856. An original bill to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS
The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COCHRAN:
S. Res. 483. A resolution expressing the sense of the Senate regarding the importance of oral health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for himself, Mr. BROWNBACK, Mrs. FEINSTEIN, Mr. LEAHY, Mr. LUTENBERG, Mr. FRIST, Mr. OBAMA, Mr. McCAIN, Mr. LIEBERMAN, and Mr. BOND):
S. Res. 484. A resolution expressing the sense of the Senate condemning the military junta in Burma for its recent campaign of terror against ethnic minorities and calling on the United Nations Security Council to adopt immediately a binding non-punitive resolution on Burma; considered and agreed to.

By Mr. FEINGOLD (for himself and Ms. SNOWE):
S. Con. Res. 95. A concurrent resolution expressing the sense of Congress with regard to the importance of Women’s Health Week, which promotes awareness of diseases that affect women and which encourages women to take preventive measures to ensure good health; to the Committee on Health, Education, Labor, and Pensions.

S. 4796
ADDITIONAL COSPONSORS
At the request of Ms. SNOWE, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 4796. At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 4796. At the request of Mr. BROWNBACK, the name of the Senator from Vermont (Mr. VITTEr) was added as a cosponsor of S. 4796. At the request of Mr. WITTEr, the name of the Senator from Louisiana (Mr. AKAKA) was added as a cosponsor of S. 4796. At the request of Mr. BROWNBACK, the name of the Senator from Tennessee (Mr. BARR) was added as a cosponsor of S. 4796. At the request of Mr. BROWNBACK, the name of the Senator from South Dakota (Mr. JERRODMOORE) was added as a cosponsor of S. 4796. At the request of Mr. BROWNBACK, the name of the Senator from Montana (Mr. JERRYMOORE) was added as a cosponsor of S. 4796. At the request of Mr. BROWNBACK, the name of the Senator from West Virginia (Mr. JOHNTELLER) was added as a cosponsor of S. 4796. By Mr. DEMINT, the name of the Senator from South Carolina (Mr. CORYN) was added as a cosponsor of S. 4796. By Mr. DEMINT, the name of the Senator from West Virginia (Mr. JOHNTELLER) was added as a cosponsor of S. 4796. By Mr. DEMINT, the name of the Senator from South Carolina (Mr. CORYN) was added as a cosponsor of S. 4796.

S. 409
At the request of Mr. COLEMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 409. At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 409, a bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex.

S. 639
At the request of Ms. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 639. At the request of Mr. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 639.

S. 607
At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 607, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 760
At the request of Mr. INOUYE, the name of the Senator from Vermont (Mr. JEFFRIES) was added as a cosponsor of S. 760. At the request of Mr. INOUYE, the name of the Senator from Vermont (Mr. JEFFRIES) was added as a cosponsor of S. 760, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 772
At the request of Mr. CORNYN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 772, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 914
At the request of Mr. ALLARD, the name of the Senator from California (Mrs. BOXER) 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.
At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1023, a bill to provide for the establishment of a Digital Opportunity Investment Trust.

At the request of Mr. INHOFE, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1132, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

At the request of Mr. BUNNING, the name of the Senator from Idaho (Mr. MENENDEZ) was added as a cosponsor of S. 1200, a bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain roof systems.

At the request of Mr. REID, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

At the request of Mr. LIEBERMAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1725, a bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to enhance emergency communications capabilities, to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development by both the public and private sectors for first responder communications, and for other purposes.

At the request of Mr. Voinovich, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1741, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

At the request of Mr. CORNYN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1774, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension.

At the request of Mr. THUNE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1840, a bill to amend section 340B of the Public Health Service Act to increase the affordability of impatient drugs for Medicaid and safety net hospitals.

At the request of Mr. HATCH, the name of the Senator from Louisiana (Mr. VITTER) 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, provisions of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

At the request of Mr. BYRD, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2231, a bill to direct the Secretary of Labor to prescribe additional coal mine safety standards, to require additional penalties for habitual violators, and for other purposes.

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2308, a bill to amend the Federal Mine Safety and Health Act of 1977 to improve mine safety, and for other purposes.

At the request of Mr. SPECTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2308, a bill to amend the Federal Mine Safety and Health Act of 1977 to improve mine safety, and for other purposes.

At the request of Mr. SANTORUM, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

At the request of Mr. COLEMAN, the name of the Senator from Utah (Mr. BENTHAM) was added as a cosponsor of S. 2400, a bill to amend title 5, United States Code, to provide for a real estate stock index investment option under the Thrift Savings Plan.

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment by 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.

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2582, 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.

At the request of Mr. SANTORUM, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from West Virginia (Mr. ROYCE) were added as cosponsors of S. 2618, a bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes.

At the request of Mr. COLEMAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2645, a bill to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes.

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2688, a bill to amend the Internal Revenue Code of 1986 to encourage private philanthropy.

At the request of Mr. LEAHY, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2703, a bill to amend the Voting Rights Act of 1965.

At the request of Mr. MCCAIN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2770, a bill to impose
sanctions on certain officials of Uzbekistan responsible for the Andijan massacre.

S. 2610

At the request of Mr. GRASSLEY, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Ohio (Mr. BROWN), the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MUKULSKI), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Alaska (Mr. STEVENS), the Senator from Rhode Island (Mr. REED), the Senator from Colorado (Mr. SALAZAR), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 2610, a bill to amend title XVIII of the Social Security Act to eliminate any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes.

S. 2621

At the request of Mr. COLEMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2621, a bill to amend part C of title XVIII of the Social Security Act to provide for a minimum payment rate by Medicare Advantage organizations for services furnished by a critical access hospital and a rural health clinic under the Medicare program.

S. 2624

At the request of Mr. DE MINT, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2624, a bill to reduce the burdens of the implementation of section 404 of the Sarbanes-Oxley Act of 2002.

S. RES. 69

At the request of Mr. DE WINE, the names of the Senator from Georgia (Mr. CHAMBILLIS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. MURKOWSKI) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 450, a resolution designating June 2006 as National Safety Month.

S. RES. 69

At the request of Mr. McCAIN, the names of the Senator from Ohio (Mr. DE WINE) and the Senator from Georgia (Mr. CHAMBILLIS) were added as cosponsors of S. Res. 469, a resolution condemning the April 25, 2006, beating and intimidation of Cuban dissident Martha Beatriz Roque.

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 469, supra.

AMENDMENT NO. 4009

At the request of Mr. CHAMBILLIS, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Missouri (Mr. BOND) were added as cosponsors of amendment No. 4009 proposed to S. 2621, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4023

At the request of Mr. DOMENICI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 4023 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4025

At the request of Mr. DE MINT, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 4025 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4029

At the request of Mr. AKAKA, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 4029 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4037

At the request of Mr. THOMAS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 4057 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4061

At the request of Mr. INHOFE, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Arizona (Mr. KYL) and the Senator from Tennessee (Mr. FEUST) were added as cosponsors of amendment No. 4064 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT (for himself and Mr. PRYOR):

S. 2830. A bill to amend the automobile fuel economy provisions of title 49, United States Code, to reform the setting and calculation of fuel economy standards for passenger automobiles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LOTT. Mr. President, I rise today to introduce The Corporate Average Fuel Economy, CAFE, Program Reform Act of 2006, a bill in which I have joined in this effort by Senator Pryor, who serves on the Commerce Committee with me.

Since being introduced in the 1970s, CAFE standards have been controversial. Who should set them? Standards are often debated as is their effect on safety, consumer choice, and the automobile industry.

CAFE became so controversial that it essentially was frozen for many years.

The stand-off over CAFE finally eased a little bit when a Congressionally commissioned National Academy of Sciences review of the CAFE program was released in 2002. Although that study found that CAFE had in fact reduced energy consumption, the Academy was critical of how the program was structured and found that there was a negative impact on safety.

Just this spring, the Department of Transportation issued new reformed CAFE rules for pickup trucks, vans, and SUVs. This rule is a radical departure from prior CAFE rules in that it applies different standards to different sized vehicles rather than a uniform standard across the entire industry. The Department’s approach addresses many of the criticisms in the Academy’s study.

The recent rule did not, however, include new standards for cars. Those standards have been the same since 1984 and there is considerable legal ambiguity about the secretary’s ability to increase the existing standards. It is clear, however, that the law does not allow the secretary to “reform” CAFE standards for cars, since that part of the statute is written differently than for light trucks.

As chairman of the Subcommittee on Surface Transportation and Merchant Marine, I held a hearing on reformed CAFE standards last week, one that heard from Secretary Mineta, as well as the automobile industry, safety advocates, and fuel economy experts. After listening to what our witnesses had to say, I am convinced that “reform” is a necessary approach.

After that hearing, Secretary Mineta transmitted legislation to Congress asking for the authority to reform CAFE standards.

The bill we are introducing today is very straightforward. The main feature of the legislation is that it gives the Secretary of Transportation the authority to reform the CAFE program in a manner similar to the rule that he issued for light trucks. The bill puts the responsibility of setting CAFE standards where it belongs—and that is with the scientists and technical experts at the Department of Transportation.

The reformed CAFE program authorized by this legislation will address many of the past criticisms. For example, the legislation specifies that the Secretary must take motor vehicle safety into consideration when developing new CAFE standards. The legislation also allows the trading of CAFE credits between a manufacturer’s passenger car and light truck fleets. This gives manufacturers the flexibility to increase CAFE where it is most cost effective to do so.

Let me briefly address one issue that is potentially controversial. That is the issue of what is being called “backsliding.” The concern is that under a reformed CAFE program, manufacturers could simply stop manufacturing some of their smaller cars since these models no longer needed to be “average out,” the larger, less fuel efficient models. The manufacturer’s overall fuel economy average could then end up

CONGRESSIONAL RECORD — SENATE
May 18, 2006
being below where it is presently. Although this is very unlikely to happen and that isn’t the intent of a “reformed” CAFE system, I understand the concern. Senator Pryor and I have included a provision in our legislation to address that problem. I know that there are many opinions on how to deal with this backsliding issue, and some people may not feel that our approach is strong enough. On the other hand, if the provision is too strict then the benefits of reform are potentially wiped out.

In the past, many in Congress have played politics with CAFE—offering bills that try to set unrealistically high or arbitrary CAFE standards. On the other side are those that have simply opposed doing anything. This has resulted in a stalemate and lots of finger pointing. I hope this doesn’t happen again, because we really do need to get tougher standards in place as soon as we can.

Senator Pryor and I are committed to improving the fuel economy of our vehicles without reducing safety and reliability or losing jobs. I urge my colleagues to support this legislation. I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2830

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 “Corporate Average Fuel Economy Reform Act of 2006.”

SEC. 2. CAFE STANDARDS FOR PASSENGER AUTOMOBILES.

(a) AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES.—Section 32902 of title 49, United States Code, is amended—

(1) by striking subsections (b) and (c) and inserting the following:

“(b) PASSENGER AUTOMOBILES.—

(1) In general.—In prescribing a standard under paragraph (1), the Secretary shall ensure that no manufacturer’s standard for a particular model year is less than the greater of

(A) the standard in effect on the date of enactment of the Corporate Average Fuel Economy Reform Act of 2006; or

(B) a standard established in accordance with the requirement of section 5(c)(2) of that Act.

(2) Flexibility of Authority.—

(1) the authority of the Secretary to prescribe by regulation average fuel economy standards for automobiles under this section includes the authority to prescribe a standard on one or more vehicle attributes that relate to fuel economy, and to express the standards in the form of a mathematical function. The Secretary may issue a regulation prescribing standards for one or more model years.

(2) REQUIRED LEAD-TIME.—When the Secretary prescribes a standard under this section, the Secretary shall prescribe the amendment at least 18 months before the beginning of the model year to which the amendment applies.

(3) NO ACROSS-THE-BOARD INCREASES.—When the Secretary prescribes a standard, the Secretary shall specify an average fuel economy standard that changes the standard, the maximum standard, or the margin on an automobile class or category, in a particular model year.

(4) PERMISSIBLE DEVIATION.—The Secretary may prescribe separate standards for different classes of automobiles.

(5) The standard prescribed under paragraph (1) may be expressed as a uniform percentage increase in fuel economy over the model year to which the standard applies.

(6) The standard prescribed under paragraph (1) may be expressed as a uniform percentage increase in fuel economy over the model year in which the standard is promulgated.

(7) The standard prescribed under paragraph (1) may be expressed as a uniform percentage increase in fuel economy over the model year to which the amendment applies.

(8) The standard prescribed under paragraph (1) may be expressed as a uniform percentage increase in fuel economy over the model year in which the amendment is promulgated.

SEC. 3. USE OF EARNED CREDITS.

Section 32903 of title 49, United States Code, is amended—

(1) by striking “3 consecutive model years” in subsection (a)(1) and subsection (a)(2) and inserting “5 consecutive model years”;

(2) by striking “3 model years” in subsection (b)(1) and subsection (b)(2) and inserting “5 model years”;

(3) by redesigning subsection (f) as subsection (g); and

(4) by inserting after subsection (e) the following:

“(f) CREDIT TRANSFERS.—The Secretary of Transportation may permit by regulation, on such terms and conditions as the Secretary specifies, a manufacturer of automobiles that earns credits to transfer such credits attributable to one of the following production segments to a model year to which credits are applied in the model year to the other production segment:

(1) Passenger-automobile production.

(2) Non-passenger-automobile production.

In regulating such transfers, the Secretary shall take into consideration the potential effect of such transfers on creating incentives for manufacturers to produce more efficient vehicles and domestic automotive employment.”

SEC. 4. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding after the end thereof the following:

“(e) RESEARCH AND DEVELOPMENT AND USE OF CIVIL PENALTIES.

“(1) All civil penalties assessed by the Secretary or by a Court shall be credited to an account at the Department of Transportation to carry out the programs described in paragraphs (2) and (3).

“(2) The Secretary shall carry out a program of research and development into fuel-saving automotive technologies and to support rulemaking related to the corporate average fuel economy program.

“(3) EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act, and the amendments made by this Act, take effect on the date of enactment of this Act.

(b) TRANSITION FOR PASSENGER AUTOMOBILE STANDARD.—Notwithstanding subsection (a), and except as provided in subsection (c)(2), until the effective date of a standard for passenger automobiles that is issued under the authority of section 32902(b) of title 49, United States Code, as amended by this Act, the standard or standards in place for passenger automobiles under the authority of section 32902 of that title, as that section was in effect on the day before the date of enactment of this Act, shall remain in effect.

(c) RULEMAKING.—

(1) Initiation of Rulemaking Under Amended Law.—Within 60 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking for passenger automobiles under section
Mr. PRYOR. Mr. President, I rise today with my good friend and colleague from Mississippi, Senator LOTT, to introduce legislation to reform and raise the corporate average fuel economy standard for the first time since its inception over 30 years ago.

In 1975 this body passed, as a part of the Energy Policy and Conservation Act, the very first fuel economy standards for our passenger car fleet, setting a standard that all manufacturers must achieve 27.5 miles per gallon. This was done in response to the first oil embargo and the energy crisis of the early 1970s. Americans realized for the first time that we as a nation must set and achieve attainable goals for energy conservation, not only for our economic security but also for our national security.

At that time, the fuel economy of passenger cars averaged around 14 miles per gallon. Ten years after CAFE was enacted, the fuel economy of passenger cars had almost doubled, saving an estimated 2.8 million barrels of oil a day. There can be no doubts as to the benefits of the original CAFE standard. Still 20 years after reaching this peak around 1985, the fuel economy of the Nation’s passenger car fleet has stagnated. Some have even argued the fleet of vehicles entering the marketplace today gets less fuel economy than those models in 1985. While fuel efficient technology has improved over the years, the fuel economy of the Nation’s passenger fleet has not. Today gets less fuel economy than when the current CAFE standard was enacted, the very first fuel economy standard for the first time since its inception over 30 years ago.

In 1975 this body passed, as a part of the Energy Policy and Conservation Act, the very first fuel economy standards for our passenger car fleet, setting a standard that all manufacturers must achieve 27.5 miles per gallon. This was done in response to the first oil embargo and the energy crisis of the early 1970s. Americans realized for the first time that we as a nation must set and achieve attainable goals for energy conservation, not only for our economic security but also for our national security.

At that time, the fuel economy of passenger cars averaged around 14 miles per gallon. Ten years after CAFE was enacted, the fuel economy of passenger cars had almost doubled, saving an estimated 2.8 million barrels of oil a day. There can be no doubts as to the benefits of the original CAFE standard. Still 20 years after reaching this peak around 1985, the fuel economy of the Nation’s passenger car fleet has stagnated. Some have even argued the fleet of vehicles entering the marketplace today gets less fuel economy than those models in 1985. While fuel efficient technology has improved over the years, the fuel economy of the Nation’s passenger fleet has not. Today gets less fuel economy than when the current CAFE standard was enacted, the very first fuel economy standard for the first time since its inception over 30 years ago.

In 1975 this body passed, as a part of the Energy Policy and Conservation Act, the very first fuel economy standards for our passenger car fleet, setting a standard that all manufacturers must achieve 27.5 miles per gallon. This was done in response to the first oil embargo and the energy crisis of the early 1970s. Americans realized for the first time that we as a nation must set and achieve attainable goals for energy conservation, not only for our economic security but also for our national security.

At that time, the fuel economy of passenger cars averaged around 14 miles per gallon. Ten years after CAFE was enacted, the fuel economy of passenger cars had almost doubled, saving an estimated 2.8 million barrels of oil a day. There can be no doubts as to the benefits of the original CAFE standard. Still 20 years after reaching this peak around 1985, the fuel economy of the Nation’s passenger car fleet has stagnated. Some have even argued the fleet of vehicles entering the marketplace today gets less fuel economy than those models in 1985. While fuel efficient technology has improved over the years, the fuel economy of the Nation’s passenger fleet has not. Today gets less fuel economy than when the current CAFE standard was enacted, the very first fuel economy standard for the first time since its inception over 30 years ago.

In 1975 this body passed, as a part of the Energy Policy and Conservation Act, the very first fuel economy standards for our passenger car fleet, setting a standard that all manufacturers must achieve 27.5 miles per gallon. This was done in response to the first oil embargo and the energy crisis of the early 1970s. Americans realized for the first time that we as a nation must set and achieve attainable goals for energy conservation, not only for our economic security but also for our national security.

At that time, the fuel economy of passenger cars averaged around 14 miles per gallon. Ten years after CAFE was enacted, the fuel economy of passenger cars had almost doubled, saving an estimated 2.8 million barrels of oil a day. There can be no doubts as to the benefits of the original CAFE standard. Still 20 years after reaching this peak around 1985, the fuel economy of the Nation’s passenger car fleet has stagnated. Some have even argued the fleet of vehicles entering the marketplace today gets less fuel economy than those models in 1985. While fuel efficient technology has improved over the years, the fuel economy of the Nation’s passenger fleet has not. Today gets less fuel economy than when the current CAFE standard was enacted, the very first fuel economy standard for the first time since its inception over 30 years ago.

In 1975 this body passed, as a part of the Energy Policy and Conservation Act, the very first fuel economy standards for our passenger car fleet, setting a standard that all manufacturers must achieve 27.5 miles per gallon. This was done in response to the first oil embargo and the energy crisis of the early 1970s. Americans realized for the first time that we as a nation must set and achieve attainable goals for energy conservation, not only for our economic security but also for our national security.

At that time, the fuel economy of passenger cars averaged around 14 miles per gallon. Ten years after CAFE was enacted, the fuel economy of passenger cars had almost doubled, saving an estimated 2.8 million barrels of oil a day. There can be no doubts as to the benefits of the original CAFE standard. Still 20 years after reaching this peak around 1985, the fuel economy of the Nation’s passenger car fleet has stagnated. Some have even argued the fleet of vehicles entering the marketplace today gets less fuel economy than those models in 1985. While fuel efficient technology has improved over the years, the fuel economy of the Nation’s passenger fleet has not. Today gets less fuel economy than when the current CAFE standard was enacted, the very first fuel economy standard for the first time since its inception over 30 years ago.
Our legislation promotes greater transparency of government, maintains the ability of the courts to operate effectively, and protects the whistle-blowers that identify government or corporate misdeeds and protect national security.

It is also important to note what this legislation does not do. The legislation does not permit rule breaking, give reporters a license to break the law, or permit reporters to interfere with crime investigations. Furthermore, the Free Flow of Information Act does not weaken national security or restrict law enforcement. Additional protections have been added to this bill to ensure that information will be disclosed in cases where the guilt or innocence of a criminal is in question, in cases where a reporter was an eye witness to a crime, and in cases where the information is critical to prevent death or bodily harm. The national security exception and continued special relationship to privileged information will ensure that reporters are protected while maintaining an avenue for prosecution and disclosure when considering the defense of our country.

Reporters Without Borders has reported that more than 100 journalists are currently in jail around the world, with more than half in China, Cuba, and Burma. This is not good company for the United States of America. Global public opinion is always on the lookout for the development of free and independent press organizations worldwide, and we need to maintain these ideals at home.

In conclusion, I thank again, my colleagues, Senator SPECTER, the distinguished chairman of the Judiciary Committee, and Senator DODD for their tireless work on this issue. With their assistance, I look forward to working with each of my colleagues to ensure that the free flow of information is unimpeded.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am pleased to join with Senator LUGAR, the principal sponsor, and Senators DODD, GRAHAM, and SCHUMER on the introduction of legislation which will codify a reporter’s privilege, something that is very necessary. The matter came into sharp focus recently with the contempt citation and the incarceration of New York Times reporter, Judith Miller, for some 85 days. The Judiciary Committee held two separate hearings on this subject. Senator LUGAR, with Congressman PCIe in the House, introduced legislation which has formed the nucleus of the bill we are introducing today.

The Branzburg v. Hayes case, 33 years ago, which was a 5-to-4 decision, with a concurring opinion by Justice Powell, has led to what is accurately called a crazy quilt in the circuits—five circuits going one way, four circuits going another way, and laws unsettled in some circuits. This bill, modeled significantly after the Department of Justice regulations, will codify this important avenue for protection.

There is an exception on reporter’s privilege for national security cases. Keeping in mind the incarceration of Judith Miller, this bill makes a sharp distinction between national security and an inquiry in the grand jury for obstruction of justice or perjury. As a prosecutor in the past, I have great appreciation for the offenses of obstruction of justice and perjury. But in my judgment, they do not rise to the level of importance as a national security case, and so the investigation shifts from the disclosure of a CIA agent, to a question of obstruction of justice, it is a very different situation. This bill would not permit, would not compel the disclosure of a source for obstruction of justice. As a journalist, I would not compel the disclosure of a source for a national security case.

This legislation has the endorsement of 39 of the major American foreign policy organizations in the United States. The New York Times, the Washington Post, the Associated Press, Time, Hearst Corporation, Philadelphia Inquirer, Newspaper Association of America, ABC, NBC, and CBS. It goes a long way to protecting sources, but it also leaves latitude, in the form of a balancing test, for Federal prosecutors to gain information under limited circumstances for plaintiffs and defendants in civil cases to have access to sources. And, it does not have a shield if a reporter is a witness to some crime.

In recent months, there has been a growing consensus that we need to establish a Federal journalists’ privilege to protect the integrity of the newsgathering process—a process that depends on the free flow of information between journalists and whistle-blowers, as well as other confidential sources, I do not reach this conclusion lightly. The Judiciary Committee held two separate hearings in which it heard from witnesses; in this number were seven journalists, six attorneys, including current or former prosecutors and some of the Nation’s most distinguished experts on the first amendment.

These witnesses demonstrated that there are two vital, competing concerns at stake. On one hand, reporters cite the need to maintain confidentiality in order to ensure that sources will speak openly and freely with the news media. The renowned William Safire, regular columnist for the New York Times, testified that “the essence of news gathering is this: if you don’t have sources you trust and who trust you, then you don’t have a solid story—and the public suffers for it.” Reporter Matthew Cooper of Time magazine said this to the Committee: “As someone who relies on confidential sources all the time, I simply could not do my job reporting stories big and small without being with officials under varying degrees of anonymity.”

On the other hand, the public has a right to effective law enforcement and individual rights. Our system needs access to information in order to prosecute crime and to guarantee fair administration of the law for plaintiffs and defendants alike. As a Justice Department representative told the committee, prosecutors need to “maintain the ability, in certain vitally important circumstances, to obtain information identifying a source when a paramount interest is at stake. For example, obtaining source information may be the only available means of precluding some crimes.”

As Federal courts considered such competing interests, they adopted rules that went in several different directions. Rather than a clear, uniform standard for deciding claims of journalist privilege, the Federal courts currently observe a “crazy quilt” of different judicial standards.

The current confusion began 33 years ago, when the Supreme Court decided in Branzburg v. Hayes. The Court held that the press’s first amendment right to publish information does not include a right to keep information secret from a grand jury investigating a criminal matter. The Supreme Court also held that the common law did not exempt reporters from the duty of every citizen to provide information to a grand jury.

The Court reasoned that just as newspapers and journalists are subject to the same laws as other citizens, they are also subject to the same duty to provide information to a court as other citizens. However, Justice Powell, who joined the 5-4 majority, wrote a separate concurrence in which he explained that the Court’s holding was not an invitation for the government to harass journalists. If a journalist could show that the grand jury investigation was being conducted in bad faith, the journalist could ask the court to quash the subpoena. Justice Powell well indicated that the Court would not lightly assess such claims on a case-by-case basis by balancing the freedom of the press against the obligation to give testimony relevant to criminal conduct.

In attempting to apply Justice Powell’s concurring opinion, Federal courts have split on the question of when a journalist is required to testify. In the 33 years since Branzburg, the Federal courts are split in at least three ways in their approaches to Federal criminal and civil cases.

With respect to Federal criminal cases, five circuits—the first, fourth, fifth, sixth, and seventh circuits—have...
applied Branzburg so as to not allow journalists to withhold information absent governmental bad faith. Four other circuits—the second, third, ninth, and eleventh circuits—recognize a qualified privilege, which requires court determination whether the protection is necessary to prevent press against the obligation to provide testimony on a case-by-case basis. The law in the District of Columbia Circuit is unsettled.

With respect to Federal civil cases, nine circuits apply a balancing test when deciding whether journalists must disclose confidential sources. One circuit affords journalists no privilege in any context. Two other circuits have yet to decide whether journalists have any privilege in civil cases. Meanwhile, 49 States plus the District of Columbia have recognized a privilege within their own jurisdictions. Thirty-one States plus the District of Columbia have passed some form of reporter’s shield statute, and 18 States have recognized a privilege at common law.

There is little wonder that there is a growing consensus concerning the need for a uniform journalists’ privilege in Federal courts. This system must be simplified.

Today, we are taking the first step to resolving this problem by introducing the Free Flow of Information Act. This bill draws upon 33 years of experience, as embodied in the Department of Justice’s regulations, the law established by the Federal courts of appeals, State statutes, and existing national security provisions. The purpose of this bill is to guarantee the flow of information to public in a free and active press, while protecting the public’s right to effective law enforcement and individuals’ rights to the fair administration of justice.

This bill provides ample protection for the Nation’s journalists, as demonstrated by fact that it is endorsed by 39 news organizations identified in a list I will include at the end of my remarks. This bill also provides ample protection to the public’s interest in law enforcement and fair trials. In drafting this legislation, we started with what works. Both the Department of Justice and the vast majority of journalists with whom we have met—in individual meetings and over the course of two hearings—readily voice support for the regulations that the Department of Justice currently applies to all of its prosecutors. Moreover, time has proven that these regulations are workable. The Department of Justice has been effectively prosecuting cases under these regulations for 25 years and a majority of State prosecutors carry out their duties under similar statutes.

I have two concerns with the Department’s regulations, however. First, under current law, these regulations do not apply to special prosecutors. Special prosecutors are often called upon in cases that are politically sensitive, may potentially be embarrassing to senior government officials, and are high profile—those cases that seem to carry the greatest risk of an overzealous prosecutor needlessly subpoenaing journalists.

Second, Department regulations are presently enforced by the Attorney General, not a neutral court of law. This places the Attorney General in a difficult position; namely, the primary check on Federal prosecutors’ ability to subpoena journalists is the nation’s highest, Federal, prosecutor. Most Americans, I believe, would feel more comfortable having the competing interests weighed by a neutral judge instead of a political appointee who answers to the President. Accordingly, this bill, in large part, codifies the Department of Justice’s regulations into law; applies them to all Federal prosecutors, including special prosecutors; and provides that the courts, not a political officer, shall decide whether the public interest outweighs the interest in allowing a journalist to protect a confidential source.

The Free Flow of Information Act addresses two additional areas of considerable confusion and concern. First, it aims to deal with a crucial issue—can a criminal defendant who subpoenas a journalist to ensure that every criminal defendant has a fair trial, a criminal defendant less has of a burden than a prosecutor does, to show that the journalist’s privilege outweighs the interest in allowing a journalist to protect a confidential source. This bill provides that before a private party may subpoena a journalist in a civil suit, the court must find that the party is not trying to harass or punish the journalist, and that the public interest requires disclosure. Second, this bill removes any remaining confusion concerning the existing law in federal courts.

Finally, the Free Flow of Information Act adds layers of safeguards for the public. Reporters are not allowed to withhold information if a federal court concludes that the information is important to the defense of our Nation’s security or is needed to prevent or stop a crime that could lead to death or physical injury. Also, the bill ensures that both crime victims and witnesses who are part of a fair and impartial trial are not heard in court. Under this bill, a journalist who is an eyewitness to a crime or takes part in a crime may not withhold that information. Journalists should not be permitted to hide from the law by writing a story and then claiming a reporter’s privilege.

It is time to simplify the patchwork system in Federal court decisions and legislation that has grown over the last three decades. It is time for Congress to clear up the ambiguities journalists and the Federal judicial system face in balancing the protections journalists need in providing confidential information to the public with the ability of the courts to conduct fair and accurate trials. I urge my colleagues to support this legislation and help create a fair and efficient means to serve journalists and the news media, prosecutors and the courts, and most importantly the public. I ask unanimous consent to print the list of organizations and companies that support the legislation in the RECORD.

I have no objection, the material was ordered to be printed in the RECORD, as follows:

**ORGANIZATIONS/COMPANIES SUPPORTING “FREE FLOW OF INFORMATION ACT OF 2006”**


The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me express my gratitude to my colleague from Indiana, Congressman Pence, and his colleague from Indiana, Congressman Boucher of Virginia, who are drafting similar legislation and propose similar legislation in the other body and, of course, my colleague, Senator Grassley, Chairman of the Judiciary Committee, my colleague from New York, Senator Schumer, and the Presiding Officer for their work on pulling together this bill which is a very sound proposal. As the Senator from Pennsylvania has explained, it deals with an issue that many were concerned about, and that is the national security question.

The point I would like to make is that while this is about journalists and the collection of information, it is the national security question. The real winners of this proposal are not journalists or news media outlets, television stations, or the like. The real winners are the people we represent, our constituents, and the consumers of information. This is most important for them. It is really not that significant. If we were only about journalists, frankly, we might have second questions about it.

Jefferson, of course, said it better than anyone many years ago when he said if he had to choose between a free country and a free press, he would select the latter. Madison, on the same
subject, talking about freedom of information, freedom of the press, had this quote:

"Popular government without popular information or the means of acquiring it is but a prologue to a farce, or tragedy, or perhaps both."

Today, that fundamental principle—that a well-informed citizenry is the cornerstone of self-government—is at risk in a manner in which it has not been at risk previously. In the past year alone, some two dozen reporters have been subpoenaed or questioned about their confidential sources. Most of them face fines or prison time. Seven have already been held in contempt. One has been jailed. Another was found guilty of criminal contempt for refusing to reveal a confidential source and served 6 months under house arrest. Why? Because they received information from confidential sources and pledged to protect the confidentiality of those sources. In other words, they committed the “offense” of being journalists.

These actions by our Government against journalists are having a profound impact on news gathering. For example, in testimony last summer before the Senate Judiciary Committee, Norman Pearlstine, the editor in chief of Time, Inc., said this about the fallout from the Justice Department’s efforts to obtain confidential information from a Time reporter:

"Valuable sources have insisted that they no longer trusted the magazine and that they would no longer cooperate on stories. The chilling effect is obvious."

Confidential evidence may be just the tip of the iceberg. We have no way of knowing for certain the number of journalists who have been ordered or requested to reveal confidential sources. We can only speculate as to how many editors and publishers put the brakes on a story for fear that it could compromise their reporters in a spider web spun by the Federal prosecutors that could include prison. If citizens with knowledge of wrongdoing could not or would not come forward to testify on the Lugar-Spector-Dodd bill.

I think it is long overdue that the Federal Government have a similar piece of legislation to protect the kind of information we seek. I commend my colleagues for their efforts in this regard. I am happy to join them.

Mr. SESSIONS. Mr. President, I say with regard to what has just taken place, these are complex areas, and we need to be careful about protecting our ability to keep confidential sources confidential. When you have to be careful, too. I was thinking that if a spy comes into our country and gets secure information and gives it to our enemy, we put him in jail, and they can be convicted, I guess, for espionage. If a reporter gets information and publishes it to our enemies and to the whole world, they get the Pulitzer prize.

I think we have to be careful about how we word this. I am sure we will come up with a pretty good solution.

Mr. SPECTER. Mr. President, I ask unanimous consent that Senator Schumer be recognized for 4 minutes to speak on the Lugar-Specter-Dodd bill.

The PRESIDING OFFICER. The Senator from New York is recognized for 4 minutes.

Mr. SCHUMER. Mr. President, I join as a cosponsor of the bill just introduced because I think it really cuts the Gordian knot. There has been a deadlock on improving the shield law for the very reason that not all disclosures of information we seek. I commend my colleagues for their efforts in this regard. I am happy to join them.

Mr. SESSIONS. Mr. President, I say with regard to what has just taken place, these are complex areas, and we need to be careful about protecting our ability to keep confidential sources confidential. When you have to be careful, too. I was thinking that if a spy comes into our country and gets secure information and gives it to our enemy, we put him in jail, and they can be convicted, I guess, for espionage. If a reporter gets information and publishes it to our enemies and to the whole world, they get the Pulitzer prize.

I think we have to be careful about how we word this. I am sure we will come up with a pretty good solution.

Mr. SPECTER. Mr. President, I ask unanimous consent that Senator Schumer be recognized for 4 minutes to speak on the Lugar-Spector-Dodd bill.

The PRESIDING OFFICER. The Senator from New York is recognized for 4 minutes.

Mr. SCHUMER. Mr. President, I join as a cosponsor of the bill just introduced because I think it really cuts the Gordian knot. There has been a deadlock on improving the shield law for the very reason that not all disclosures of information we seek. I commend my colleagues for their efforts in this regard. I am happy to join them.

Mr. SPECTER. Mr. President, I ask unanimous consent that Senator Schumer be recognized for 4 minutes to speak on the Lugar-Spector-Dodd bill.
study by the independent consumer watchdog Public Citizen found that in the 5 years between 1999 and 2004, U.S. oil refiners increased their average profits on every gallon of gasoline refined from 22.8 cents to 40.8 cents, a 79 percent increase. And they have consolidated the profit numbers of the major oil companies—led by Exxon Mobil’s $3.4 billion profit in the first quarter of 2006, which followed its $36 billion profit in 2005, the highest corporate profits ever achieved in U.S. history, are conclusive evidence—if any more was needed—of the lack of competition in the U.S. oil industry. 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 greatly compound their profits along the way—confirms that there is a failure of competition in our oil and gas markets.

More than 90 years ago, one of our Nation’s basic antitrust laws—the Clayton Act—was written to prevent just such industry concentration harming competition. It makes illegal any merger that creates the effect of which “may be substantially to lessen competition.” Despite the plain command of this law, the Federal Trade Commission—the Federal agency with responsibility for enforcing antitrust law in the gas industry—the Clayton Act has failed to take any effective action to prevent undue concentration in this industry. Instead, it permitted almost all of these 2,600 oil mergers and acquisitions to proceed without challenge. And where the FTC has ordered divestitures, they have been wholly ineffective to restore competition. Consumers have been at the mercy of an increasingly powerful oligopoly of a few giant oil companies, passing along price increases without remorse as the market becomes increasingly concentrated and competition diminishes. It is past time for us in Congress to take action to strengthen our antitrust law so that it will, as intended, stand as a bulwark to protect consumers and prevent any further loss of competition in this essential industry.

Our bill will strengthen merger enforcement under the antitrust law in two respects. First, it will direct that the FTC, in conjunction with the Justice Department, revise its Merger Guidelines to take into account the special conditions prevailing in the oil industry. In reviewing a pending merger or acquisition to determine whether to approve it or take legal action to block it, the FTC follows what are known as “Merger Guidelines.” The Merger Guidelines set forth the factors that the agency must examine to determine if a merger or acquisition lessens competition, and sets forth the legal standard. The FTC is to follow in deciding whether to approve or challenge a merger. As presently written, the Merger Guidelines fail to direct the FTC, when reviewing an oil industry merger, to pay any heed at all to the special economic conditions prevailing in that industry.

Our bill will correct this deficiency. Many special conditions prevail in the oil and gas marketplace that warrant scrutiny of the antitrust laws not occurring in other industries, and the Merger Guidelines should reflect these conditions. In most industries, when demand rises and existing producers earn ever-increasing profits, new producers enter the market and new supply expands, reducing the pressure on price. However, in the oil industry, there are severe limitations on supply and environmental and regulatory difficulty in opening up new refineries, so this normal market mechanism cannot work. Additionally, in most industries, consumers shift to alternative products in the face of sharp price increases, leading to a reduction in demand and a corresponding reduction in the pressure to increase prices. But for such an essential commodity as gasoline, consumers have no such option—they must continue to consume gasoline to get to work, to go to school, and to shop. These factors all mean that antitrust enforcers should be especially cautious about permitting such increases in concentration in the oil industry.

Accordingly, our bill directs the FTC and Justice Department to revise its Merger Guidelines to take into account special economic conditions prevailing in the oil industry—including the high inelasticity of demand for oil and petroleum-related products; the ease of gaining market power; supply and refining capacity limits; difficulties of market entry; and unique regulatory requirements applying to the oil industry. This revision of the Merger Guidelines must be completed within 6 months of enactment of this legislation.

The second manner in which this legislation will strengthen antitrust enforcement will be to shift the burden of proof in Clayton Act challenges to oil industry mergers and acquisitions. In such cases, the burden will be placed on the merging parties to establish, by a preponderance of evidence, that their transaction does not substantially lessen competition. This provision would reverse the usual rule that the government or private plaintiff challenging the merger must prove that the transaction harms competition. As the parties have agreed in an already concentrated industry, and possessing all the relevant data regarding the transaction, it is entirely appropriate that the merging parties bear this burden. This provision does not forbid all mergers in the oil industry if the merging parties can establish that their merger does not substantially harm competition, it may proceed. However, shifting the burden of proof in this manner will undoubtedly make it more difficult for oil companies to withstand a surviving court challenge, thereby enhancing the law’s ability to block truly anti-competitive transactions and deterring companies from even attempting such transactions. In today’s concentrated oil industry and with consumers suffering record high prices, mergers and acquisitions that even the merging parties cannot justify should not be tolerated.

As ranking member on the Senate Antitrust Subcommittee, I believe that this bill is a crucial step to ending this unprecedented move towards industry concentration and to begin to restore competitive balance to the oil and gas industry. Since the break-up of the Standard Oil trust 100 years ago, antitrust enforcement has been essential to prevent undue concentration in this industry. This bill is an essential step to ensure that our antitrust laws are sufficiently strong to ensure a competitive oil industry in the 21st century. I urge my colleagues to support the Oil Industry Merger Antitrust Enforcement Act.

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:

SEC. 2. STATEMENT OF FINDINGS AND DECLARA-
TIONS OF PURPOSES.

(a) FINDINGS.—Congress finds the follow-
ing:

(1) American consumers are suffering from excessively high prices for gasoline, natural gas, heating oil, and other energy products.

(2) These excessively high energy prices have been caused, at least in substantial part, by undue concentration among companies involved in the production, refining, distribution, and retail sale of oil, gasoline, natural gas, heating oil, and other petroleum-related products.

(3) There has been a sharp consolidation among oil companies over the last decade, and the antitrust enforcement agencies (the Federal Trade Commission and the Department of Justice, Antitrust Division) have failed to employ the antitrust laws to prevent this consolidation, to the detriment of consumers and competition. This consolidation has caused substantial injury to competition and has enabled the remaining oil companies to gain market power over the sale, refining, and distribution of petroleum-related products.

(4) The demand for oil, gasoline, and other petroleum-based products is highly inelastic so that oil companies can easily utilize market power to raise prices.

(5) Maintaining competitive markets for oil, gasoline, natural gas, and other petroleum-related products is in the highest national interest.

(b) PURPOSES.—The purposes of this Act are to—

(1) ensure vigorous enforcement of the antitrust laws in the oil industry;

(2) restore competition to the oil industry and to the production, refining, distribution, and marketing of gasoline and other petroleum-related products; and

(3) prevent the accumulation and exercise of market power by oil companies.
SEC. 3. BURDEN OF PROOF.

Section 7 of the Clayton Act (15 U.S.C. 18) is amended by adding at the end the following:

"(1) alleges that the effect of a merger, acquisition, or transaction affecting commerce may be to substantially lessen competition, or to tend to create a monopoly, in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, oil, or natural gas, or products derived from petroleum, oil, or natural gas; and

"(2) establishes that a merger, acquisition, or transaction is between or involves persons competing in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, oil, or natural gas, or products derived from petroleum, oil, or natural gas; the burden of proof shall be on the defendant or defendants to establish by a preponderance of the evidence that the merger, acquisition, or transaction at issue will not substantially lessen competition or tend to create a monopoly."

SEC. 4. ENSURING FULL AND FREE COMPETITION.

(a) REVIEW.—The Federal Trade Commission and the Antitrust Division of the Department of Justice shall jointly review and revise all enforcement guidelines and policies, including the Horizontal Merger Guidelines issued April 2, 1992 and revised April 8, 1997, and the Non-Horizontal Merger Guidelines issued June 14, 1984, and modify those guidelines in order to—

(1) specifically address mergers and acquisitions in oil companies and among companies involved in the production, refining, distribution, or marketing of oil, gasoline, natural gas, heating oil, or other petroleum-related products; and

(2) ensure that the application of these guidelines will prevent any merger and acquisition in the oil industry, when the effect of such a merger or acquisition may be to substantially lessen competition, or to tend to create a monopoly, and reflect the special conditions prevailing in the oil industry described in subsection (b).

(b) SPECIAL CONSIDERATIONS.—The guidelines described in subsection (a) shall be revised to take into account the special conditions prevailing in the oil industry, including—

(1) the critical uncertainty of demand for oil and petroleum-related products;

(2) the ease of gaining market power in the oil industry;

(3) the cost of supply and refining capacity limits in the oil industry;

(4) difficulties of market entry in the oil industry; and

(5) the regulatory requirements applying to the oil industry.

(c) COMPETITION.—The review and revision of the enforcement guidelines required by this section shall be completed not later than 6 months after the date of enactment of this Act.

(d) ENFORCEMENT.—Not later than 6 months after the date of enactment of this Act, the Federal Trade Commission and the Antitrust Division of the Department of Justice shall jointly report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the review and revision of the enforcement guidelines mandated by this section.

SEC. 5. DEFINITIONS.

In this Act:

(1) OIL INDUSTRY.—The term "oil industry" means companies and persons involved in the production, refining, distribution, or marketing of oil or petroleum-based products.

(2) PETROLEUM-BASED PRODUCT.—The term "petroleum-based product" means gasoline, diesel fuel, jet fuel, home heating oil, natural gas, or other products derived from the refining of oil or petroleum.

By Mr. BIDEN (for himself and Mr. JEFFORDS):

S. 2655. A bill to amend the Safe Drinking Water Act to eliminate security risks by replacing the use of extremely hazardous gaseous chemicals with inherently safer technologies; to the Committee on Environment and Public Works.

Mr. BIDEN. Mr. President, I rise today to introduce the Community Water Treatment Hazards Reduction Act of 2006. This legislation would completely eliminate a known security risk to millions of Americans across the United States by facilitating the transfer to safer technologies from deadly toxic chemicals at our Nation's water treatment facilities.

Across our Nation, there are thousands of water treatment facilities that utilize hazardous chemicals to treat drinking and wastewater. Approximately 2,850 facilities are currently regulated under the Clean Air Act because they store large quantities of these dangerous chemicals. In fact, 98 percent of these facilities threaten over 100,000 citizens. For example, the Fiveash Water Treatment Plant in Fort Lauderdale, FL, threatens 1.526,000 citizens. The Bachman Water Treatment in Dallas, TX, threatens up to 2 million citizens. And there are similar examples in communities throughout the Nation. If these facilities—and the 95 other facilities that threaten over 100,000 citizens—switched from the use of toxic chemicals to safer technologies that are widely used within the industry, we would eliminate a known threat to nearly 50 million Americans.

Many facilities have already made the prudent decision to switch without intervention by the government. The Middlesex County Utilities Authority in Sayreville, NJ, switched to safer technologies and eliminated the risk to 10.7 million people. The Nottingham Water Treatment Plant in Cleveland, OH, switched and eliminated the risk to over 1 million people. The Blue Plains facility in Washington, DC, cost-savings related to the switch, such as decreased security costs, costs saving by eliminating administrative requirements under the EPA risk management plan, lower insurance premiums, and others. If savings are ultimately realized by the facility, it will be required to return one half of these savings, not to exceed the grant amount, back to the EPA. In turn, the EPA may utilize these savings to help facilitate the transition of more water facilities.

A 2005 report by the Government Accountability Office found that providing grants to assist water facilities to transition to safer technologies was an appropriate use of Federal funds. The costs for an individual facility to transition will vary, but the cost is very cheap when you consider the security benefits. For example, the Wilmingon, DE, facility cost approximately $160,000 to transition and eliminated the risk to nearly 600,000 people. Similarly, the Blue Plains facility spent $500,000 to transition after 9-11 and eliminated the risk to 1.2 million citizens immediately. This, in my view, is a sound use of funds. And, this legislation will provide sufficient funding to transition all of our high-priority facilities throughout Nation.

Finally, I would like to point out that facilities making the decision to transition after 9-11, but before the enactment date of this legislation will be eligible to participate in the program authorized by this legislation. I have included this provision because I believe that the Federal Government should acknowledge—and promote—local decisions that enhance our homeland security. In addition, we don't want to create a situation where water facilities wait for Federal funding, before doing the right thing and eliminating those dangerous gaseous chemicals.

Last December the 9-11 Discourse Project released its report card for the right thing and eliminated the use of these dangerous, gaseous chemicals. The bottom line is that if we can eliminate a known risk, we should. The legislation I am introducing today will do just that. It will require the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Homeland Security, to do a few simple things. First, water facilities will be prioritized based upon the risk that they pose to citizens and critical infrastructure facilities—beginning with the most dangerous ones—will be required to submit a report on the feasibility of utilizing safer technologies and the anticipated costs to transition. If grant funding is available, the Administrator will issue a grant and order the facility to transition to safer technologies. Once the transition is complete, the facility will be required to track all cost-savings related to the switch, such as decreased security costs, costs saving by eliminating administrative requirements under the EPA risk management plan, lower insurance premiums, and others. If savings are ultimately realized by the facility, it will be required to return one half of these savings, not to exceed the grant amount, back to the EPA. In turn, the EPA may utilize these savings to help facilitate the transition of more water facilities.

A 2005 report by the Government Accountability Office found that providing grants to assist water facilities to transition to safer technologies was an appropriate use of Federal funds. The costs for an individual facility to transition will vary, but the cost is very cheap when you consider the security benefits. For example, the Wilmington facility cost approximately $160,000 to transition and eliminated the risk to nearly 600,000 people. Similarly, the Blue Plains facility spent $500,000 to transition after 9-11 and eliminated the risk to 1.2 million citizens immediately. This, in my view, is a sound use of funds. And, this legislation will provide sufficient funding to transition all of our high-priority facilities throughout Nation.

Finally, I would like to point out that facilities making the decision to transition after 9-11, but before the enactment date of this legislation will be eligible to participate in the program authorized by this legislation. I have included this provision because I believe that the Federal Government should acknowledge—and promote—local decisions that enhance our homeland security. In addition, we don't want to create a situation where water facilities wait for Federal funding, before doing the right thing and eliminating those dangerous gaseous chemicals.
be enlisted in the Record, as follows:

S. 2855

Be it enacted by the Senate and House of Representations of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.
This Act may be cited as the “Community Water Treatment Hazards Reduction Act of 2006.”

SEC. 2. USE OF INHERENTLY SAFER TECHNOLOGIES AT WATER FACILITIES.

Part F of the Safe Drinking Water Act (42 U.S.C. 300f-20 et seq.) is amended by adding at the end the following:

“SEC. 1466. USE OF INHERENTLY SAFER TECHNOLOGIES AT WATER FACILITIES.

“(a) Definitions.—In this section:

“(1) HARMFUL INTENTIONAL ACT.—The term ‘harmful intentional act’ means a terrorist attack or other intentional act carried out upon a water facility in transitioning from the use of inherently safer technology; including the use of inherently safer technology to implement the 9-11 Commission recommendations. It was replete with D’s and F’s demonstrating that we have been going in the wrong direction with respect to homeland security. One of the most troubling findings made by the 9-11 Commission is that, with respect to our Nation’s critical infrastructure that “no risk and vulnerability assessments actually made; no national priorities established; no recommendations made on allocations of scarce resources. All key decisions are at least a year away. It is time that we stop talking about priorities and actually set some.” While much remains to be done, the Community Water Treatment Hazards Reduction Act of 2006 sets an important priority for our homeland security and it affirmatively addresses it. I urge my colleagues to support this important legislation.

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:

SEC. 3. IDENTIFICATION OF HIGH-CONSEQUENCE WATER FACILITIES.

Title II of the Safe Drinking Water Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

“TIER 3 FACILITIES.—A Tier 3 high-consequence water facility shall have a vulnerability zone that covers more than 10,000, but not more than 25,000, individuals and shall be given the third-highest priority by the Administrator.

“(ii) MANDATORY DESIGNATION.—If the vulnerability zone for a high-consequence water facility contains more than 10,000 individuals, the water facility shall be—

“(I) considered to be a high-consequence water facility; and

“(II) classified by the Administrator to an appropriate tier under clause (i).

“(iii) DISCRETIONARY CLASSIFICATION.—A water facility with a vulnerability zone that covers more than 10,000 but not more than 25,000 individuals may be designated as a high consequence facility, on the request of the owner or operator of a water facility, and classified into a tier described in clause (i), at the discretion of the Administrator.

“(iv) RECLASSIFICATION.—The Administrator may reclassify a high-consequence water facility into a tier with a higher priority, as described in clause (i), based on an increase of population covered by the vulnerability zone or any other appropriate factor, as determined by the Administrator; but

“(v) may not reclassify a high-consequence water facility into a tier with a lower priority, as described in clause (i), for any reason.

“(v) OPTIONS FEASIBILITY ASSESSMENT ON USE OF INHERENTLY SAFER TECHNOLOGY.—

“(A) IN GENERAL.—Not later than 90 days after the date on which the owner or operator of a high-consequence water facility receives notice under paragraph (1)(B), the owner or operator shall submit to the Administrator an options feasibility assessment that describes—

“(i) an estimate of the costs that would be incurred by the high-consequence water facility in transitioning from the use of inherently safer technologies to any other inherently safer technologies, including the use of—

“(I) sodium hypochlorite;

“(II) ultraviolet light;

“(III) other inherently safer technologies that are in use within the applicable industries; or

“(IV) any combination of the technologies described in clauses (I) through (III).

“(B) CONSIDERATIONS IN DETERMINING ESTIMATED COSTS.—In estimating the transition costs described in subparagraph (A)(i), an owner or operator of a high-consequence water facility shall consider—

“(i) the costs of capital upgrades to transition to the use of inherently safer technologies;

“(ii) anticipated increases in operating costs of the high-consequence water facility;

“(iii) offsets that may be available to reduce or eliminate the transition costs, such as the savings that may be achieved by—

“(I) eliminating security needs (such as personnel and fencing);

“(II) complying with safety regulations;

“(III) complying with environmental regulations and permits;
(IV) complying with fire code requirements; 
(V) providing personal protective equipment; 
(VI) installing safety devices (such as alarms and scrubbers); 
(VII) purchasing and maintaining insurance coverage; 
(VIII) conducting appropriate emergency response and contingency planning; 
(X) conducting employee background checks; and 
(X) potential liability for personal injury and damage to property; and

(1) in general.—Subject to clause (ii), not later than 90 days after the date of submission of the options feasibility assessment required under this paragraph, the owner or operator of a high-consequence water facility in consultation with the Administrator, the Secretary, the United States Chemical Safety and Hazard Investigation Board, local officials, and other interested parties, shall determine which inherently safer technologies are to be used by the high-consequence water facility.
Whereas the regime in Burma, the State Peace and Development Council (SPDC), reportedly threatened to abolish the pro-democracy National League for Democracy; whereas recent reports indicate that the SPDC escalated its brutal campaign against ethnic groups in November 2005; whereas reports indicate that the military operation has resulted in approximately 13,000 new internally displaced persons in Burma; whereas refugees continue to pour across Burma’s borders; whereas those forced to flee their homes in Burma are increasingly vulnerable, and the humanitarian situation grows more dire as the rainy season approaches; whereas the United Nations Security Council was briefed on the human rights situation in Burma for the first time ever in December 2005; whereas United Nations Secretary-General Kofi Annan and Under-Secretary-General for Political Affairs Ibrahim Gambari acknowledged the seriousness of the problems in Burma, and the Secretary-General’s office suggested the first-ever course of action on Burma at the United Nations Security Council at the December 2005 briefing; whereas numerous efforts outside the United Nations Security Council to secure reform in Burma, including 29 consecutive non-binding resolutions of the United Nations General Assembly and United Nations Commission on Human Rights, have failed to bring about change; whereas there is ample precedent in the United Nations Security Council for action on Burma; and whereas Daw Aung San Suu Kyi remains the world’s only incarcerated Nobel Peace Prize recipient:

Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to condemn the military junta in Burma for its recent campaign of terror against ethnic minorities; and

(2) to call on the United States and other democracies to continue to work with the Association of South East Asian Nations to promote democracy, human rights and justice in Burma; and

(3) to call on the United States to lead an effort at the United Nations Security Council to pass immediately a binding, non-punitive resolution calling for the immediate and unconditional release of Daw Aung San Suu Kyi and all other prisoners of conscience in Burma, condemning these atrocities, and supporting democracy, human rights and justice in Burma.

SENATE CONCURRENT RESOLUTION 95—EXpressing the Sense of Congress with Regard to the Importance of Women’s Health Week, Which Promotes Awareness of Diseases That Affect Women and Which Encourages Women to Take Preventive Measures to Ensure Good Health

Mr. FEINGOLD (for himself and Ms. SNOWE) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 95

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventive measures such as a healthy lifestyle and frequent medical screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African American women, Asian/Pacific Islander women, Latinas, and American Indian/Alaska Native women;

Whereas all women should begin at a young age, and preventive care saves Federal dollars designated to health care, it is important to raise awareness among women and girls of key female health issues;

Whereas National Women’s Health Week begins on Mother’s Day annually and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women’s health issues; and

Whereas in 2006, the week of May 14 through May 20 is designated as the National Women’s Health Week:

Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) calls on the people of the United States to use Women’s Health Week as an opportunity to learn about health issues that affect women;

(3) calls on the women of the United States to observe National Women’s Check-Up Day on Monday, May 15, 2006, by receiving preventive screenings from their health care providers; and

(4) recognizes the importance of federally funded programs that provide research and collect data on common diseases in women and highlight racial disparities in the rates of these diseases.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4066. Mr. KENNEDY (for himself, Mr. MCCAIN, and Mr. GRAHAM) proposed an amendment to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes;

SA 4067. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4068. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4069. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4070. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4071. Mr. BOND (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4072. Mrs. CLINTON (for herself, Mr. OBAMA, Mrs. BOXER, Mr. SALAZAR, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 2611, supra.

SA 4073. Mr. SALAZAR (for himself, Mr. DURBIN, Mr. KENNEDY, Mr. BINGAMAN, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 2611, supra.

SA 4074. Mr. OBAMA (for himself, Mr. REID, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4075. Mrs. FEINSTEIN (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4076. Mr. ENSIGN (for himself, Mr. GRAHAM, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 2611, supra.

SA 4077. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4078. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4079. Mr. OBAMA (for himself, Mr. DURBIN, Mr. REID, Mr. HARKIN, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4080. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4081. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4082. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4083. Mr. BOXER submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4084. Mr. FEINGOLD (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by them to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4085. Mr. BOND (for himself and Mr. GREGG) submitted an amendment intended to be proposed by them to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4086. Mr. KENNEDY (for himself, Mr. MCCAIN, and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4087. Mr. BONHAM (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4088. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4089. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4090. Mr. BOXER submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4091. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4092. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

CORRECTED TEXT OF AMENDMENT SUBMITTED ON MAY 17, 2006

SA 4052. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table;

Subtitle A—Mandatory Departure and Reentry in Legal Status

SEC. 601. MANDATORY DEPARTURE AND REENTRY IN LEGAL STATUS.

(a) In General.—Title II (8 U.S.C. 1151 et seq.) is amended by inserting after section 218D, as added by section 405, the following:

"SEC. 218D. MANDATORY DEPARTURE AND REENTRY.

"(a) In General.—The Secretary of Homeland Security may grant Deferred Manda-

tory Departure status to aliens who are in the United States illegally to allow such aliens time to depart the United States and then seek admission as a nonimmigrant or im-
migrant alien.

"(b) REQUIREMENTS.—
An alien must establish that the alien—

(A) was physically present in the United States on the date that is 1 year before the date on which the Comprehensive Immigration Reform Act of 2006 was introduced in Congress; and

(B) has been continuously in the United States or an alien lawfully admitted for permanent residence from the United States now would result in extreme hardship to the alien’s spouse, parent, or child who is a citizen of the United States or an alien lawfully admitted for permanent residence.

(4) INELIGIBLE.—An alien is ineligible for Deferred Mandatory Departure status if the alien—

(A) has been admitted by the Secretary of Homeland Security under any provision of section 212(a) or section 245; or

(B) has been employed in the United States as a nonimmigrant or immigrant, if otherwise eligible for such status; or

(C) has been admitted as an unaccompanied minor under subsection (a)(12); or

(D) has been issued a notice to appear under section 237(a); or

(E) has been ordered removed under section 235 or 238; or

(F) has had any period of a voluntary departure order extended under section 239(a); or

(G) has been employed in the United States under any classification set forth in section 101(a)(15) on that date.

(5) MEDICAL EXAMINATION.—An alien may be required, at the alien’s expense, to undergo an appropriate medical examination (including determination of eligibility status) that conforms to generally accepted professional standards of medical practice.

(B) Waiver.—The Secretary of Homeland Security may waive any other provision of subparagraph (A) or (B) as applied to individual aliens if the Secretary determines that the alien did not receive notice of removal proceedings in accordance with paragraphs (1) or (2); or if it is determined that all applications for Deferred Mandatory Departure status not later than 6 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006 were introduced in Congress; and

(B) has been employed in the United States since that date.

(6) ADMISSIBILITY.—An alien must establish that the alien—

(A) is in general.—The alien must establish that the alien—

(i) is admissible to the United States (except as provided in subparagraph (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), as applied to individual aliens if the alien—

(i) for humanitarian purposes;

(ii) to assure family unity; or

(iii) if such waiver is otherwise in the public interest.

(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 history, membership in a particular social group, or political opinion, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or human or degrading treatment or punishment, and the alien’s history with respect to the Comprehensive Immigration Reform Act of 2006.

(C) WAIVER.—The Secretary of Homeland Security shall require an alien to include in the application a waiver of rights that explains to the alien that, in exchange for the discretionary immigration relief afforded by Deferred Mandatory Departure status, the alien agrees to waive any right to administrative or judicial review of the decision to grant or deny Deferred Mandatory Departure status, or to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 of the Act, or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

(D) EFFECT.—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; or

(B) understands the terms of the terms of Deferred Mandatory Departure;

(2) any Social Security account number on record in the possession of the alien or relied upon by the alien;

(3) any false or fraudulent documents in the alien’s possession;

(3) Mandatory Departure.—

(1) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary’s sole and unrelinquishable discretion, grant Deferred Mandatory Departure status to an alien for a period not to exceed 5 years.

(2) REGISTRATION AT TIME OF DEPARTURE.—An alien granted Deferred Mandatory Departure shall—

(A) depart 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 time of departure.

(3) RETURN IN LEGAL STATUS.—An alien who complies with the terms of Deferred Mandatory Departure status and parts before the expiration of such status—

(A) shall not be subject to section 212(a)(9)(B); and

(B) shall immediately seek admission as a nonimmigrant or immigrant, if otherwise eligible.
(4) Failure to Depart—An alien who fails to depart the United States before the expiration of Deferred Mandatory Departure status is not eligible and may not apply for or receive immigration relief or benefit under this Act or any other law for a period of 10 years, except as provided under section 208 or 241(b)(3) or the Convention Against Torture. Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates 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 immediately depart the United States shall be subject to—

(A) no fine if the alien departs the United States not later than 1 year after being granted Deferred Mandatory Departure status;

(B) a fine of $2,000 if the alien remains in the United States for more than 1 year and not more than 2 years after being granted Deferred Mandatory Departure status;

(C) a fine of $3,000 if the alien remains in the United States for more than 2 years and not more than 3 years after being granted Deferred Mandatory Departure status;

(D) a fine of $4,000 if the alien remains in the United States for more than 3 years and not more than 4 years after being granted Deferred Mandatory Departure status;

(E) a fine of $5,000 if the alien remains in the United States for more than 4 years after being granted Deferred Mandatory Departure status;

(g) Evidence of Deferred Mandatory Departure Status—Evidence of Deferred Mandatory Departure status shall be machine-readable and resistant to alteration 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 immigration authorization and identity or any other law.

(h) Terms of Status—

(1) Reporting.—During the period in which an alien is in Deferred Mandatory Departure status, the alien shall report and comply with all registration requirements under section 264.

(2) Travel.—An alien granted Deferred Mandatory Departure status is subject to section 212(a)(9) for any unlawful presence that occurred before the Secretary of Homeland Security grants such status to the alien.

(B) Under regulations established by the Secretary of Homeland Security, an alien granted Deferred Mandatory Departure status may travel outside of the United States and may be re-admitted if the period of Deferred Mandatory Departure status has not expired, and

(ii) shall 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 status under this section, the alien—

(A) is not considered to be permanently residing in the United States under the color of law and shall be treated as a non-immigrant admitted under section 214;

(B) may be deemed ineligible for public assistance by a State or any political subdivision of a State that furnishes such assistance.

(1) Prohibition on Change of Status or Adjustment of Status.—An alien granted Deferred Mandatory Departure status may not apply to change status under section 248 or, unless otherwise eligible under section 245(i), from an applicable adjustment of status to that of a permanent resident under section 245.

(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.

(B) Family Members—

(A) 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 clause (1) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

(C) Employment—

(1) In General.—An alien may be employed by any United States employer authorized by the Secretary of Homeland Security to hire aliens.

(2) Continuous Employment.—An alien granted Deferred Mandatory Departure status shall be employed while the alien is in the United States. An alien who fails to be employed for 30 days may not be hired until the alien has departed the United States and reentered. The Secretary of Homeland Security may, in the Secretary’s sole and unrestrained discretion, reauthorize an alien for employment without requiring the alien’s departure from the United States.

(D) Enrollment in Social Security.—The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security Administration, shall implement a system to allow for the enrollment 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.

(E) 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)(9)(C).

(6) 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 count 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.

(7) 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.

(8) 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 the determination—

(i) any judgment regarding the granting of relief under this section; or

(ii) any other decision 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 1160a. (9) Judicial Review.—

(1) Limitations on Relief.—Without regard to the nature of the action 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

(ii) 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 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 to this subsection 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 guidance, or proceeding 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 invalid.

(b) Conforming Amendments.—

(1) Clerical Amendment.—The table of contents is amended by striking after the last item relating to section 218D the following—

’Sec. 218D. Mandatory departure and re-entry.’’
(d) IMPLEMENTATION.—The Secretary of Homeland Security shall implement changes to the testing process designed to ensure compliance with [8 U.S.C. 1423(a)] not later than January 1, 2008.

SA 4068. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 350, strike line 1 and all that follows through “inferece,” on page 351, and insert the following:

"(II) OTHER DOCUMENTS.—An alien who is unable to submit a document described in clause (I) may submit to the Secretary at least 2 other types of reliable documents that provide evidence of employment for each required period of employment, including—

"(aa) bank records;

"(bb) business records;

"(cc) sworn affidavits from non-relatives who have direct knowledge of the alien’s work, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information; or

"(dd) remittance records.

"(V) BURDEN OF PROOF.—An alien applying for naturalization of status under this chapter (I) shall have the burden of proving by a preponderance of the evidence that the alien has satisfied the employment requirements in clause (I).

Beginning on page 366, strike line 9 and all that follows to page 368, line 16.

On page 374, line 26, strike the words "after ‘work’ the following:‘’, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information”.

At page 391, line 25, strike “deferred mandatory departure status” and replace with “any benefit under this title”.

At page 392, line 12, strike “deferred mandatory departure status” and replace with “any benefit under this title”.

On page 392, line 2, strike “deferred mandatory departure status” and replace with “any benefit under this title”.

At page 392, lines 8–9, strike “deferred mandatory departure status” and replace with “any benefit under this title”.

At page 392, line 23: “(v) The Secretary of Homeland Security shall ensure that denials of any benefit under this title are subject to supervisory review and approval.”

SA 4069. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 21 and 22, insert the following:

"(V) The employment requirement in clause (I)(i) shall not apply to an individual who is over 50 years of age on the date of enactment of the Immigrant Accountability Act of 2006."

SA 4070. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform
(c) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184b(b)) is amended by striking ‘‘(L)’’ and inserting the following: ‘‘(L)’’.

(d) REQUIREMENTS FOR F-4 OR J-STEM VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting ‘‘(i)’’ before ‘‘No person’’;

(2) by striking paragraph (f); and

(3) in subparagraph (C), by striking the period at the end and inserting ‘‘; and’’.

(e) WAIVER OF FOREIGN RESIDENCE REQUIREMENT.—Section 212(e) (8 U.S.C. 1182(e)) is amended—

(1) by inserting ‘‘(i)’’ before ‘‘No person’’;

(2) by striking paragraph (f); and

(3) by striking ‘‘residence, (ii)’’ and inserting the following: ‘‘residence; (ii)’’.

(f) by striking ‘‘engaged, or (iii)’’ and inserting the following: ‘‘engaged, or’’.

SEC. 4. NUMERICAL LIMITATIONS ON H-2A VISAS.

Section 214(g)(1) (8 U.S.C. 1184(g)(1), as amended by sections 408(g) and 508(c)(1), is further amended—

(1) in subparagraph (A)(ix), by striking ‘‘or’’ and inserting ‘‘and’’;

(2) in subparagraph (B), by striking ‘‘and’’ at the end;

(3) in subparagraph (C), by striking the period at the end and inserting ‘‘; and’’; and

(4) by adding at the end the following: ‘‘(D) under section 101(a)(15)(H)(ii)(a) may not exceed 90,000.’’.

SA 4071. Mr. BOND (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 2011, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 336, strike line 14 and all that follows through ‘‘(d)’’ on page 337, line 19, and insert the following:

(b) CREATION OF J-STEM 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 (except in the case of an alien described in clause (ii)) 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 Secretary of State, 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 subsection (c)), 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 admitted with a view to attend an accredited graduate program in the sciences, technology, engineering, or mathematics in the United States for the purpose of obtaining an advanced degree.’’.

(c) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184b(b)) is amended by striking ‘‘(L)’’ and inserting the following: ‘‘(L)’’.

(d) REQUIREMENTS FOR F-4 OR J-STEM VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting paragraph (L) or (V)’’ and inserting the following: ‘‘(L)’’.

(2) in subparagraph (F)(iv), (J)(ii), (L), or (V)’’.

(3) in subparagraph (C), by striking the period at the end and inserting the following: ‘‘; and’’.

(4) by striking ‘‘engaged, or (iii)’’ and inserting the following: ‘‘engaged, or’’.

SEC. 5. LIMITATION ON NUMERICAL LIMITATIONS ON H-2A VISAS.

Section 214(g)(1) (8 U.S.C. 1184(g)(1)), as amended by sections 408(g) and 508(c)(1), is amended—

(1) by inserting ‘‘(i)’’ before ‘‘No person’’;

(2) by striking subparagraph (f); and

(3) in subparagraph (C), by striking the following: ‘‘residence; (ii)’’.

SEC. 6. VISAS FOR U.S. CITIZENS AND INDIGENOUS PEOPLES OF THE UNITED STATES.

Section 214(g)(1) (8 U.S.C. 1184(g)(1)), as amended by sections 408(g) and 508(c)(1), is amended—

(1) by inserting ‘‘(i)’’ before ‘‘No person’’;

(2) by striking subparagraph (f); and

(3) in subparagraph (C), by striking the following: ‘‘residence; (ii)’’.

SEC. 7. WAIVER OF NUMERICAL LIMITATIONS ON H-2A VISAS.

Section 214(g)(1) (8 U.S.C. 1184(g)(1)), as amended by sections 408(g) and 508(c)(1), is amended—

(1) by inserting ‘‘(i)’’ before ‘‘No person’’;

(2) by striking subparagraph (f); and

(3) in subparagraph (C), by striking the following: ‘‘residence; (ii)’’.

SEC. 8. LIMITATION ON NUMERICAL LIMITATIONS ON H-2A VISAS.

Section 214(g)(1) (8 U.S.C. 1184(g)(1)), as amended by sections 408(g) and 508(c)(1), is amended—

(1) by inserting ‘‘(i)’’ before ‘‘No person’’;

(2) by striking subparagraph (f); and

(3) in subparagraph (C), by striking the following: ‘‘residence; (ii)’’.

SEC. 9. LIMITATION ON NUMERICAL LIMITATIONS ON H-2A VISAS.

Section 214(g)(1) (8 U.S.C. 1184(g)(1)), as amended by sections 408(g) and 508(c)(1), is amended—

(1) by inserting ‘‘(i)’’ before ‘‘No person’’;

(2) by striking subparagraph (f); and

(3) in subparagraph (C), by striking the following: ‘‘residence; (ii)’’.

SEC. 10. LIMITATION ON NUMERICAL LIMITATIONS ON H-2A VISAS.

Section 214(g)(1) (8 U.S.C. 1184(g)(1)), as amended by sections 408(g) and 508(c)(1), is amended—

(1) by inserting ‘‘(i)’’ before ‘‘No person’’;

(2) by striking subparagraph (f); and

(3) in subparagraph (C), by striking the following: ‘‘residence; (ii)’’.

SEC. 11. LIMITATION ON NUMERICAL LIMITATIONS ON H-2A VISAS.

Section 214(g)(1) (8 U.S.C. 1184(g)(1)), as amended by sections 408(g) and 508(c)(1), is amended—

(1) by inserting ‘‘(i)’’ before ‘‘No person’’;

(2) by striking subparagraph (f); and

(3) in subparagraph (C), by striking the following: ‘‘residence; (ii)’’.

SEC. 12. LIMITATION ON NUMERICAL LIMITATIONS ON H-2A VISAS.

Section 214(g)(1) (8 U.S.C. 1184(g)(1)), as amended by sections 408(g) and 508(c)(1), is amended—

(1) by inserting ‘‘(i)’’ before ‘‘No person’’;

(2) by striking subparagraph (f); and

(3) in subparagraph (C), by striking the following: ‘‘residence; (ii)’’.
SA 4076. Mr. ENSIGN (for himself, Mr. GRAHAM, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of subtitle C of title I, add the following:

SEC. 133. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) Authority To Provide Assistance.—

(1) With the approval of the Secretary of Defense, the Governor of any State or the Governor of the National Guard of the Commonwealth of the Northern Mariana Islands, American Samoa, the District of Columbia, or the Territory of Guam may order any units or personnel of the National Guard of such State or the National Guard of such Territory to perform duty under section 502 of title 32, United States Code, to carry out in the southern land border of the United States the activities authorized in subsection (b), for the purpose of securing such border. Such duty shall not exceed 30 days in any year.

(b) Authorized Activities.—The activities authorized by this subsection are any of the following:

(1) Ground reconnaissance activities;
(2) Airborne reconnaissance activities;
(3) Logistical support;
(4) Provision of translation services and training;
(5) Administrative support services;
(6) Technical training services;
(7) Emergency medical assistance and services;
(8) Communications services;
(9) Rescue of aliens in peril;
(10) Constructing or maintaining fences, barriers, and other facilities to secure the southern land border of the United States; and
(11) Ground and air transportation.

(c) Cooperative Agreements.—Units and personnel of the National Guard of a State to perform activities in another State under subsection (a) only pursuant to the terms of a cooperative agreement entered into between the Governor of each State and the Governor of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) Coordination of Assistance.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the permanent activities under this section by units and personnel of the National Guard.

(e) Annual Training.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of training and the qualifications and specialties of individual members performing such duty.

(f) Definitions.—In this section:

**SA 4073. SALAZAR.** (for himself, Mr. DURBIN, Mr. KENNEDY, Mr. BINGAMAN, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

At the appropriate place insert the following:

The Secretary of the United States shall preserve and enhance the role of English as the common and unifying language of America. Nothing herein shall diminish or expand any existing rights under the law of the United States relative to services or materials provided domestically by the United States in any language other than English.

For the purposes of this section, law is defined as including provisions of the U.S. Code the U.S. Constitution, controlling judicial decisions, regulations, and Presidential Executive Orders.
SA 4077. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. RETURN OF TALENT PROGRAM.

(a) Short Title.―This section may be cited as the ‘Return of Talent Act’.

(b) Temporary Return of Aliens to Home Country.―

(1) In General.―Title III (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

“TEMPORARY ABSENCE OF PERSONS PARTICIPATING IN THE RETURN OF TALENT PROGRAM.

SEC. 317A. (a) In General.―The Secretary of Homeland Security shall establish the Return of Talent Program to permit eligible aliens to temporarily return to the alien’s country of citizenship in order to make a material contribution to that country if the alien is engaged in post-conflict or natural disaster reconstruction activities, for a period not exceeding 24 months, unless an exception is granted under subsection (d).

(b) Eligible Alien.―An alien is eligible to participate in the Return of Talent Program established under subsection (a) if the alien meets the special immigrant description under section 101(a)(27)(O).

(c) Family Members.―The spouse, parents, siblings, and any minor children of an alien who participates in the Return of Talent Program established under subsection (a) may return to such alien’s country of citizenship with the alien and reenter the United States with the alien.

(d) Extension of Time.―The Secretary of Homeland Security may extend the 24-month period referred to in subsection (a) upon a showing that circumstances warrant that an extension is necessary for post-conflict or natural disaster reconstruction efforts.

(e) Residency Requirements.―An immigrant described in section 101(a)(27)(O) who participates in the Return of Talent Program established under subsection (a), and the spouse, parents, siblings, and any minor children who accompany such immigrant, that immigrant’s country of citizenship, shall be considered, during such period of participation in the program:

(1) For purposes of section 318(a), physically present and residing in the United States for purposes of naturalization within the meaning of that section; and

(2) For purposes of section 318(b), to meet the continuous residency requirements in that section.

(f) Oversight and Enforcement.―The Secretary of Homeland Security, in consultation with the Secretary of State, shall oversee and enforce the requirements of this section.

SA 4078. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. 4. RETURN OF TALENT PROGRAM.

(a) Short Title.―This section may be cited as the ‘Return of Talent Act’.

(b) Temporary Return of Aliens to Home Country.―

(1) In General.―Title III (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

“317A. Temporary absence of persons participating in the Return of Talent Program.

(c) Eligible Immigrants.―Section 101(a)(27) (8 U.S.C. 1101(a)(27)), as amended by section 508, is amended by inserting after the item designated by subparagraph (T) the following:

“(O) an immigrant who—

(1) has been lawfully admitted to the United States for permanent residence; and

(2) demonstrates an ability and willingness to make a material contribution to the post-conflict or natural disaster reconstruction in the alien’s country of citizenship; and

(3) is determined by the Secretary of State in consultation with the Secretary of Homeland Security—

(II) is a citizen of a country which Armed Forces of the United States are engaged, or have engaged in the 10 years preceding such determination, in combat or peacekeeping operations; or

(III) is a citizen of a country received, during the preceding 2 years, funding from the Office of Foreign Disaster Assistance of the United States Agency for International Development in response to a declared disaster in such country by the United Nations, the United Nations Security Council, the Organization of American States, or the appropriate Assistant Secretary of State, that is beyond the ability of such country’s response capacity and warrants a response by the United States Government.

(d) Report to Congress.―Not later than 2 years after the enactment of this Act, the Secretary, in consultation with the Secretary of State, shall submit a report to Congress, which describes—

(1) the number of citizenship of the participants in the Return of Talent Program established under section 317A of the Immigration and Nationality Act, as added by subsection (b); and

(2) the post-conflict or natural disaster reconstruction efforts that benefitted, or were made possible, through participation in the Return of Talent Program; and

(3) any other information that the Secretary determines to be appropriate.

(e) Regulations.―Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out this section and the amendments made by this section.

SA 4079. Mr. OBAMA (for himself, Mr. DURBIN, Mr. REID, Mr. HARKIN, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 151, between lines 6 and 7, insert the following:

(c) Authorization of Appropriations.―There are authorized to be appropriated to the Secretary for fiscal years 2007 through 2011 for improving the speed and accuracy of background and security checks conducted by the Federal Bureau of Investigation on behalf of the Bureau of Citizenship and Immigration Services $3,125,000 for each of fiscal years 2007 through 2011.
On page 250, strike lines 5 through 10, and insert the following:

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary of Homeland Security may issue a temporary visa to an H-2C nonimmigrant during the 5-year period beginning on the date of the Comprehensive Immigration Reform Act of 2006 if such nonimmigrant demonstrates an intent to perform labor or services in the United States (other than the labor or services described in clause (i)(b) or (ii)(a) of section 101(a)(15)) or subparagraph (L), (O), (P), or (R) of section 101(a)(15).

"(2) SUNSET.—Notwithstanding any other provision of law, after the end of the 5-year period referred to in paragraph (1), no alien may be issued a new visa as an H-2C nonimmigrant for an initial period of 5 years or a renewal for any subsequent period of 5 years.

Notwithstanding any other provision of law, after the end of the 5-year period referred to in paragraph (1), no alien may be issued a new visa as an H-2C nonimmigrant for an initial period of authorized admission under subsection (f)(1). The Secretary of Homeland Security may continue to issue an extension of a temporary visa issued to an H-2C nonimmigrant pursuant to such subsection after such date.

SA 4082. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 238, line 22, strike the period at end and insert “and stated in such policy that includes health insurance that provides benefits that are, at a minimum, actuarially equivalent to the benefits that the worker would receive under the State Medicaid plan established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) of the State in which the employment opportunity will be located under the State Medicaid plan even if the compensation on such plan, as determined by such State.”

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 18, 2006, at 9:30 a.m. to conduct a hearing on “The Report of the Congress on International Economic and Exchanges: Trade Policy.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 18, 2006, at 9:30 a.m. to mark up S. 1811, the “San Francisco Old Mint Commemorative Coin Act;” S. 633, the “American Veterans Disabled for Life Commemorative Coin Act;” and S. 2784, the “Fourteenth Dalai Lama Gold Medal Act.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science and Transportation be authorized to meet on Thursday, May 18, 2006, at 10 a.m. on S. 2686, the Consumer’s Choice, and Broadband Deployment Act of 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce Science and Transportation be authorized to meet on Thursday, May 18, 2006, at 2:30 p.m. for an Executive Session.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce Science and Transportation be authorized to meet on Thursday, May 18, 2006, at 2:30 p.m. for an Executive Session.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 18, 2006, at 10:30 a.m. in 215 Dirksen Senate Office Building, to consider proposed legislation implementing the U.S.-Oman Free Trade Agreement, and the nomination of W. Ralph Basham, of Virginia, to be Commissioner of Customs, Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 18, 2006, at 9:30 a.m. to hold a hearing on Iran’s Political/Nuclear Ambitions and U.S. Policy Options.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, May 18, 2006, at 10 a.m. to consider the nomination of Robert I. Cusick to be Director of the Office of Government Ethics.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 18, 2006 at 9:30 a.m. to hold a confirmation hearing on General Michael V. Hayden to be Director of the Central Intelligence Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Aging be authorized to meet May 18, 2006 from 10 a.m.-12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON DEFENDERS OF THE UNITED STATES MILITARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the committee on Foreign Relations Subcommittee on Near Eastern and South Asian Affairs be authorized to meet during the session of the Senate on Thursday, May 18, 2006, at 2:30 p.m. to hold a hearing on Nepal: Transition from Crisis to Peaceful Democracy.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. AKAKA. Mr. President, I ask unanimous consent that Dr. Bonni Berge, a Brookings fellow in my office, be allowed floor privileges for the duration of the Senate’s debate on S. 2611, the Comprehensive Immigration Reform Act of 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEROES EARNED RETIREMENT OPPORTUNITIES ACT

Mr. Chambliss. Mr. President, I ask that the Chair now lay before the Senate the House message to accompany H.R. 1499.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

H.R. 1499

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1499) entitled “An Act to amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income, and for other purposes”, with the following House amendment to Senate amendment:

At the end of the Senate amendment add the following:

On page 3, after line 3 of the House engrossed bill, insert the following:

(c) CONTRIBUTIONS FOR TAXABLE YEARS ENDING BEFORE ENACTMENT.— In general.—In the case of any taxpayer with respect to whom compensation was excluded from gross income under section 112 of

May 18, 2006

CONGRESSIONAL RECORD — SENATE

S4815
the Internal Revenue Code of 1986 for any taxable year beginning after December 31, 2003, and ending before the date of the enactment of this Act, any contribution to an individual retirement plan made on account of such taxable year and not later than the last day of the 3-year period beginning on the date of the enactment of this Act shall be treated, for purposes of such Code, as having been made on the last day of such taxable year.

(2) WAIVER OF LIMITATIONS.—(A) DEFICIENCY.—If the credit or refund of any overpayment of tax resulting from a contribution to which paragraph (1) applies is prevented at any time by the operation of any law on the date of such contribution, such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 3-year period beginning on the date that such contribution is made. (determined without regard to paragraph (1)).

(B) ASSESSMENT OF DEFICIENCY.—The period for assessing a deficiency attributable to a contribution to which paragraph (1) applies shall not expire before the close of the 3-year period beginning on the date that such contribution is made. Such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

(3) INDIVIDUAL RETIREMENT PLAN DEFINED.—For purposes of this subsection, the term "individual retirement plan" has the meaning given such term by section 7701(a)(37) of such Code.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, 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.

BROADCAST DECRY DECENCY ENFORCEMENT ACT OF 2005

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of S. 193, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will print the title.

The legislative clerk read as follows:

A bill (S. 193) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

There being no objection, the Senate proceeded to consider the bill.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 193) was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 193

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

SEC. 1. SHORT TITLE.

This Act may be cited as the "Broadcast Decency Enforcement Act of 2005."

SEC. 2. INCREASE IN PENALTIES FOR OBSCENE, INDECENT, AND PROFANE BROADCASTS.

Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) Notwithstanding subparagraph (A), if the violator is—

"(i) a broadcast station licensee or permittee or

"(ii) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission; and

"(iii) determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane language, the amount of any forfeiture penalty determined under this subsection shall not exceed $325,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $3,000,000 for any single act or failure to act;""

(3) in subparagraph (D), as redesignated by paragraph (1), by striking "subparagraph (A) or (B)" and inserting "subparagraph (A), (B), or (C)."

CONDEMNING THE MILITARY JUNTA IN BURMA

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate now proceed to consider this Act which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 484) expressing the sense of the Senate condemning the military junta in Burma for its recent campaign of terror against ethnic minorities and calling on the U.N. Security Council to adopt immediately a binding, nonpunitive resolution on Burma.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, today's Burma resolution reflects the Senate's grave concern about the deteriorating situation in Burma. It also reflects the view of the Senate that, while a second United Nations Security Council briefing on Burma is welcomed, there now needs to be a legally binding, nonpunitive resolution regarding Burma passed by the U.N. Security Council. Absent such action, the Association of Southeast Asian Nations (ASEAN) could very well end up being tougher on Burma than the U.N. The Senate has expressed its concern for the plight of the Burmese not only through this resolution but also by recently including $5 million in the emergency supplemental bill to assist refugees from Burma who are in Thailand.

On a related note, I have concerns about the visit of U.N. envoy, Ibrahim Gambari, to Burma this week. This visit should not be viewed as a success; unless and until Mr. Gambari has an audience with Nobel Peace Prize winner, Daw Aung San Suu Kyi and Burmese leader, Than Shwe. Mr. Gambari should consider cutting his trip short if it becomes apparent he will not be permitted to hold these meetings, or if the SPDC otherwise interferes with his visit.

I would also add that I applaud the President's action today in extending the state of emergency with respect to Burma. It reflects the clear recognition by the President of the grave problems facing this beleaguered country.

These problems were poignantly addressed by Benedict Rogers, in his May 16, 2006, piece in The Wall Street Journal. In that piece, Rogers told of his encounter with a 15-year-old Burmese boy. This youth had witnessed the murder of both parents and the razing of his village and had endured abduction into forced labor. He hauntingly pleaded to Rogers 'please tell the world not to forget us.' The Senate has not forgotten Burma and it is my profound hope that the U.N. will not either.

Mr. CHAMBLISS asks 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. 484) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 484

Whereas the regime in Burma, the State Peace and Development Council (SPDC), reportedly threatened to abolish the pro-democracy National League for Democracy;

Whereas recent reports indicate that the SPDC escalated its brutal campaign against ethnic groups in November 2005;

Whereas those forced to flee their homes in Burma today numbered an estimated 13,000 new internally displaced persons in Burma;

Whereas reports estimate that approximately 540,000 people are now internally displaced within Burma, the most serious internal displacement crisis in Asia;

Whereas the Thailand-Burma Border Consortium reports that the military junta in Burma has destroyed, relocated, or forced the abandonment of approximately 2,800 villages in eastern Burma over the past 10 years;

Whereas refugees continue to pour across Burma’s borders;

Whereas forced to flee their homes in Burma are increasingly vulnerable, and the humanitarian situation grows more dire as the rainy season approaches;

Whereas, the United Nations Security Council was briefed on the human rights situation in Burma for the first time ever in December 2005;

Whereas numerous efforts outside the United Nations Security Council to secure reform in Burma, including 26 consecutive non-binding resolutions of the United Nations Human Rights Commission on Human Rights, have failed to bring about change;
Whereas there is ample precedent in the United Nations Security Council for action on Burma; and
Whereas Daw Aung San Suu Kyi remains the world’s only incarcerated Nobel Peace Prize recipient;
Now, therefore, be it
Resolved, That it is the sense of the Senate—
(1) to condemn the military junta in Burma for its recent campaign of terror against ethnic minorities; and
(2) to call on the United States and other democracies to continue to work with the Association of South East Asian Nations to promote democracy, human rights and justice in Burma; and
(3) to call on the United States to lead an effort at the United Nations Security Council to pass immediately a binding, non-punitive resolution calling for the immediate and unconditional release of Daw Aung San Suu Kyi and all other prisoners of conscience in Burma, condemning these atrocities, and supporting democracy, human rights and justice in Burma.

ORDERS FOR FRIDAY, MAY 19, 2006

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Friday, May 19; I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 2611, the Comprehensive Immigration Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CHAMBLISS. As announced this evening, tomorrow we will continue to work on the bill, but we will not have any rollcall votes during Friday’s session. The next rollcall votes will occur on Monday afternoon. At this point, we have two votes locked in for 5:30 Monday. We will be in session tomorrow to continue this constructive debate.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. CHAMBLISS. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:17 p.m., adjourned until Friday, May 19, 2006, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 18, 2006:

FEDERAL RESERVE SYSTEM
Donald L. Kohn, of Virginia, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years, Vice Roger Walton Ferguson, resigned.

SECURITIES AND EXCHANGE COMMISSION
Kathleen L. Casey, of Virginia, to be a Member of the Securities and Exchange Commission for a term expiring June 3, 2011, Vice Cynthia A. Glassman, resigned.

THE JUDICIARY
Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit, Vice Morris S. Arnold, retiring.
Kimberly Ann Moore, of Virginia, to be United States Circuit Judge for the Federal Circuit, Vice Raymond C. Cliveinger, III, retired.

DEPARTMENT OF JUSTICE
Martin J. Jackley, of South Dakota, to be United States Attorney for the District of South Dakota for the term of four years, Vice Steven Kent Mullins.
FOREST EMERGENCY RECOVERY AND RESEARCH ACT

SPREECH OF

HON. JOHN B. LARSON OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 4200) to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes:

Mr. LARSON of Connecticut. Madam Chairman, I cannot support this bill in its current form.

H.R. 4200 focuses on actions to be taken after a "catastrophic event," defined as any one of various natural disasters or events.

For Colorado, this misses the point—our most pressing issue is the increased likelihood of severe wildfires that endanger human life and property (and municipal water supplies) resulting from a combination of increased fuel stocks (itself the result of various causes, including past fire-suppression policies), drought, and widespread insect infestations.

So, what we need is accelerated action to reduce hazardous fuels in the "red zones" before the communities that adjoin or intermingle with the forests are confronted with severe wildfires—not legislation that aims at speeding salvage or restoration after the damage has been done.

The bill also has serious flaws. I will not attempt to list them all, because they have been discussed at length in today's debate. But I think it is worth emphasizing that while it is doubtful that the legislation is necessary anywhere it seems clear that there are certain lands to which it should not apply, including (1) National Conservation Areas and National Recreation Areas; (2) lands that have been recommended for wilderness by the President; (3) wilderness study areas; (4) BLM-designated areas of critical environmental concern; (5) lands recommended for wilderness in a Forest Service or BLM land-management plan; (6) the Fossil Ridge Recreation Management Area in Colorado; (7) the Bowen Gulch Protection Area in Colorado; (8) the Piedra, Roubideau, and Tabeguache Areas in Colorado; (9) the James Peak Protection Area in Colorado; and (10) the Arapaho National Recreation Area in Colorado. Further, I think the bill should include language to make clear that it will not change the requirement of section 103(d) of the Healthy Forests Restoration Act, which requires that at least 50% of the fuel-reduction funds must be used for projects in the wildland-urban interface—the "red zone" lands.

In the Resources Committee, I offered an amendment to make those changes, and also supported amendments offered by other Members. Unfortunately, those amendments were not adopted.

Similarly, I voted for the Rahall, DeFazio, Inslee, and Udall of New Mexico amendments when the House considered the bill earlier today.

Regrettably, however, the House did not agree to revise the bill as proposed in those amendments. And because I think the bill should not be enacted without those changes, I must vote against it.

FOREST EMERGENCY RECOVERY AND RESEARCH ACT

SPREECH OF

HON. CHRISTOPHER SHAYS OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 4200) to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes:

Mr. SHAYS. Madam Chairman, protecting our environment is one of the most important jobs I have as a Congressman. Unfortunately, the legislation before us today would hurt, rather than protect, our forests by speeding up destructive logging projects in national forests impacted by natural disturbances. H.R. 4200 would limit critical environmental reviews and excludes the public from the decision making process. Basic protections for streams, critical wildlife habitat, old growth forests, roadless areas, fragile soils, and other essential natural resources would be removed under this legislation.

Science suggests logging harms damaged forests and impedes their recovery, and can actually increase the likelihood and severity of future forest fires. A study by researchers at Oregon State University has shown allowing forests to recover naturally after a fire increases forest regeneration and decreases the risk of future fires.

I urge my colleagues to oppose this legislation. Congress can and must do a better job protecting our environment. We simply will not have a world to live in if we continue our neglectful ways.

FOREST EMERGENCY RECOVERY AND RESEARCH ACT

SPREECH OF

HON. FORTNEY PETE STARK OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 4200) to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes:

Mr. UDALL of Colorado. Madam Chairman, I cannot support this bill in its current form.

H.R. 4200 focuses on actions to be taken after a "catastrophic event," defined as any one of various natural disasters or events.

For Colorado, this misses the point—our most pressing issue is the increased likelihood of severe wildfires that endanger human life and property (and municipal water supplies) resulting from a combination of increased fuel stocks (itself the result of various causes, including past fire-suppression policies), drought, and widespread insect infestations.

So, what we need is accelerated action to reduce hazardous fuels in the "red zones" before the communities that adjoin or intermingle with the forests are confronted with severe wildfires—not legislation that aims at speeding salvage or restoration after the damage has been done.

The bill also has serious flaws. I will not attempt to list them all, because they have been discussed at length in today's debate. But I think it is worth emphasizing that while it is doubtful that the legislation is necessary anywhere it seems clear that there are certain lands to which it should not apply, including (1) National Conservation Areas and National Recreation Areas; (2) lands that have been recommended for wilderness by the President; (3) wilderness study areas; (4) BLM-designated areas of critical environmental concern; (5) lands recommended for wilderness in a Forest Service or BLM land-management plan; (6) the Fossil Ridge Recreation Management Area in Colorado; (7) the Bowen Gulch Protection Area in Colorado; (8) the Piedra, Roubideau, and Tabeguache Areas in Colorado; (9) the James Peak Protection Area in Colorado; and (10) the Arapaho National Recreation Area in Colorado. Further, I think the bill should include language to make clear that it will not change the requirement of section 103(d) of the Healthy Forests Restoration Act, which requires that at least 50% of the fuel-reduction funds must be used for projects in the wildland-urban interface—the "red zone" lands.

In the Resources Committee, I offered an amendment to make those changes, and also supported amendments offered by other Members. Unfortunately, those amendments were not adopted.

Similarly, I voted for the Rahall, DeFazio, Inslee, and Udall of New Mexico amendments when the House considered the bill earlier today.

Regrettably, however, the House did not agree to revise the bill as proposed in those amendments. And because I think the bill should not be enacted without those changes, I must vote against it.

bullet This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Federal land damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes:

Mr. STARK. Madam Chairman, I rise today in opposition to H.R. 4200, the Forest Emergency Recovery and Research Act.

Rather than aid in a speedy recovery after a natural disaster, this bill is itself a disaster for the environment.

Forestry experts have repeatedly expressed concern about the harmful effects of salvage logging, yet Republicans choose to ignore sound science and insist on implementing environmentally irresponsible logging policies.

Contrary to what Republicans and their campaign contributors in the logging industry would like you to believe, research shows that post-fire logging actually impedes forest regeneration, causes erosion and degrades water quality.

As if facilitating the destruction of forests wasn’t enough, this bill also weakens existing laws meant to protect our entire environment.

In the case of a catastrophic event, H.R. 4200 allows for the removal of timber salvage while ignoring the National Environmental Protection Act, the Clean Water Act, and key provisions of the Endangered Species Act.

The exemptions contained in this bill are entirely unnecessary. The Forest Service is currently completing the removal of timber salvage on national forests impacted by Hurricane Katrina with existing environmental guidelines and authorities for such practices. H.R. 4200 isn’t needed and it is merely another attempt by Republicans to dismantle landmark environmental laws.

Finally, H.R. 4200 provides no protection for roadless areas, nation recreation areas, national conservation areas or wilderness study areas, thus putting many of our valuable public lands at risk.

I believe we have more reason to be concerned about the damage this bill will cause than the potential damage caused by actual natural disasters. H.R. 4200 is nothing short of disastrous for our national forests and public lands and I urge my colleagues to vote against it.

RECOGNIZING LEROY AND BARBARA SHATTO

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Leroy and Barbara Shatto of Osbournville, Missouri, who are the owners and operated business in Northern Missouri.

Recently, Leroy was selected as the 2006 Missouri Small Business Person of the Year by the United States Small Business Administration.

Through hard work and the assistance of a Small Business Administration loan, the Shatto family has developed a very successful business. The Shatto Farms Milk Company produces “pure” milk with no added hormones, in a variety of flavors. The milk is grown quickly in popularity and is available in local grocery stores in Missouri and Kansas.

Mr. Speaker, I proudly ask you to join me in recognizing Leroy and Barbara Shatto. Their entrepreneurial spirit and innovation in milk production are remarkable. I commend them for the achievement and I am honored to represent them in the United States Congress.

IN HONOR OF BOB GRIES RECIPIENT OF THE CLEVELAND SPEECH AND HEARING CENTER’S INAUGURAL DANIEL D. DAUBY AWARD

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Bob Gries, upon being named the recipient of the 2006 Daniel D. Dauby Award, presented annually by the Cleveland Hearing and Speech Center of Cleveland, Ohio.

Since the 1930s, Mr. Gries and his family have been unwavering champions of support and advocacy for individuals and families who are impacted by hearing, speech and deafness issues. His leadership and volunteerism is evidenced throughout our Cleveland community, especially in the outstanding programs, services and awareness campaigns that originate from the Cleveland Hearing and Speech Center.

The Gries and Dauby families are connected not only by bloodline, but also by their commitment and volunteerism, focused on advancing the services and programs offered at the Cleveland Hearing and Speech Center.

Mr. Speaker and Colleagues, please join me in honor, recognition and gratitude of Mr. Bob Gries, upon being named the Daniel D. Dauby Award recipient. Mr. Gries’ unwavering commitment and volunteerism, focused on advancing the services and programs offered at the Cleveland Hearing and Speech Center, continues to have a profound and positive impact on the lives of children, adults and their families who face daily challenges in a hearing world, giving them the practical resources to dream, achieve and succeed. I wish Mr. Gries and his entire family an abundance of health, peace and happiness, today and always.

IN RECOGNITION OF THE WOMEN’S CITY CLUB OF NEW YORK ON THE OCCASION OF ITS 90TH ANNIVERSARY

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the Women’s City Club of New York, a non-partisan, non-profit civic association that shapes public policy through teaching, advocacy and citizen engagement. This august institution is celebrating its 90th anniversary this month, and I salute its remarkable success in working to achieve fairness, equity and inclusion for all New Yorkers.

Since its founding in 1915 by suffragists and social reformers, the Women’s City Club of New York has drawn on the qualifications and qualifications of its pool of volunteers to identify, analyze and increase awareness of current and emerging trends in public policy, develop a carefully reasoned platform on key issues, and educate and empower the public at large through a variety of informational programs and publications. It also works in concert with advocacy and community-based organizations to effect meaningful change for the better in our government and our society.

From its origins in women’s suffrage movement, Women’s City Club members have honored women’s hard-fought right to vote by helping the public become more informed and better educated about the political and governmental issues of the day. Throughout the long and proud history of the Women’s City Club, its members have fulfilled a critical mission by helping New Yorkers understand and scrutinize all aspects of their municipal government and to become active in policy debates and the political process. The Women’s City Club also achieved remarkable success in educating and enlightening elected officials, thus playing an instrumental role in shaping responsible government and public policies.

Today, Women’s City Club members continue to effect change at the city, State and Federal levels. Its members informed engagement has earned the Women’s City Club the respect of the government officials, opinion-makers in the news media, and civic activists of all stripes. Members of the Women’s City Club of New York have rightly been dubbed reasoned citizen-advocates who know the way to City Hall.

Today, the Women’s City Club is ably led by its president, Blanche E. Lawton, and its operations effectively managed by Paulette Geanacopoulos, LMSW. Through its network of committees and task forces, the Women’s City Club continues to educate and inform its members and the public at large and help keep New York’s municipal government a role model for cities around the Nation.

Mr. Speaker, I ask that my distinguished colleagues join me in recognizing the enormous contributions to the civic life of our Nation’s greatest metropolis by the Women’s City Club of New York.

WOMEN IN THE IRAQ WAR: A DIFFERENT KIND OF MOTHER’S DAY

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mr. RANGEL. Mr. Speaker, I rise to enter into the RECORD an article published in the Washington Post of April 18, 2006 “Limbs Lost to Enemy Fire, Women Forge a New Reality” and to offer my heartfelt gratitude and good wishes on Mother’s Day to the women serving in the United States Armed Forces who have fought in Iraq and Afghanistan and come home with life-changing physical or mental injuries. Some of these women might not be mothers themselves yet; some may
never enjoy the precious gift of motherhood because of their injuries, but they all have mothers. I send the mothers of injured female troops a wish for the speedy recovery of your child and for a healing of your heart.

For the mothers of women who have died in combat I offer my humble apology and heartfelt sorrow. Your grief as a mother is more than I can ever understand but I grieve with you and for this Nation. The loss of your child, a brave woman and a blessing you delivered to this country is a loss to us all.

I wished to enter the particular article I cite above about women amputees because it is not widely enough known that the Iraq war is the first large-scale combat by women in United States military history. The story in the Washington Post is subtitled “Women After War: The amputees.”

The Post features the story of Dawn Halfaker, a 26-year-old retired Army Captain, whose right arm and shoulder were ravaged by a rocket propelled grenade that exploded in her Humvee in 2004. According to the Post, she was one of the newest soldiers “To start down a path almost unknown in the United States: woman as combat amputee.”

Retired Captain Halfaker underwent multiple surgeries, learned to eat on her own and write with her left hand, “She was part of a new generation, who have lost pieces of themselves in war, experiencing the same physical trauma and psychological anguish as their male counterparts.”

But there is a difference from male amputees for these women who have lost limbs in combat. They do not know how society will view them. But they have never experienced the same physical trauma and psychological anguish as their male counterparts.

But there is a difference from male amputees for these women who have lost limbs in combat. They do not know how society will view them. They have never experienced the same physical trauma and psychological anguish as their male counterparts. They undergo implants, botox injections, and plastic surgery to make sure they look like society’s favorite model or celebrity. Girls in their teens are susceptible to life threatening bulimia and anorexia for fear of “getting fat.”

On the whole, the country has not been aware of any female amputees from previous wars.” said historian Judy Bellafaire of the Women in Military Service for America Memorial Foundation, which researches such issues. Surprising many political observers, the fact of female casualties has produced little public reaction. Before Iraq, many assumed that the sight of women in body bags or with missing limbs would provoke a wave of public revulsion. Yet the Post quotes Charles Moskos of Northwestern University, a leading military sociologist. Politically, Moskos said, it is a no-win issue. Conservatives fear it will undermine support for women serving in combat roles by raising the issue of gender. But there is a difference from male amputees for these women who have lost limbs in combat.

One of the more shocking aspects reported by this article in the Washington Post is the following information from historian Judy Bellafaire of the Women in Military Service for America Memorial Foundation, which researches such issues. Ms. Bellafaire is quoted as saying: “We’re unaware of any female amputees from previous wars.” More shocking still is the report from the Post that follows:

“Surprising many political observers, the fact of female casualties has produced little public reaction. Before Iraq, many assumed that the sight of women in body bags or with missing limbs would provoke a wave of public revulsion. Yet the Post quotes Charles Moskos of Northwestern University, a leading military sociologist. Politically, Moskos said, it is a no-win issue. Conservatives fear it will undermine support for women serving in combat roles by raising the subject, he said.

In the hospital, female combat amputees face all the challenges of a fatal injury with a few possible differences. Women, for example, seem to care more about appearance and be more expressive about their experiences, hospital staff members said. Among the women, there also was “a unique understanding or bond,” said Capt. Katie Yanceosk, an occupational therapist at Walter Reed.

The advent of female combat amputees has left an enduring impact on hospital staff members. “We have learned not to underestimate or be overly skeptical about how these women will do,” said Amanda Magee, a physician’s assistant in the amputee care program. “Sometimes they arrive in really bad shape, and people are really worried. . . . But we’ve learned they can move transformed June 19, 2004, on a night patrol through Baqubah, Iraq. Out of nowhere had come the rocket-propelled grenade, exploding behind her head.

Another soldier’s arm was sheared off. Blood was everywhere.

“Get us out of the kill zone!” she yelled to the Humvee driver. She was a 24-year-old first lieutenant, a platoon leader who two months earlier had led her unit in repulsing a six-hour attack on a police station in Diyala province. As medics worked to stabilize her, she warned: “You bastards better not cut my arm off.”

In the hospital, there had been no other way to save her life.

At first, in the early days, she tried to ignore the burns on her face, her wounded right shoulder, the fact of her missing arm. She had been a basketball standout at West Point, a starting guard through four years of college. She was fit, young, energetic. Suddenly, she was a disabled veteran of war.

“I didn’t want to know what I looked like,” she recalled recently. She asked her mother to get a towel and cover the mirror in her hospital room.

NEW REALITY

The Iraq war is the first in which so many women have had so much exposure to combat—working in a wide array of jobs, with long deployments, in a place where hostile fire has no bounds. In all, more than 370 women have been wounded in action and 34 have been killed by hostile fire.

The war has created what experts believe is the nation’s first group of female combat amputees. “We’re unaware of any female amputees from previous wars,” said historian Judy Bellafaire of the Women in Military Service for America Memorial Foundation, which researches such issues. Surprising many political observers, the fact of female casualties has produced little public reaction. Before Iraq, many assumed that the sight of women in body bags or with missing limbs would provoke a wave of public revulsion. Before Iraq, many assumed that the sight of women in body bags or with missing limbs would provoke a wave of public revulsion.

On the whole, the country has not been aware of any female amputees from previous wars.” said Charles Moskos of Northwestern University, a leading military sociologist. Politically, Moskos said, it is a no-win issue. Conserva-
on from a devastating injury as well as any man.”

MOTHERHOOD REDEFINED

Two months after Dawn Halfaker was wounded, Juanita Wilson arrived on a stretcher, her leg in bandages, her hand gone. It was August 25, 2004, just days after a roadside bomb went off under Wilson’s Humvee. She came to the hospital as the Army’s fourth female combat amputee—the first who was a mother.

From the beginning, Wilson decided she did not want her only child to see her so wounded the two tied together. On her phone. “Mommy’s okay,” she assured the girl. “What are you doing at school now?” It was Wilson’s way of telling Wilson that she was a mother.

But Wilson continues to shield her daughter from the discomfort and anguish of her injury. “I didn’t want to take her childhood away from her.” Wilson said. It’s a happy and enjoying life and not thinking about me. She’ll ask me questions, and I’ll say, ‘Oh that’s not for children to worry about.” On that winter morning, Wilson had already tied her combat boots, her right hand doing most of the work and her prosthetic holding the loop before it is tied. “I want it to be known that just because you’re a female injured in combat, you don’t have to give up your career and you don’t have to look at yourself as disabled,” she said.

When you walk out that gate, it’s a whole different world. No one knows what happened—no one knows the twists and turns of all that. I never come outside without my [prosthetic] arm. Never,” Wilson added. “I have noticed that when you’re a female amputee, everyone, everybody, mouth drops.”

Lately, she has set new career goals, aiming high, perhaps even for the Army’s top enlisted job. She talked with the news that Tammy Duckworth—at whose bedside she had prayed—had decided to run for Congress in Illinois. Soon after she learned about her friend’s new political life, she called Duckworth, joked that she would serve as her assistant in Congress, and then reflected: “Definitely says a lot about the mindset of the times.”

SCARS FARTHER FROM THE SURFACE

Long out of Walter Reed, Dawn Halfaker is also deeply into a life remade. It has been 17 months since she was wounded, and her favorite yoga tape is playing on a small VCR in an apartment in Adams Morgan. Halfaker barely seems to notice her image, which once was difficult to bear and is now reflected back at her from a large, proudly trim, athletic, build, one arm extended perfectly above her head.

In place of her missing limb is a T-shirt sleeve, emptiness along with the yoga tape, Halfaker visualizes that she still has a right arm; it helps her balance.

She retired from the Army as a captain—on a tough choice only four years out of West Point, but one she made as she tried to imagine fitting back into military culture. Without her arm, she could no longer do push-ups, tie her combat boots, tuck her hair neatly under a beret.

She still has friends in Iraq, although one was killed in action. The Bronze Star that she was awarded last year for her role at the Diyala police station is tucked away in a box. That day, she was in charge of 32 soldiers, but felt nervous about mentioning her missing limb. It turned out that he was no less interested, she said. In the fall, she started dating an Army anesthesiologist, to whom she applied to graduate school in security studies. Following her father, who retired as a lieutenant colonel with 37 years of military service, bought a condo in Adams Morgan and co-wrote a book proposal about postwar recovery.

To get to this new place, Halfaker has made concerted efforts of adjustment. She sits behind a computer one-handed. Drive a car with a push-button ignition. Uses her knees to hold steady a peanut butter jar she wants to open. She wrote a note for her wife to use her left hand, practicing nightly at Walter Reed as she penned her thoughts in a journal.

You don’t think about how many times you have a lot of things in your hands, like for me just carrying my coffee from café downstairs up to my office on the seventh floor is a total battle every day,” she said. She has to hold the coffee cup, scan her identification badge, open doors, press elevator buttons. Sometimes she spills. Sometimes the coffee burns her.

In her apartment, Halfaker bends and stretches into yoga poses, her artificial arm lying beside mirror. More functional prosthetics didn’t fit her type of injury, she found. So she persuaded prosthetic artists at Walter Reed to make this one—lightweight and natural-looking, easier on her body, allowing her to blend in with the outside world.

Halfaker goes without a prosthetic when she is exercising, jogging through the streets of Washington or snowboarding in Colorado or lobster tennis balls around a court.

“I never really wanted to hide the fact that I was an amputee,” she said. “But I never wanted it to be the central focus of my life.” For some men, she said, it seems a badge of honor that they do not mind showing. “For a woman, a scar is not something you feel at all. . . . The fact that I only have one arm, I’m okay with that, but I want to be able to walk around and look like everyone else and not attract attention to myself.”

Last year, a guy she met on the Metro asked her out, saying that he thought she was pretty. She agreed to meet him for lunch but felt nervous about mentioning her missing limb. It turned out that he was no less interested, she said. In the fall, she started dating an Army anesthesiologist, to whom she applied to graduate school in security studies. Following her father, who retired as a lieutenant colonel with 37 years of military service, bought a condo in Adams Morgan and co-wrote a book proposal about postwar recovery.

RECOGNIZING LIEUTENANT COLONEL DEWAYNE L. KNOTT

HON. SAM GRAVES
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Lieutenant Colonel Dewayne L. Knott of St. Joseph, Missouri. He has served most recently as the Vice Commander of the 139th Medical Group of the Air National Guard based in St. Joseph. After 37 years of distinguished service, Lieutenant Colonel Knott is retiring from the Missouri Air National Guard. The Lieutenant Colonel began his years of service in March of 1969 as an enlisted member of the United States Air Force. He served...
Tribute to Mrs. Peggy Reipsa on Her Retirement from Orland Park School District 135

HON. JUDY BIGGERT
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate Mrs. Peggy Reipsa on the occasion of her retirement from Orland School District 135. On June 30, 2006, Mrs. Reipsa will be stepping down after 34 years of distinguished service to the young people of Orland Park, Illinois.

From 1977 to 1998, Mrs. Reipsa served School District 135 in multiple capacities, including that of Special Needs Resource Teacher, Reading Teacher, and Instructional Services Assistant. In July of 1998, she accepted a position as Principal of Orland Center School, where she has served the students, faculty, and the community with great distinction.

On behalf of the families of School District 135, I would like to thank Mrs. Reipsa for her tremendous contribution to the education of so many young children over the years. Her guidance and leadership have helped countless children develop the confidence, knowledge, and skills to lead fruitful and fulfilling lives.

So one again, I congratulate Mrs. Peggy Reipsa and wish her a happy and relaxing retirement.

Recognizing Larry L. Harper

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I rise today to posthumously recognize Larry L. Harper of St. Joseph, Missouri. Mr. Harper was an outstanding Missourian with a passion for flying and his love of flying has remained an inspiration long after his passing. That passion will be memorialized by a statue, The Aviator, commissioned by his wife Carolyn and placed at Rosecrans Memorial Airport in St. Joseph, Missouri.

Larry’s love of flying began at a young age, he would hang around the Rosecrans Airport offering to wash and fuel planes in exchange for flying lessons. While working as a mechanic, Larry eventually earned his pilots license. He logged over 30,000 hours in flight over 40 years of flying for four different companies in aircraft ranging from Aircoupes to Lear Jets. His last flight came just one week before his passing, as he jumped at the opportunity to fly a Lear 55, every flight was a special flight for him.

Mr. Speaker, I proudly ask you to join me in recognizing Larry L. Harper. He was a pilot whose passion for flying inspired many people whom he met. He has been missed, but his love of flying will never be forgotten and the commitment of his beloved wife Carolyn ensures that all who come to Rosecrans Airport will know his passion. I commend him for his spirit and commitment to aviation and I was honored to represent him in the United States Congress.

In Honor of the Greater Cleveland Peace Officers Memorial Society

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor, recognition and remembrance of the men and women of our local law enforcement agencies who have made the ultimate sacrifice in the line of duty and every police officer who makes the ultimate sacrifice in the line of duty and every police officer who makes the ultimate sacrifice in the line of duty and every police officer who makes the ultimate sacrifice in the line of duty and every police officer who makes the ultimate sacrifice in the line of duty and every police officer who makes the ultimate sacrifice in the line of duty and every police officer who makes the ultimate sacrifice in the line of duty

IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mr. WAMP. Mr. Speaker, I rise today as a strong supporter of the H.R. 566, the Right-to-Ride Livestock on Federal Lands Act of 2005. Pack and saddle stock animals were a critical element in many early Americans’ livelihood.

This bill will preserve their traditional, cultural and historic use of these lands and facilitate the continued access of pack and saddle stock animals on parts of National Park System, Bureau of Land Management lands, National Wildlife Refuge lands and the U.S. Forest System. This legislation will also ensure that any proposed reductions of these uses will undergo the full review process required under the National Environmental Policy Act of 1969.

Defining managed recreation of this historic practice within our national forests is critical in recognizing the cultural contributions and precedent of pack and saddle stock in our public lands above simple recreational use.

And precedent of pack and saddle stock in our public lands above simple recreational use.

In my congressional district in Tennessee, I have spoken with many of my constituents whose families have spent generations riding backhorse through our National Forest trails. Especially in this age of the internet, television and video games, it is vital that we enhance opportunities for people of all ages to come and engage in outdoor activities in America’s backyard.

I believe that horse and saddle stock hold a unique place in our heritage. We must pass this bill to ensure its historical preservation and continued enjoyment as a national past-time.

I want to thank the sponsor of this legislation for his support of this important issue and hope that all members can support this legislation.

Recognition: Larry L. Harper

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I rise today to posthumously recognize Larry L. Harper of St. Joseph, Missouri. Mr. Harper was an outstanding Missourian with a passion for flying and his love of flying has remained an inspiration long after his passing. That passion will be memorialized by a statue, The Aviator, commissioned by his wife Carolyn and placed at Rosecrans Memorial Airport in St. Joseph, Missouri.

Larry’s love of flying began at a young age, he would hang around the Rosecrans Airport offering to wash and fuel planes in exchange for flying lessons. While working as a mechanic, Larry eventually earned his pilots license. He logged over 30,000 hours in flight over 40 years of flying for four different companies in aircraft ranging from Aircoupes to Lear Jets. His last flight came just one week before his passing, as he jumped at the opportunity to fly a Lear 55, every flight was a special flight for him.

Mr. Speaker, I proudly ask you to join me in recognizing Larry L. Harper. He was a pilot whose passion for flying inspired many people whom he met. He has been missed, but his love of flying will never be forgotten and the commitment of his beloved wife Carolyn ensures that all who come to Rosecrans Airport will know his passion. I commend him for his spirit and commitment to aviation and I was honored to represent him in the United States Congress.

Recognition: Larry L. Harper

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I rise today to posthumously recognize Larry L. Harper of St. Joseph, Missouri. Mr. Harper was an outstanding Missourian with a passion for flying and his love of flying has remained an inspiration long after his passing. That passion will be memorialized by a statue, The Aviator, commissioned by his wife Carolyn and placed at Rosecrans Memorial Airport in St. Joseph, Missouri.

Larry’s love of flying began at a young age, he would hang around the Rosecrans Airport offering to wash and fuel planes in exchange for flying lessons. While working as a mechanic, Larry eventually earned his pilots license. He logged over 30,000 hours in flight over 40 years of flying for four different companies in aircraft ranging from Aircoupes to Lear Jets. His last flight came just one week before his passing, as he jumped at the opportunity to fly a Lear 55, every flight was a special flight for him.

Mr. Speaker, I proudly ask you to join me in recognizing Larry L. Harper. He was a pilot whose passion for flying inspired many people whom he met. He has been missed, but his love of flying will never be forgotten and the commitment of his beloved wife Carolyn ensures that all who come to Rosecrans Airport will know his passion. I commend him for his spirit and commitment to aviation and I was honored to represent him in the United States Congress.

Recognition: Larry L. Harper

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I rise today to posthumously recognize Larry L. Harper of St. Joseph, Missouri. Mr. Harper was an outstanding Missourian with a passion for flying and his love of flying has remained an inspiration long after his passing. That passion will be memorialized by a statue, The Aviator, commissioned by his wife Carolyn and placed at Rosecrans Memorial Airport in St. Joseph, Missouri.

Larry’s love of flying began at a young age, he would hang around the Rosecrans Airport offering to wash and fuel planes in exchange for flying lessons. While working as a mechanic, Larry eventually earned his pilots license. He logged over 30,000 hours in flight over 40 years of flying for four different companies in aircraft ranging from Aircoupes to Lear Jets. His last flight came just one week before his passing, as he jumped at the opportunity to fly a Lear 55, every flight was a special flight for him.

Mr. Speaker, I proudly ask you to join me in recognizing Larry L. Harper. He was a pilot whose passion for flying inspired many people whom he met. He has been missed, but his love of flying will never be forgotten and the commitment of his beloved wife Carolyn ensures that all who come to Rosecrans Airport will know his passion. I commend him for his spirit and commitment to aviation and I was honored to represent him in the United States Congress.

Recognition: Larry L. Harper

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I rise today to posthumously recognize Larry L. Harper of St. Joseph, Missouri. Mr. Harper was an outstanding Missourian with a passion for flying and his love of flying has remained an inspiration long after his passing. That passion will be memorialized by a statue, The Aviator, commissioned by his wife Carolyn and placed at Rosecrans Memorial Airport in St. Joseph, Missouri.

Larry’s love of flying began at a young age, he would hang around the Rosecrans Airport offering to wash and fuel planes in exchange for flying lessons. While working as a mechanic, Larry eventually earned his pilots license. He logged over 30,000 hours in flight over 40 years of flying for four different companies in aircraft ranging from Aircoupes to Lear Jets. His last flight came just one week before his passing, as he jumped at the opportunity to fly a Lear 55, every flight was a special flight for him.

Mr. Speaker, I proudly ask you to join me in recognizing Larry L. Harper. He was a pilot whose passion for flying inspired many people whom he met. He has been missed, but his love of flying will never be forgotten and the commitment of his beloved wife Carolyn ensures that all who come to Rosecrans Airport will know his passion. I commend him for his spirit and commitment to aviation and I was honored to represent him in the United States Congress.
and to honor those who continue on the noble work of service, safety and assistance.

Mr. Speaker and colleagues, please join me in honor and recognition of the men and women in blue who have paid the ultimate price in protecting the safety of others. We also join in recognition of the family members whose lives were forever altered upon losing a loved one in the line of duty. We extend our deepest gratitude to all police officers, for their commitment, courage and unwavering sense of duty in their vocation of service to others. The individual and collective work of our police officers is framed by integrity, dedication and excellence, serving as a shield of security and hope for every one of us—and their courage and sacrifice will be forever honored and remembered.

IN RECOGNITION OF THE PAN-PONTIAN FEDERATION OF THE UNITED STATES AND CANADA ON THE ANNUAL DAY OF REMEMBRANCE OF THE PONTIAN GREEK VICTIMS OF GENOCIDE

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mrs. MALONEY. Mr. Speaker, I rise to recognize the annual day of remembrance of the genocide of the Pontian Greek people at the hands of the Ottoman Empire that took place from 1915 to 1923, and to salute the Pan-Pontian Federation of the United States of America and Canada for its role in preserving and promoting the vibrant history and traditions of the Pontian Greeks.

With a long and distinguished history and a proud culture, the Greek Pontians have for centuries been a proud people. The Pontians, as a result of their migration from the countryside to the cities of Pontus, Sinope, was founded in 785 B.C. One of the first Greek cities of Pontus, Sinope, was founded in 785 B.C.

The seeds for the Pontian genocide were planted during negotiations among the European powers that led to the signing of the Treaty of Berlin in 1878. The ensuing rise of nationalism led to many revolutionary wars and independence movements within the decaying Ottoman Empire, causing Turkish leaders to become increasingly fearful that their ethnically diverse domain would begin to disintegrate.

By the turn of the 20th century, many nationalities within the Balkans had acquired their independence from the Turks. However, due to the politics of the era, many of these newly formed nations only consisted of a small portion of their population, as the great powers had no desire to see these new Balkan states become too strong. As a result, many Serbians, Bulgarians and Greeks chafed under the borders of the Ottoman Empire. The nations of the Balkans yearned to incorporate and unite their people who still lived under Turkish rule. This situation led to the Balkan Wars of 1912–1913, in which the members of the Balkan League joined to present a unified front against the Turkish oppressors. The Ottoman armies were soundly defeated, and national borders were created and rearranged accordingly.

The reality was that many different nationalities existed within the Ottoman Empire and that their increasing desire to unite with their mother countries did indeed pose an ultimately fatal threat to the continued existence of the Ottoman Empire. In reaction, the Young Turks, who were pushing for a more modern and secular Ottoman Empire, moved to preserve the last remnants of the Ottoman Empire.

From 1916 to 1923, largely under the leadership of Kemal Atatürk, the Ottoman Empire began to practice a ferocious genocide of the Christian population within its borders.

In 1916, after the Turks had concluded their massacres of Armenians, the Pontians became their next victims. The Pontian Greeks were subject to massacres, atrocities, mass rapes and abductions of women and children. They were forced into starvation and sent on long marches whose true intended destination was the graveyard of history. This genocide almost resulted in the extinction of a people who had lived on Asia Minor for nearly three millennia. Between the years of 1915 and 1923, more than half of the Pontian population, or about 353,000 human beings, fell victim to what the world knows to be genocide. These Pontians who did survive the Turkish onslaught were exiled from their ancestral homes, and many fled to Greece, Russia, and the United States. It is estimated that there were about 400,000 Pontian refugees during this cataclysmic era.

Despite the death and displacement of almost 1 million Pontians, their traditions and culture still resonate across the world to this day. While forces of evil tried to obliterate an entire people, the determination and endurance of the Pontian Greeks stand as a testament to mankind’s extraordinary ability to defy all odds in the hope of ultimately living in peace and justice.

Mr. Speaker, I ask that my distinguished colleagues join me in observing the annual day of remembrance of the victims of the Pontian Greek genocide, and in recognizing the Pan-Pontian Federation of the United States of America and Canada, its vital mission of preserving Pontian Greek culture and history, and its significance as a symbol of mankind’s hope and endurance.

IN TRIBUTE TO THE LIFE OF FLOYD PATTERSON

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mr. RANGEL. Mr. Speaker, I rise in tribute to the life and legacy of Floyd Patterson, a giant of our time. He emerged not only as a heavyweight boxing champion, but as a champion for moral and social causes.

Patterson’s lifetime achievements span throughout the world, though his most notable accomplishments were in the United States. Patterson defeated opponents in the ring and those challenges he had to overcome outside the ring, particularly the likes of poverty and social marginality.

Patterson was born January 4, 1935, in a dilapidated cement-block hovel in a New York City's Lower East Side. He later moved to a poor neighborhood in Bedford-Stuyvesant in Brooklyn, New York. His early years were met by challenges in school and emotional unrest. At the age of 11 he was sent to Wiltywick School for Boys, an institution for emotionally disturbed youths in upstate New York. In a later account of Patterson, he said the school and a particular teacher, Vivien Costen, saved his life. At Wiltywick he first discovered his interest with boxing and it was encouraged by his teacher.

In 1947 he returned home. At age 14 he began working out with his brothers at Grant's gym on New York's Lower East Side. The gym was owned by the legendary Constantine "Cus" D'Amato, who later would become Patterson's manager. At age 16, Patterson knocked out Sonny Logue for the New York middleweight title at Madison Square Garden. He was successful in winning 11 amateur championships in the Golden Gloves and the Amateur Athletic Union. In 1952 at the Olympics in Helsinki he won a gold medal and later that year, at age 17, he turned pro.

In 1965, the Washington Post described him as "a quietly confident young man with a school boyish air who likes ice cream, sweet potatoes and cream-colored cars." D'Amato was protective and careful with the progression of his career. However, when Rocky Marciano retired, D'Amato navigated a challenger for his young fighter for one contender spot. On June 8, 1956, Patterson defeated Tommy "Hurricane" Jackson even though he suffered a broken hand 2 weeks before the fight. The victory positioned him to fight for the heavyweight title. On November 30, 1956, Patterson knocked out Archie Moore in Chicago to become the youngest world heavyweight champion.

Patterson has been described as a good guy in the bad world of boxing. His fans loved him—the way he fought and his admirable personality and quiet spirit. Cus D'Amato, his trainer, called him "a kind stranger." Red Smith, the New York Times sports columnist, called him "the man of peace who loves to fight" Patterson once said of himself, "You can hit me and I won't think much of it, but you can say something and hurt me very much.

Patterson's career as a boxer has set the standard for greatness in the world of boxing. He became the first to hold the heavyweight title twice. He suffered a hard loss to Swedish boxer Ingemar Johansson at Yankee Stadium on June 26, 1959, but regained the title a year later when he knocked out Johansson in the fifth round. Patterson said that it was the most gratifying moment in his life. He successfully defended his title until he fought "Sonny" Liston in September 25, 1962 in Chicago. Overall, Patterson finished 55–8–1 with 40 knockouts. Patterson was voted into the United States Olympic Committee Hall of Fame in 1987 and he was inducted into the International Boxing Hall of Fame in 1991.

After he retired, Patterson became a passionate advocate for the sport of boxing. At a congressional subcommittee hearing he said, "I would not like to see boxing abolished. I come from the ghetto, and boxing is a way out. It would be pitiful to abolish boxing because you would be taking away the one way out." Patterson was a member of the New York State Athletic Commission, which supervises the sport of boxing in New York and from 1995 to 1998 he chaired the Commission.

Mr. Speaker, it is an honor to highlight and celebrate the accomplishments of Floyd Patterson, an American hero.
Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Mrs. Dean Byrd of St. Joseph, Missouri. As a long time citizen of St. Joseph, Mrs. Byrd will be celebrating her 85th birthday. She has seen many events over the past 80 years and awoken each day with a strong sense of family and community that improved the lives of everyone she has touched. Her life should be celebrated with the same joy and excitement in which she gives back to our community.

Mr. Speaker, I proudly ask you to join me in recognizing Mrs. Dean Byrd. Throughout her 80 years, she has always given back more than was expected of her. Her life is an inspiration to many and I am proud to serve her in the United States Congress.

HONORING THE 30TH ANNIVERSARY OF THE MARY CAMPBELL CENTER

HON. MICHAEL N. CASTLE
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to celebrate the 30th anniversary of the Mary Campbell Center, a facility serving disabled people in Delaware. The Mary Campbell Center as been home to thousands of people, some of who have lived there since the 1976 opening. Whether the residents of the Center have been there for a long or short time, they share in their daily lives of eating, learning, working, exercising, and playing with each other, the staff, and friends.

The Center is located on ten acres in Wilmington, Delaware. Amos and Mary Talley Campbell originally owned the property and lived there with their daughter, Evelyn, who was born with Down's Syndrome. Upon Mrs. Campbell's death, Mr. Campbell donated the land so that a long-term-care facility for Evelyn, and other people with disabilities, could be built in his wife's honor. Helping these individuals achieve a higher quality of life remains the main purpose of the Center.

Since its inception, the Center, home to 65 residents, has grown in many ways. What began as one building, now is a state-of-the-art facility with an indoor swimming pool, learning center, greenhouse, and an adaptive playground. These facilities help residents accomplish their dreams and keep in touch with family and friends.

I congratulate and thank those at the Mary Campbell Center for all they have contributed to the State of Delaware. Many disabled Delawareans and their families are grateful for them and I am pleased to be able to vocalize their appreciation to you. Thank you to those who have made the Mary Campbell Center what it is today and to those who will carry on this tradition into the future.

HONORING EVERETT ROBERTS

HON. ZACH WAMP
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mr. WAMP. Mr. Speaker, I rise today to honor Mr. Everett Roberts from my home town of Chattanooga, TN, for his unending efforts on behalf of the Girl Scouts of Moccasin Bend Council, who, on Sunday May 21st, will be dedicating their Clinton Boulevard to him for his years of tireless service and devotion.

Everett has served on the Board of the Moccasin Bend Council for almost 40 years as a member and chairman, and has been a vital asset to the Council’s growth and success.

As the first male president of the Council in 1972, he is described by both friends and colleagues as a very special person who dedicates all of his energy to the improvement of the world around him.

Everett has been instrumental in developing Camp Adahi, the Girl Scout resident camp on Lookout Mountain in Georgia to provide outdoor programs for thousands of girls, and his selfless commitment to the Girl Scouts serves as just one example of his vigorous dedication to the people and city he loves.

I want to take this opportunity to express my sincerest appreciation and gratitude to Mr. Everett Roberts for all he has done and continues to do for both the Girl Scouts of Moccasin Bend and the overall community in Chattanooga. He serves as a shining example of integrity, loyalty and leadership and I am proud to stand here on his behalf today.

TRIBUTE TO THE 50TH ANNIVERSARY OF DOWNERS GROVE BOY SCOUT TROOP 89

HON. JUDY BIGGERT
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mrs. BIGGERT. Mr. Speaker, it is with great pleasure that I rise today to join the members of Downers Grove Boy Scout Troop 89 in celebration of their 50th anniversary.

Since 1956, the Scouts of Troop 89 have acted as role models for the youth of our community. By teaching values like loyalty, kindness and thrift, the Scout program has given generations of our sons and grandsons the foundation they will need to live honorable and successful lives.

Both my husband and my son were Boy Scouts, so I know firsthand what a positive force Scouting can be. Scouts make outstanding leaders and volunteers who give of themselves to make communities like Downers Grove a better place in which to live.

So congratulations to the members of Troop 89—past, present, and future. After 50 years, you continue to make us all very proud. And thank you to the families and friends of these Scouts who have supported them over the years. Without you, we could not have hoped to celebrate this momentous anniversary.

Recognizing Paul A. White

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Paul A. White of the Mid-Continent Public Library in Independence, Missouri. Mr. White is retiring after 45 years of service to Missouri’s public libraries.

Paul began his service as a Branch Assistant in the Kansas City Public Library in 1961. Over the next 45 years, Paul would make stops in the Missouri State Library, Springfield-Greene County Library, and the Kinderhook Regional Library before settling in the Mid-Continent Public Library in 1988.

Beyond his official responsibilities, Paul participates in the American Library Association serving as the Missouri Chapter Councilor, on the Constitution and By-Laws Committee and the Committee on Organization. He also participates in the Missouri Library Association where he has served as treasurer, secretary, vice president, and president. Paul is currently serving on the Missouri Library Network Corporation and various Missouri Library Association Committees.

Mr. Speaker, I proudly ask you to join me in recognizing Paul A. White, an outstanding Missourian. His service to the community and dedication to Missouri’s Public Libraries is greatly appreciated. He will certainly be missed and I would like to ask the House of Representatives to join me in thanking him for all of his hard work and dedication over the years. I am honored to represent him in the United States Congress.

In Honor of Auxiliary Bishop Richard Lennon

HON. DENNIS J. KUCINICH
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mr. KUCINICH. Mr. Speaker, it is with great pleasure that I rise today to honor and recognize Auxiliary Bishop Richard Lennon and warmly welcome him to Cleveland. Today, Auxiliary Bishop Lennon will be installed as the 10th Bishop of Cleveland.

Born on March 26, 1947, in Arlington, Massachusetts, Auxiliary Bishop Lennon attended high school and undergraduate college in Massachusetts before receiving a Masters of Theology degree in Sacramental Theology from St. John’s Seminary in 1973. That same year, a age 26, he was ordained a priest.

During his distinguished career with the church, Auxiliary Bishop Lennon has served as parochial vicar of St. Mary of the Nativity Church in Scituate, Massachusetts and held the same position at St. Mary Church in West Quincy, Massachusetts. In 1988, he was named assistant for ecumenical affairs at the Archdiocese of Boston. Auxiliary Bishop Lennon was ordained Auxiliary Bishop at the Boston Archdiocese in 2001, and went on to become apostolic administrator in 2002. In 2003, he became vicar general and moderator of the curia at the Boston Archdiocese in 2003.

Mr. Speaker, it is a great honor and distinct pleasure, to welcome Auxiliary Bishop Lennon.
to Cleveland. He has dedicated himself to our church, and to the betterment of all mankind. His distinguished record of service speaks volumes, and I look forward to working with him to strengthen our community.

Mr. Speaker and Colleagues, please join me in honoring Auxiliary Bishop Lennon and welcoming him to Cleveland as our community’s 10th Bishop. Today is a great day for the Catholic Church and the Cleveland community. Auxiliary Bishop Lennon brings a wealth of experience and knowledge, and I ask my Colleagues to join me in sharing in this tremendous day.

TRIBUTE IN HONOR OF JENNY CHANG

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mrs. MALONEY. Mr. Speaker, I rise to honor a former staffer, a friend, and an inspiration, Jenny Chang.

When Jenny came to work in my office in 2003, she had already been through one round with a formidable opponent, breast cancer. But you certainly couldn’t tell. She brought an energy and positivity rarely seen, and none of us will ever forget her laugh.

I admire leaders, and Jenny Chang was a leader. Jenny was student body president and president of her senior class at North Carolina State University—she was the first woman of Asian descent to hold that position. Through her battle with a terrible disease, Jenny reached out to fellow cancer sufferers and survivors and used her position on Capitol Hill to make a difference. Despite her illness, she worked on my colleague DAVID PRICE’s campaign and in his Congressional office, making scores of new friends and admirers at each stop.

And for 8 months, she was the soul of my office, always showing how things can be done and how problems can be solved.

It saddened us all when Jenny’s cancer returned and she had to take leave of my office and Capitol Hill.

Mr. Speaker, Jenny Chang passed away on April 29. We should all be so lucky to work with such a terrific soul as Jenny Chang. She brought a smile and a quick wit, as well as considerable knowledge and experience.

Throughout her career, Dr. Cartwright has been a role model for women in higher education and every walk of life. After working as a teacher, university professor, pioneeer researcher in the field of special education and as a university executive officer, she made history in 1991 when she became Kent State University’s first woman president and the first woman president of a public university in Ohio. Since the outst of her presidency, she has been an advocate of professional development and personal-growth initiatives for women. In her first year of eligibility, she was elected to the Ohio Women’s Hall of Fame.

She was also a member of the committee that worked with my wife, Mary, to bring the long-overdue idea of a National First Ladies Library to life, and Carol continues to serve on the Library’s national board. She also serves on the American Council on Education Commission on Women in Higher Education and the board of directors of National Public Radio.

Carol has a clear commitment to all students, and she has been instrumental in building one of the finest programs in the nation to help GED candidates advance to pursue college degrees. I look forward every year to attending the graduation ceremony to hear wonderful success stories and to learn of students’ academic achievements—thanks to the GED Scholars Initiative at Kent State.

On October 5, 2005, Dr. Cartwright, Kent State University’s 10th president, announced her decision to step down from the leadership position she has held since 1991. She will retire from the presidency upon the arrival of her successor. I want to congratulate her on a tremendous job and wish Carol and her husband, Phil, health and happiness in the future.

VALLEY FEVER VACCINE DEVELOPMENT ACT

HON. WILLIAM M. THOMAS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mr. THOMAS. Mr. Speaker, I rise today to discuss the Valley Fever Vaccine Development Act, which I introduced today. Valley Fever or coccidioidomycosis is a serious human disease caused by the inhalation of a soil-borne fungus, Coccidioides, and particularly impacts public health in the south-western United States, specifically California, Arizona, Nevada, New Mexico, Utah, and Texas. According to researchers involved in the Valley Fever Vaccine Project, each year a estimated 130,000 people nationwide are exposed to Valley Fever and there are about 3,000 cases. Of those cases, between 2,500 and 5,000 are serious and about 500 people die from Valley Fever. The disease is especially prevalent in Kern County, California, which I represent; 1,540 cases were reported in 2004, which was an increase of 1,137 from the 403 cases reported in 2000. Similar increases have been reported in Arizona, where some anticipate the number of cases this year will exceed 4,000. Moreover, 46 Kern County residents died from Valley Fever from 2000 to 2004.

Valley Fever particularly affects those with impaired or less developed immune systems, including children and the elderly. The disease has a high incidence among minority populations as well as among those who work outside in occupations such as construction, agriculture, mining, energy, and the military. In addition, the disease also impacts those who engage in outdoor recreational activities, such as biking, golf, hiking, jogging, motorcycling, rock collecting, and tennis.

The drugs currently used to treat Valley Fever are often ineffective and the average hospitalization charges for the seriously ill exceed $30,000. Accordingly, a preventative vaccine is desperately needed. Unfortunately, there currently is no vaccine for Valley Fever and there is no private industry interest in making the investment, estimated to be about $40 million, needed for the development of the vaccine.

However, nonprofit organizations have sponsored exploratory research conducted by the Valley Fever Vaccine Project and their efforts have resulted in the identification of candidate vaccines for preclinical development. While I greatly appreciate the $930,000 that has been provided through the federal appropriations process since Fiscal Year 2003.
for the California State University at Bakersfield (CSUB) Foundation to purchase equipment needed by the Valley Fever Vaccine Project, additional funding is needed to develop a vaccine, particularly as incidences of Valley Fever continue to increase while treatment options are limited.

Thus, I have introduced the Valley Fever Vaccine Development Act, which would authorize, from Fiscal Year 2007 through Fiscal Year 2012, funding for grants through the Centers for Disease Control for efforts to develop a vaccine to prevent and reduce the prevalence of this serious disease. As the development of a Valley Fever vaccine will directly enhance public health, I ask my colleagues to join me as I work to enact this important legislation.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2007

SPEECH OF
HON. BOB ETHERIDGE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 17, 2006

The House in Committee of the Whole House on the State of the Union had considered 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:

Mr. ETHERIDGE. Mr. Chairman, I rise in strong opposition to this misguided budget resolution, and I urge my colleagues to join me in voting against it.

The Federal budget is much more than just a government document; it is a statement of our Nation’s priorities and values. I am tremendously proud that in my first term as the Second District of North Carolina’s Representative in the U.S. House, Congress and the President had included the budget for the first time in a generation. Until just a few years ago, the budget remained balanced and the surpluses we produced were being used to pay down the national debt and strengthen the solvency of Social Security. But this Administration and the Republican Congressional Leadership have squandered the budget surpluses on wasteful tax policies and are running record budget deficits as far as the eye can see.

This budget offers more of the same failed policies and it flunks the test of moral leadership by increasing the burdens on the poor in the middle class, families struggling to get into the middle class and future generations. This budget contains devastating cuts to essential services for our families and will leave the statutory debt at a record level of $11.3 trillion. The American people deserve better.

As the only former State schools chief serving in Congress, public education is my priority. Education holds the key to the American Dream for middle class families, and the Federal Government has a solemn obligation to help all of our people make the most of their God-given abilities. This budget eliminates 42 Federal education initiatives, cuts funding for education, social services and training by $4.6 billion below the amount needed to maintain purchasing power at the current level and will cut this funding more deeply each subsequent year.

Specifically, this budget completely dismantles: vocational education ($1.3 billion); Perkins Loans ($730 million); Safe and Drug-Free Schools state grants ($347 million); GEAR-UP college readiness for low-income students ($303 million); education technology ($287 million); and Even Start family literacy services ($99 million). The budget cuts $15 billion from the amount authorized for the No Child Left Behind education reform effort and cuts the Federal contribution for special education from the current 17.7 percent to only 17.0 percent for the Individuals with Disabilities Education Act (IDEA) despite years of rhetoric from the Republicans claiming to support IDEA. And while the costs of college continue to rise, this budget contains none of the funds needed to raise Pell Grants beyond the 2003 funding level.

In addition, this Republican budget resolution cuts funding for homeland security, including port security by $6.1 billion over 5 years, cuts essential services for working families by $9.4 billion, cuts veterans’ health care by $6.0 billion, slashes funding for health by $18.1 billion below current services and fails to protect the environment by imposing a cut of $25 billion over the next 5 years.

In contrast, the Spratt Substitute will balance the budget by 2012. It includes tough Pay-As-You-Go (PAYGO) budget enforcement rules that require the cost of any new mandatory spending or revenue legislation to be fully offset. Vice President Cheney has claimed “deficits don’t matter,” but the American people know better. The Spratt budget provides $4.6 billion more for education in 2007 than the Republican budget and adds $45.3 billion over 5 years that our States and communities desperately need for quality schools.

The Spratt Substitute keeps our commitment to veterans by including $8.6 billion more than the Republican budget for veterans’ health care. It provides $6.5 billion more over 5 years for homeland security, including port security and rejects the Republican cut to Army National Guard troop strength and the cut to Cooperative Threat Reduction that protects America from weapons of mass destruction. The Spratt alternative budget provides $18 billion more over 5 years to fund health priorities cut by the Republican budget, including medical research at NIH and CDC, rural health activities, and graduate medical education for children’s hospitals. Finally, the Spratt Substitute rejects the Republican budget cuts for environmental protection and requires an honest, separate vote on any proposal to raise the limit on the national debt.

Finally, Mr. Chairman, I believe the Federal budget is the public expression of our Nation’s priorities and values. I urge Congress to reject the Republican budget that is wrong for America and support the Spratt Substitute that restored funding for essential services for a stronger country and a brighter tomorrow for our families.
is always under improvement. By 1975 the club had expanded to 6 aircraft and today they have over 140 members.

The Williamson Flying Club, Inc. has a storied history ranging over five decades. As stated in their corporation certificate: "The purpose for which the corporation is to be formed are to promote and encourage interest in aviation and all allied sciences . . . to teach the members of the corporation to fly and improve their ability . . . to purchase . . . airplanes . . . airports, hangars . . . but not for profit."

Out of a deep love and respect for aviation, the group carries an altruistic spirit to share and spread the wonders that flying can bring not only to individuals but also to the surrounding community.

I congratulate the Williamson Flying Club, Inc. on a successful history and wish them the best of luck for the many more years of flying they have ahead.

HONORING FAUSTO MIRANDA

HON. ILEANA ROS-LEHTINEN
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to address the House in honor of Fausto Miranda, a legendary sports reporter and one of the most outstanding members of our Cuban-American community. Last week, Fausto Miranda passed away in his Miami home at age 87.

Miami and the Cuban people grieve in the face of this loss. Fausto was born on July 4, 1914, not knowing that history would turn this date into two reasons for him to celebrate. In 1960, Fausto Miranda came to the U.S. where, like so many other Cubans fleeing the newly installed Castro regime, he found a safe haven and the opportunity to continue his extraordinary journalistic career. The fourth of July from now on provided him with two reasons to celebrate—the day he was born and the day America became independent and turned into a home for the oppressed and persecuted.

Born and raised in the town of Puerto Padre in eastern Cuba, Fausto Miranda dreams of becoming a lawyer; instead his poor background forced him to work in the sugar industry for a mere 30 pesos a month. Young Fausto was very shrewd when it came to making a living—he took on such diverse jobs as street vendor, prison guard, trumpeter, orchestra manager, doorman, cleaning person, music critic, social annalist, and political reporter.

At the age of 20, fate showed him where his real talent lay buried. Working as a stadium announcer, he one day passed his notes on to a journalist of Diario de Cuba, one of the count’s major newspapers. The next day, the article on the baseball game that appeared in the Diario was signed by “Fausto Miranda, Special Correspondent.” Years later, Fausto Miranda recalled: “The night the newspaper came out and I saw the article with my name, I did not sleep.”

His career began to take off when he moved to Cuba’s capital city of Havana in 1933. He was assigned a column called “Stardust” which soon brought him further writing assignments for the newspapers El Crisol, Informacion, Diario de la Marina and Alerta as well as a job as sports commentator for radio COCO. Fausto Miranda rose to become “an all-time pillar of Cuban sports journalism with an encyclopedic knowledge of baseball”, according to Felo Ramirez, a veteran sports commentator and member of the National Baseball Hall of Fame in Cooperstown.

During Fausto’s time in Havana, the Cuban people were fortunate to have the best sports journalists in the hemisphere, including great personalities like Eladio Secades, Jessie Losada, and Pedro Galiana. When Fidel Castro came to power, Fausto was immediately fired from his position as president of the Sports Writer Association. Like so many other branches of the vibrant Cuban civil society, the Association was closed down by the dictator and Fausto Miranda was forced to flee the tyrant’s grasp.

He arrived in New York City, the haven to so many freedom-seeking immigrants, where he once again started off by taking on a simple job as doorman before entering the American sports journalism. While his little brother Willy Miranda was out on the field playing for the New York Yankees, Fausto was reporting from the American sports world for a wide variety of national and international media. He wrote for the newspaper La Prensa, the Gesto magazine as well as the French news agency AFP, and broadcast for the radio stations Canal 47, Radio X and WOBA-La Cubanaisma.

In 1975, Fausto moved to Miami where he founded the sports section of El Miami Herald, predecessor of El Nuevo Herald, the Spanish-language version of the Miami Herald. In his famed weekly column “Los viejos”, Fausto Miranda revived the Cuban-American community’s memory of homeland. The popularity he gained was so great that even after his retirement in 1995, Fausto continued to publish the popular weekly column.

The Cuban-American community mourns an outstanding man, whose love of sports would always drive him forward. Calling himself a “very bad athlete . . . very bad in everything”, his passion for the athletic world paved his way from a stadium announcer to one of the Western Hemisphere’s most high-profile sports journalists. Not even the murderous dictator Fidel Castro could stop him—from stardom in Havana, Fausto went to stardom in Miami.

Fausto Miranda was not only an annalist of the times when legends like the boxers Kid Chocolate and Joe Louis were attracting huge crowds, and baseball legends Babe Ruth and Lou Gehrig were filling the stadiums, but through his writing he also helped the Cuban American community to keep our memories of our native Cuba alive, “the most beautiful land human eyes ever beheld,” as he once said. We will greatly miss him.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2007

SPEECH OF
HON. SOLOMON P. ORTIZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

The House in Committee of the Whole House on the State of the Union had under consideration of the concurrent resolution (H. Con. Res. 376) establishing the congres-

ional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011:

Mr. ORTIZ. Mr. Chairman, I rise in opposition to the deficits proposed by this budget. We are at war. This should be a time of sacrifice for all Americans; it is not the time for gutting programs that help working families to pay for tax cuts to the wealthy among us. Sacrifice should be shared, not dumped on some of us.

Everywhere I go these days, people ask me when Congress will do something about the budget deficit—which will mean profound taxes on their children down the road . . . Republicans, Democrats, business people, laborers—everybody.

I keep telling them each budget we pass is worse and worse, growing the deficit at an incredible level. People used to say Congress was taxing and spending. These days Congress is borrowing and spending . . . worse, we’re borrowing from our children. This budget grows both the deficit and the national debt. The deficits in this budget would, according to the report accompanying the resolution, lead to another debt limit increase of $4 trillion—on top of the $3 trillion in debt ceiling increases already approved since President Bush took office.

And still . . . the resolution makes deep and harmful cuts to critical services for working families—including border security, education, and veterans’ services. Democrats offer a budget today, that this House will certainly reject, that does not include the harmful cuts to domestic priorities while still reaching balance in 2012. It has smaller deficits than the Republican budget, accumulates less debt, and returns us back to paying for what we pass.

If we pass this budget resolution today—and I will vote no—this House is following the bad ideas in President Bush’s budget, which continues the policies of the past 5 years that deeply cut into the spending for our homeland security, simply to pay for tax cuts to the wealthiest Americans.

The budget makes long-term damage in our real security . . . at a time the President and many in this Congress are saying the needs on the border are so severe that we must send the National Guard to protect the border. First, let me say how much I oppose deploying the National Guard to the border. Second, about how we got to crisis on the border: it is entirely about calculated disregard to the security forces on the border.

The House budget shortchanges homeland security programs—cutting them by up to $488 million this year and up to $6.1 billion over 5 years from the amount needed to keep up with inflation. In December, when the 9/11 Commission issued its final report card, it gave the Bush Administration and this Congress a series of Cs, Ds, and F’s on many areas in homeland security—including border security.

The only thing we have given border security is promises, but no money. We know generally how much it would cost for the recommendations the 9–11 Commission said was the very least we must do to make a dent in illegal immigration: $375 million for the detention beds the 9/11 Commission determined we need.

$460 million for the Border Patrol agents the 9/11 Commission determined we need.

Even with the VA treating more than 144,000 veterans from Iraq and Afghanistan,
the House budget cuts veterans’ health care by $6 billion over 5 years, and increases TRICARE health care premiums for more than 3 million military retirees and their families.

Despite record enrollment growth from pre-K to college, the House budget makes the largest cuts in education in 23 years and provides $15.4 billion less in funding than promised by the No Child Left Behind Act.

Even as college costs have risen 40 percent since 2001, this budget freezes the maximum Pell Grant for college at $4,050—for the fourth year in a row. The budget denies more than 460,000 students low-cost loans and eliminates eight higher education programs, including GEAR-UP, TRIO Upward Bound, and TRIO Talent Search—all of which have made all the difference in the lives of South Texas students. These insulting cuts come just 2 months after the majority in this body voted to raise federal student aid programs by $12 billion.

The other thing people are saying to me everywhere I go is: when will Congress raise the minimum wage. Food prices are going up . . . the cost of everything is going up EXCEPT for the minimum wage. I urge my colleagues to reject the budget before us.

RECOGNIZING TYLER R. BOGGESS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Tyler R. Boggess, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and in earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many scout activities including High Adventure and the Brownsea Leadership Camp. Over the 11 years Tyler has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers and community. The city of Kearney, Missouri benefited from Tyler’s leadership in the re-roofing of nine shelters at the Lions Park in Kearney for his Eagle Scout Service Project.

Mr. Speaker, I proudly ask you to join me in commending Tyler R. Boggess for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

SUPPORTING THE GOALS AND IDEALS OF PEACE OFFICERS MEMORIAL DAY

SPEECH OF
HON. JERRY F. COSTELLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 16, 2006

Mr. COSTELLO. Madam Speaker, I rise today in support of H. Res. 788, a resolution that honors and celebrates the 25th Annual National Peace Officers’ Memorial Service Observance Day on May 15, 2006. President John F. Kennedy proclaimed May 15th as National Peace Officers’ Memorial Day in 1962. However, it was not until May 15, 1992 that the first National Peace Officers’ Memorial Day Service was held in Washington, DC. It is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agencies.

The memorial that was created in Washington, DC stands as a daily reminder of these dangers facing our law enforcement officers and of how these brave men and women died facing them.

As a former police officer, I salute those law enforcement officials who died in the line of duty in 2005 and continue to honor those police officers who gave their lives in past years. As a member of the Congressional Law Enforcement Caucus, I strongly support critical funding for programs, such as the Community Oriented Policing Services (COPS) program, to hire additional police officers and help law enforcement acquire the latest crime-fighting technologies. I will continue to be a strong supporter of the law enforcement community and will advocate on behalf of public safety in Congress.

Madam Speaker, in honor of the law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, I ask my colleagues to join me in recognizing and paying respect to our fallen heroes. As a proud cosponsor of H. Res. 788, I urge my colleagues to support this resolution.

TRIBUTE TO JOHN M. EVANS

HON. JAMES P. MORAN
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Mr. MORAN of Virginia. Mr. Speaker, today I pay tribute to John M. Evans, one of our Federal Government’s finest public servants and a long time resident of the Commonwealth of Virginia. This March he retired from an exceptionally distinguished career of service to his country. He has served our Nation as a career civil servant for over 33 years. He has an exceptional leader and has played a key role in ensuring effective financial management for the Department of Defense. It gives me pride to have the opportunity to honor him today for his tremendous accomplishments.

Mr. Evans began his career with the Navy in the financial management field working for various field activities. He progressed to a management position in the Military Traffic Management Command at the Department of Defense where he had responsibility for personnel and administration. Mr. Evans first served in the Department of Defense Comptroller office as a senior budget analyst for a number of major Department of Defense-wide programs, including the DoD Family Housing Program, the DoD Real Property Maintenance Program, Navy Military Construction, and DoD Depot Maintenance.

Mr. Evans also served as the director for revolving funds beginning in April of 2000. While director, he was responsible for financial management oversight for all DoD revolving and working capital funds, including the Defense Working Capital Funds.

Since 2001, Mr. Evans was the director for operations. As director, Mr. Evans was responsible for the Department’s Operations and Maintenance appropriations, including programs that support the global war on terror and the Department’s homeland security functions.

Senior leaders, both in the Congress and the Department of Defense, have benefited from Mr. Evans’ experience, outstanding leadership, and distinguished performance. His efforts have enabled our Nation’s leader to make the most effective use of defense resources to ensure America’s military strength. On behalf of my colleagues, I thank him for his service to our country and wish him well on his retirement.

SUPPORT FOR H.R. 2231

HON. TAMMY BALDWIN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 18, 2006

Ms. BALDWIN. Mr. Speaker, I rise today in support of H.R. 2231, the Breast Cancer and Environmental Research Act, and I ask my colleagues to work with me to pass this important legislation.

Last Sunday was Mother’s Day, and in honor of all mothers, I rise today to stand with the National Breast Cancer Coalition and the 3 million American women living with breast cancer today to urge all my colleagues to push for passage of the Breast Cancer and Environmental Research Act—H.R. 2231. Too many mothers, daughters, wives, and sisters are dying from breast cancer. We will not end this disease until we find out what causes it.

It is generally believed that the environment plays some role in the development of breast cancer, but the extent of that role is not understood. Less than 30 percent of breast cancers are explained by known risk factors. However, there is little consensus in the scientific community on how the environment impacts breast cancer. Studies have explored the effect of isolated environmental factors such as diet, pesticides, and electromagnetic fields, but in most cases there is no conclusive evidence. Furthermore, there are many other factors that are suspected to play a role but have not been fully studied.

Clearly, more research needs to be done to determine the relationship between the environment and breast cancer. What is needed is a collaborative, comprehensive, national strategy to study these issues. H.R. 2231 makes that strategy possible.
This bill would create a new mechanism for environmental health research. It would establish up to eight research centers to study environmental factors and their impact on breast cancer. Modeled after the successful Department of Defense Breast Cancer Research Program, it would include consumer advocates in the peer review and programmatic review process.

This Federal commitment is critical for the overall, national strategy and the long-term research investments needed to discover potential environmental causes of breast cancer, so that we can prevent it, treat it more effectively, and cure it.

Mr. Speaker, I am proud to be a cosponsor of H.R. 2231, and I urge my colleagues to work with me to pass this bill this year.
HIGHLIGHTS


Senate

Chamber Action

Routine Proceedings, pages S4727–S4817

Measures Introduced: Twenty-seven bills and three resolutions were introduced, as follows: S. 2830–2856, S. Res. 483–484, and S. Con. Res. 95.

Measures Reported:

S. 1899, to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, with an amendment in the nature of a substitute. (S. Rept. No. 109–255)

S. 2856, to provide regulatory relief and improve productivity for insured depository institutions. (S. Rept. No. 109–256)

S.J. Res. 1, proposing an amendment to the Constitution of the United States relating to marriage.

Measures Passed:

Broadcast Decency Enforcement Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of S. 193, to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language, and the bill was then passed.

Democracy in Burma: Senate agreed to S. Res. 484, expressing the sense of the Senate condemning the military junta in Burma for its recent campaign of terror against ethnic minorities and calling on the United Nations Security Council to adopt immediately a binding, non-punitive resolution on Burma.

Comprehensive Immigration Reform Act: Senate continued consideration of S. 2611, to provide for comprehensive immigration reform, taking action on the following amendments proposed thereto:

Adopted:

By 56 yeas to 43 nays (Vote No. 129), Kennedy Amendment No. 4066, to modify the conditions under which an H–2C nonimmigrant may apply for adjustment of status.

Akaka/Inouye Amendment No. 4029, to grant the children of Filipino World War II veterans special immigrant status for purposes of family reunification.

Vitter/Grassley Amendment No. 3964, to modify the burden of proof requirements for purposes of adjustment of status.

By 63 yeas to 34 nays (Vote No. 131), Inhofe Further Modified Amendment No. 4064, to amend title 4 United States Code, to declare English as the national language of the United States and to promote the patriotic integration of prospective U.S. citizens.

By 58 yeas to 39 nays (Vote No. 132), Salazar/Durbin Modified Amendment No. 4073, to declare that English is the common and unifying language of the United States, and to preserve and enhance the role of the English language.

By 64 yeas to 32 nays (Vote No. 134), Cornyn Amendment No. 4038, to require aliens seeking adjustment of status under section 245B of the Immigration and Nationality Act or Deferred Mandatory Departure status under section 245C of such Act to pay a supplemental application fee, which shall be used to provide financial assistance to States for health and educational services for non-citizens.

Nelson Modified Amendment No. 3998, to improve the United States ability to detain illegal aliens.
Rejected:

Ensign Amendment No. 3985, to reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system, by ensuring that persons who receive an adjustment of status under this bill are not able to receive Social Security benefits as a result of unlawful activity. (By 50 yeas to 49 nays (Vote No. 130), Senate tabled the amendment.)

By 43 yeas to 52 nays (Vote No. 133), Clinton Amendment No. 4072, to establish a grant program to provide financial assistance to States and local governments for the costs of providing health care and educational services to non-citizens, and to provide additional funding for the State Criminal Alien Assistance Program.

Cornyn (for Kyl/Cornyn) Amendment No. 3969, to prohibit H–2C nonimmigrants from adjusting to lawful permanent resident status. (By 58 yeas to 35 nays (Vote No. 135), Senate tabled the amendment.)

Pending:

Ensign/Graham Modified Amendment No. 4076, to authorize the use of the National Guard to secure the southern border of the United States.

Chambliss/Isakson Amendment No. 4009, to modify the wage requirements for employers seeking to hire H–2A and blue card agricultural workers.

A unanimous-consent-time agreement was reached providing that at 5:30 p.m., on Monday, May 22, 2006, Senate proceed to a vote in relation to Chambliss/Isakson Amendment No. 4009 (listed above); and that the time from 5 p.m. until 5:30 p.m. be equally divided between Senator Chambliss and the Democratic manager or his designee; provided further, that following that vote, Senate proceed to a vote in relation to Ensign/Graham Modified Amendment No. 4076 (listed above), and that no second degree amendments be in order to either amendment prior to the votes.

A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m. on Friday, May 19, 2006.

Heroes Earned Retirement Opportunities Act: Senate concurred in the House amendment to the Senate amendment to H.R. 1499, to amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income, clearing the measure for the President.

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to Burma; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM—48)

Transmitting, pursuant to law, a report of the continuation of the national emergency protecting the Development Fund for Iraq and certain other property in which Iraq has an interest; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM—49)

Nominations Received: Senate received the following nominations:

Donald L. Kohn, of Virginia, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

Kathleen L. Casey, of Virginia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2011.

Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit.

Kimberly Ann Moore, of Virginia, to be United States Circuit Judge for the Federal Circuit.

Martin J. Jackley, of South Dakota, to be United States Attorney for the District of South Dakota for the term of four years.

Messages From the House:

Measures Referred:

Enrolled Bills Presented:

Executive Communications:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Amendments Submitted:

Authorities for Committees to Meet:

Privileges of the Floor:

Record Votes: Seven record votes were taken today. (Total—135)

Adjournment: Senate convened at 9 a.m., and adjourned at 10:17 p.m., until 10 a.m., on Friday, May 19, 2006. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S4817.)
Committee Meetings

Committee Meetings (Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported 2,086 nominations in the Army, Navy, and Air Force.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following bills:

S. 1881, to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco, otherwise known as the “Granite Lady”;

S. 633, to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States; and

S. 2784, to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, non-violence, human rights, and religious understanding.

INTERNATIONAL ECONOMIC AND EXCHANGE RATE POLICIES

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the report to Congress on International Economic and Exchange Rate Policies, after receiving testimony from John W. Snow, Secretary of the Treasury.

COMMUNICATIONS CONSUMER’S CHOICE AND BROADBAND DEPLOYMENT ACT

Committee on Commerce, Science, and Transportation: Committee held a hearing to examine S. 2686, to amend the Communications Act of 1934, receiving testimony from former Representative Steve Largent, on behalf of the CTIA—The Wireless Association; Mayor Michael A. Guido, Dearborn, Michigan, on behalf of the United States Conference of Mayors and sundry organizations; Philip McClelland, Pennsylvania Office of Consumer Advocate, Harrisburg, on behalf of the National Association of State Utility Consumer Advocates; Kyle McSlarrow, National Cable and Telecommunications Association, Walter B. McCormick, Jr., United States Telecom Association (USTelecom), Gene Kimmelman, Consumers Union, on behalf of the Consumer Federation of America, and Free Press, and Joslyn Read, Satellite Industry Association, all of Washington, DC; Julia L. Johnson, Video Access Alliance, Tallahassee, Florida; and Shirley A. Bloomfield, National Telecommunications Cooperative Association, Arlington, Virginia, on behalf of the Coalition to Keep America Connected.

Hearing continues on Thursday, May 25.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported S. 2802, to improve American innovation and competitiveness in the global economy, with amendments.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the nomination of W. Ralph Basham, of Virginia, to be Commissioner of Customs, Department of Homeland Security.

Also, Committee approved recommendations relative to proposed legislation implementing the United States-Oman Free Trade Agreement.

IRAN

Committee on Foreign Relations: Committee concluded hearings to examine Iran’s political and nuclear ambitions and the enrichment of uranium, focusing on the United Nations Security Council, and the prospect of direct talks with the government of Iran, after receiving testimony from Frank G. Wisner, American International Group, Inc., New York, New York; Vali R. Nasr, Naval Postgraduate School, Monterey, California; and Julia Nanay, PFC Energy, and James A. Phillips, Heritage Foundation, Washington, D.C.

NEPAL

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs concluded a hearing to examine recent political developments in Nepal, focusing on the role of the United States to support democracy, security and prosperity in Nepal, after receiving testimony from Richard A. Boucher, Assistant Secretary of State for South and Central Asian Affairs; Deepak Thapa, Columbia University, and Sam Zarifi, Human Rights Watch, both of New York, New York; and John Norris, International Crisis Group, Washington, D.C.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Robert Irwin Cusick, Jr., of Kentucky, to be Director of the Office of Government Ethics, Office of Personnel Management, after the nominee, who was introduced by Senator McConnell, testified and answered questions in his own behalf.

UNOBLIGATED BALANCES

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International
Security concluded a hearing to examine unobligated balances, focusing on their treatment by Federal agencies and how they impact their budgeting and programming process, including what happens to these accounts when they expire, and how the Office of Management and Budget, Department of the Treasury, and the agencies treat them, after receiving testimony from Phyllis F. Scheinberg, Assistant Secretary of Transportation for Budget and Programs, and Chief Financial Officer; Lee J. Lofthus, Deputy Assistant Attorney General/Controller, Department of Justice; John P. Roth, Deputy Comptroller for Program Budget, Office of the Under Secretary of Defense (Comptroller), Department of Defense; Charles E. Johnson, Assistant Secretary of Health and Human Services for Budget, Technology and Finance; and Robert J. Henke, Assistant Secretary of Veterans Affairs for Management.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported S.J. Res. 1, proposing an amendment to the Constitution of the United States relating to marriage.

NOMINATION

Select Committee on Intelligence: Committee concluded a hearing to examine the nomination of General Michael V. Hayden, United States Air Force, to be Director of the Central Intelligence Agency, after the nominee testified and answered questions in his own behalf.

EMERGENCY PREPAREDNESS FOR SENIORS

Special Committee on Aging: Committee concluded a hearing to examine caring for seniors during a national emergency, including issues that surfaced as a result of the 2005 hurricanes, focusing on challenges faced by hospital and nursing home administrators that are related to hurricane evacuations, the Federal program that supports the evacuation of patients needing hospital care and nursing home residents, and challenges States and localities face in preparing for and carrying out the evacuation of transportation-disadvantaged populations and efforts to address evacuation needs, after receiving testimony from Daniel W. Sutherland, Officer, Civil Rights and Civil Liberties, and Chair, Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities, Department of Homeland Security; Cynthia Bascatta, Director, Health Care, Government Accountability Office; Amy B. Aiken, Miami-Dade Office of Emergency Management, Miami, Florida; Carmel Bitondo Dyer, Baylor College of Medicine Geriatrics Program at the Harris County Hospital District, Houston, Texas, on behalf of the American Geriatrics Society; Maurice Frisella, New Orleans, Louisiana; and Jean Cefalu, Slidell, Louisiana.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 10 public bills, H.R. 5416–5425; and 3 resolutions, H. Res. 820–822 were introduced. Pages H2832–33

Additional Cosponsors: Pages H2833–34

Reports Filed: Reports were filed today as follows:

Report on the Suballocation of Budget Allocations for Fiscal Year 2007 (H. Rept. 109–471); and

H. Res. 821, providing for consideration H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007 (H. Rept. 109–472). Page H2832

Speaker: Read a letter from the Speaker wherein he appointed Representative Bonner to act as Speaker pro tempore for today. Page H2761

Chaplain: The prayer was offered by the guest Chaplain, Chaplain Blan Maurice Stout, Jr., Office of the Army Chief of Chaplains, Arlington, Virginia. Page H2761

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, May 16th:

Condemning in the strongest terms the terrorist attacks in Dahab and Northern Sinai, Egypt, on April 24 and 26, 2006: H. Res. 795, to condemn in the strongest terms the terrorist attacks in Dahab and Northern Sinai, Egypt, on April 24 and 26, 2006, by a yeay-and-nay vote of 409 yeas with none voting “nay”, Roll No. 162. Pages H2773–74

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2007: The House passed H.R. 5386, to make appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September

Agreed to limit the number of amendments made in order for debate and the time limit for debate on each amendment. (See next issue.)

Agreed to:

Slaughter amendment that increases funding (by transfer) for the National Endowment for the Arts and the National Endowment for the Humanities by $5 million each; Pages H2792–96

Maloney amendment (No. 11 printed in the Congressional Record of May 17th) to increase funding (by transfer) for royalty and offshore minerals management in order to facilitate audits; Pages H2805–08

Cannon amendment (No. 10 printed in the Congressional Record of May 17th) adds $16 million to Payment-in-Lieu-of-Taxes (PILT) by redirecting funds from Interior Department overhead (agreed to extend and limit the time for debate on the amendment); Pages H2808–09

Sanders amendment that redirects $1.8 million in funding to the EPA’s Energy Star Programs;

Page H2809–111

Taylor of North Carolina amendment increases environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants by $2 million;

Page H2815–16

Rahall amendment (No. 6 printed in the Congressional Record of May 17th) prohibits any funds made available by this Act to be used for the sale or slaughter of wild free-roaming horses or burros;

(See next issue.)

Gordon amendment to prohibit any of the funds made available by this Act from being used in contravention of the Federal buildings performance and reporting requirements of Executive Order 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby); Page H2817

Weiner amendment to increase funding (by transfer) by $1 million for the National Park Service in order to address the continued closure of the Statue of Liberty (by a recorded vote of 266 ayes to 152 noes, Roll No. 163); Pages H2798, H2802, continued next issue.

Pallone amendment to insert provisions prohibiting use of funds for enforcement of EPA’s Toxics Release Inventory Burden Reduction Proposed Rule published in the Federal Register, or to follow the Toxics Release Inventory 2006 Burden Reduction Proposed Rule also published in the Federal Register (by a recorded vote of 231 ayes to 187 noes, Roll No. 165); Pages H2816–17, continued next issue.

Hinchey amendment to limit funds for suspension of royalty relief (by a recorded vote of 252 ayes to 165 noes, Roll No. 167);

Pages H2830, H2817, continued next issue.

Chabot amendment that prohibits the Forest Service from spending taxpayer dollars to build logging roads for private interests in the Tongass National Forest;

Page H2817

Garrett amendment to prohibit any of the funds made available in the Act from being used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States;

Page H2817

Miller of California amendment to prohibit any funds made available in the Act from being obligated or expended to conduct the San Gabriel Watershed and Mountains Special Resource Study;

Page H2817

Jackson-Lee of Texas amendment to prohibit any funds made available in the Act from being used to eliminate or restrict programs that are for the reforestation of urban areas;

Page H2817

Jackson-Lee of Texas amendment to prohibit any funds made available in the Act from being used to limit outreach programs administered by the Smithsonian Institution;

Page H2817

Oberstar amendment to prohibit funds in the Act from being used by the administrator of the EPA to implement or enforce the Joint Memorandum published in the Federal Register on January 15, 2003 (68 Fed. Reg. 1995) (by a recorded vote of 222 ayes to 198 noes, Roll No. 169); and

Page H2817, continued next issue.

Putnam amendment prohibits use of funds in the Act to conduct activities in violation of the moratorium on drilling in the Outer Continental Shelf (by a recorded vote of 217 ayes to 203 noes, Roll No. 170).

Page H2817, continued next issue.

Rejected:

Obey amendment that sought to address global climate change by modifying the amount provided for EPA Programs and Management;

Page H2817

Poe en bloc amendments that sought to strike sections 104, 105, and 106 from the bill. Sections 104, 105, and 106 provide that no funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil preleasing, leasing and related activities placed under restriction in the President’s moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude; no funds provided in this title may be expended by the Department of the Interior to conduct
offshore oil preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002; and, no funds provided in this title may be expended by the Department of the Interior to conduct oil preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas (by a recorded vote of 141 ayes to 279 noes, Roll No. 164);

Pages H2812–15, continued next issue.

Beauprez amendment that sought to reduce the budget for the National Endowment for the Arts by $30 million, and redirects the money to the Wildland Fire Management budget of the U.S. Forest Service (by a recorded vote of 112 ayes to 306 noes, Roll No. 166); and

Pages H2818, continued next issue.

Hefley amendment (No. 1 printed in the Congressional Record of May 17th) that sought to reduce funding by 1% across-the-board (by a recorded vote of 109 ayes to 312 noes, Roll No. 171).

(See next issue.)

Withdrawn:

Putnam amendment that was offered and subsequently withdrawn that sought to increase funding (by transfer) by $500,000 for State and Tribal Wildlife grants in order to direct attention to alligator control programs in Florida;

Tancredo amendment (No. 8 printed in the Congressional Record of May 17th) that was offered and subsequently withdrawn which sought to strike language added in committee that would prevent the U.S. Geological Survey from consolidating four mapping centers into one central operations center;

Pages H2802–05

Conaway amendment that was offered and subsequently withdrawn which sought to strike section 104 from the bill. Section 104 prohibits use of funds for the conduct of offshore oil preleasing, leasing and related activities placed under restriction in the President’s moratorium statement of June 12, 1998 in specified areas;

Pages H2811–12

Tiahrt amendment that was offered and subsequently withdrawn which sought to prohibit any of the funds made available in the Act from being used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses;

Page H2817

Conaway amendment that was offered and subsequently withdrawn which sought to direct attention to EPA drinking water regulations for arsenic; and

Page H2817

Dent amendment that was offered and subsequently withdrawn which sought to prohibit any funds made available in the Act from being used to implement, administer, or enforce section 20(b)(1) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)).

Pages H2817–18

Point of Order sustained against:

The Chair sustained the point of order raised against the content of the measure beginning on page 73, line 3 and ending on page 73, line 8 that constituted legislation in an appropriations bill;

Page H2816

The Chair sustained the point of order raised against section 425, page 125, lines 3–25 stating that it constituted legislation in an appropriations bill in violation of clause 2 of rule XXI;

Pages H2826–29

The Chair sustained the point of order raised against section 501 stating that it violated clause 2b of rule XXI; and

Pages H2829–30

Obey amendment that sought to increase funding for various accounts with a tax offset. Page H2817

H. Res. 818, the rule providing for consideration of the bill was agreed to by a recorded vote of 218 ayes to 192 noes, Roll No. 161, after agreeing to order the previous question by a yea-and-nay vote of 218 yeas to 191 nays, Roll No. 160.

Page H2765–73, H2773

President Messages: Read a message from the President wherein he notified the Congress of the continuation of the National Emergency with respect to Burma—referred to the Committee on International Relations and ordered printed (H. Doc. 109–110); and

(See next issue.)

Amendments: Amendments ordered printed pursuant to the rule appear on page 2834.

Quorum Calls—Votes: Three yea-and-nay votes and ten recorded votes developed during the proceedings of today and appear on pages H2772–73, H2773, H2774. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at midnight.

Committee Meetings

NO CHILD LEFT BEHIND IMPLEMENTATION

Committee on Education and the Workforce: Held a hearing on No Child Left Behind: How Innovative Educators Are Integrating Subject Matter To Improve
Student Achievement. Testimony was heard from public witnesses.

UNLOCKING AMERICA’s ENERGY RESOURCES

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled “Unlocking America’s Energy Resources: Next Generation.” Testimony was heard from public witnesses.

STOCKHOLM AND ROTTERDAM TOXICS TREATY ACT OF 2005


TRUTH IN CALLER ID ACT

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing on H.R. 5126, Truth in Caller ID Act of 2006. Testimony was heard from Tom Navin, Wireline Bureau Chief, FCC; and public witnesses.

REFORM REQUIREMENTS FOR REPORTING CASH TRANSACTIONS

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing on H.R. 5341, Seasoned Customer CTR Exemption Act of 2006. Testimony was heard from Robert W. Werner, Director, Financial Crimes Enforcement Network, Department of the Treasury; Michael F.A. Morehart, Chief, Terrorist Financing Operations Section, FBI, Department of Justice; Kevin A. Delli-Colli, Deputy Assistant Director, Financial and Trade Investigations, Office of Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; and public witnesses.

MILITARY PERSONNEL FINANCIAL SERVICES

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled “Financial Services Needs of Military Personnel and Their Families.” Testimony was heard from Valerie Melvin, Acting Director, Defense Capabilities and Management Team, GAO; and public witnesses.

RESPOND ACT OF 2006; DC FAIR AND EQUAL HOUSE VOTING RIGHTS ACT


HOMELAND SECURITY DEPARTMENT PERSONNEL AND SECURITY CLEARANCES

Committee on Homeland Security: Subcommittee on Management, Integration, and Oversight held a hearing entitled “Retention, Security Clearances, Morale, and Other Human Capital Challenges Facing the Department of Homeland Security.” Testimony was heard from the following officials of the Department of Homeland Security: K. Gregg Prillaman, Chief Human Capital Officer; and Dwight Williams, Director, Office of Security; Kathy L. Dillaman, Associate Director, Federal Investigations Processing Center, OPM; and public witnesses.

DARFUR—PROSPECTS FOR PEACE

Committee on International Relations: Held a hearing on the Prospects for Peace in Darfur. Testimony was heard from the following officials of the Department of State: Jendayi E. Frazer, Assistant Secretary, Bureau of African Affairs; and Lloyd O. Pierson, Assistant Administrator, Bureau for Africa, U.S. Agency for International Development.

NIGERIA’S STRUGGLE WITH CORRUPTION

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations held a hearing on Nigeria’s Struggle with Corruption. Testimony was heard from Linda Thomas Greenfield, Deputy Assistant Secretary, Bureau of African Affairs, Department of State; and public witnesses.

SHOULDER-FIRED MISSILE THREAT REDUCTION ACT


MISCELLANEOUS MEASURES; ANIMAL FIGHTING PROHIBITION ENFORCEMENT ACT


The Subcommittee also held a on H.R. 817, Animal Fighting Prohibition Enforcement Act of 2005. Testimony was heard from public witnesses.
PHYSICIANS FOR UNDERSERVED AREAS ACT

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims held a hearing on H.R. 4997, Physicians for Underserved Areas Act. Testimony was heard from Representative Moran of Kansas; Leslie G. Aronovitz, Director, Health Care, GAO; and public witnesses.

OVERSIGHT—ALTERNATIVE FUELS FOR TRANSPORTATION

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on the Energy and Mineral Requirements for Renewable and Alternative Fuels Used for Transportation and Other Purposes. Testimony was heard from W. David Menzi, Chief, Minerals Information Team, U.S. Geological Survey, Department of the Interior; and public witnesses.

MILITARY CONSTRUCTION, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2007

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. Under the rules of the House the bill shall be read for amendment by paragraph. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill), except as specified in the resolution. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions.

OVERSIGHT—EPA GRANTS MANAGEMENT

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held an oversight hearing on EPA Grants Management 2003–2006: Progress and Challenge. Testimony was heard from John B. Stephenson, Director, National Resources and Environment, GAO; and the following officials of the EPA: Bill A. Roderick, Acting Inspector General; Luis A. Luna, Assistant Administrator, Office of Administration and Resources Management; and Donald S. Welsh, Administrator, Region III.

BRIEFING—DENIAL AND DECEPTION

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy met in executive session to receive a briefing on Denial and Deception. The Subcommittee was briefed by departmental witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D 486)

H.R. 4297, to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006. Signed on May 17, 2006. (Public Law 109–222)


S. 1382, to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe. Signed on May 18, 2006. (Public Law 109–224)

COMMITTEE MEETINGS FOR FRIDAY, MAY 19, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2007 for the National Institutes of Health, 8:30 a.m., SD–192.

Committee on Homeland Security and Governmental Affairs: business meeting to consider the nominations of Robert J. Portman, of Ohio, to be Director of the Office of Management and Budget, Robert Irwin Cusick, Jr., of Kentucky, to be Director of the Office of Government Ethics, and David L. Norquist, of Virginia, to be Chief Financial Officer, Department of Homeland Security, Time to be announced, S–207, Capitol.

House

Committee on Appropriations, Subcommittee on Foreign Operations, Export Financing, and Related Programs, to mark up the Foreign Operations, Export Financing, and Related Programs appropriations for Fiscal Year 2007, 8 a.m., H–140 Capitol.
Next Meeting of the SENATE
10 a.m., Friday, May 19

Senate Chamber

Program for Friday: Senate will continue consideration of S. 2611, Comprehensive Immigration Reform Act.

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Friday, May 19

House Chamber

Program for Friday: H.R. 5385—Military Quality of Life and Veterans Affairs Appropriations Act for Fiscal Year 2007 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

Graves, Sam, Mo., E870, E872, E873, E875, E876, E877, E879
Kucinich, Dennis J., Ohio, E870, E873, E875
Larson, John B., Conn., E869
Maloney, Carolyn B., N.Y., E870, E874, E876
Moran, James P., Va., E879
Ortiz, Solomon P., Tex., E878
Rangel, Charles B., N.Y., E870, E874
Regula, Ralph, Ohio, E876
Ros-Lehtinen, Ileana, Fla., E878
Shays, Christopher, Conn., E869
Stark, Fortney Pete, Calif., E869
Thomas, William M., Calif., E876
Udall, Mark, Colo., E869
Walsh, James T., N.Y., E877
Wamp, Zach, Tenn., E873, E875

(House proceedings for today will be continued in the next issue of the Record.)