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House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. MCHUGH).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 6, 2006.

I hereby appoint the Honorable JOHN M. MCHUGH to act as Speaker pro tempore on this day.

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

PRAYER

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

Lord God, You alone are holy and almighty.

As the noble creatures of Your own making, all of us try to avoid any form of humiliation. Probably because of our deep sense of unconscious mortality, the sheer force of a powerful enemy or unbridled nature can diminish us with fear. The brash awakening of public embarrassment or the subtle put-down by a peer can humble anyone in a moment's notice.

From personal experience, we also know how You, O Lord, can breathe on our conscience or artfully collapse the falsehoods which uphold us. Then overwhelmed by the truth of ourselves, we stand humbly before You.

This afternoon, we as intelligent and responsible persons come before You and prayerfully bow our heads in humble submission to Your powerful presence. To seek Your blessing or to ask for Your pardon of our sins is simply to humble ourselves sincerely before You.

Guide us individually, as a government and as a nation, both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. GINGREY 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 26, 2006.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 26, 2006, at 4:00 p.m.:

That the Senate passed without amendment H.R. 3829.

That the Senate passed without amendment H. Con. Res. 418.

That the Senate passed S. 3322.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

IN RECOGNITION OF EUSEBIO PENALVER MAZORRA

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

Ms. ROS-LEHTINEN. Mr. Speaker, today I rise in memory of Eusebio Penalver Mazorra, who was one of the longest serving political prisoners and a man who President George W. Bush called a Cuban patriot. I would like to recognize his widow, Francis Martinez, who is with us today.

In Miami, Penalver led a group called ''Plantados until Freedom and Democracy Comes to Cuba,'' whose five founding members each spent more than 20 years in Castro's prisons. Eusebio himself spent 28 years in jail.

Penalver was a Cuban political prisoner who fought long and hard against Castro's tyranny. Born in Ciego de Avila, in Camaguey, Cuba, Penalver was a Plantado, a prisoner who firmly plants his feet in his cell and does not cooperate with his captors, and he struggled for freedom and democracy throughout his life.

He came to the United States as an exile in 1988, and he dedicated his life to fighting Castro's tyranny. He was loved and admired by our Cuban-American community for his dedication and courage in the fight for Cuba's liberty, and his presence will be sorely missed.

CONCERNS ABOUT LEVEL OF FUNDING OF AIDS DRUG ASSISTANCE PROGRAM

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

Mrs. CHRISTENSEN. Mr. Speaker, I rise to express my grave concerns about the level of funding for ADAP, the AIDS Drug Assistance Program, which is inadequate to support the more than 136,000 Americans currently

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dependent on ADAP for their life-saving HIV/AIDS medication, plus the 10,000 more who are likely to be added next year.

The 6-year historical ADAP underfunding is evident in the growing waiting lists, unacceptable eligibility rules and insufficient medication.

Current initiatives emphasis testing, which, I agree, is critical to addressing this epidemic. However, as a doctor, I am troubled by the ethics of testing Americans for HIV when we are not guaranteeing them access to treatment.

I am also disturbed that this underfunding will primarily impact low-income, uninsured Americans who are disproportionately from communities of color. And as a Member of Congress, I am ashamed that we are not doing all that we could and should to take care of the needs of all Americans with HIV disease.

I call on my colleagues to support full funding for Ryan White, including the $986.5 million level as identified by the National ADAP Working Group. Only by fully funding ADAP will we step up to our public health responsibility to treat all HIV positive Americans.

HONORING VETERANS ON THE 62ND ANNIVERSARY OF D-DAY

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

Mr. BARRETT of South Carolina. Mr. Speaker, there are no greater patriots than our veterans and those who proudly wear the uniform today.

On this day, 62 years ago, 3,393 brave, young American men lost their life storming the beaches of Normandy in defense of freedom. We must never forget their sacrifice.

I rise today, June 6, to say thank you to the greatest generation.

Today, our generation is faced with a similar choice, sit on the sidelines or defend freedom. And like World War II, our Nation has once again chosen to answer the call. America will always be freedom's defender.

D-Day was a turning point for Allied Forces in the European Theater, and 3 years after America joined the global war, victory seemed attainable.

I am honored to represent over 100 D-Day survivors, and I plan to call some of them today and let them know how grateful I am for their service. I encourage all Americans to reach out to a veteran today and thank them for their service and sacrifice.

DEPARTMENT OF HOMELAND SECURITY CUTS TO NEW YORK AND WASHINGTON NEED RETHINKING

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

Mr. ENGEL. Mr. Speaker, everyone knows that on September 11, 2001, nearly 3,000 New Yorkers were killed in the attack on the World Trade Center and, of course, several hundred as well here in Washington at the Pentagon. Yet the Department of Homeland Security has chosen to cut both New York and Washington by 40 percent of Homeland security funds for this year. It is absolutely mind-boggling and unbelievable and outrageous that New York and Washington would face these cuts. New York's money is scheduled to go down from $207.6 million in 2005 to $124.5 million in 2006.

Now, to add insult to injury, we hear that the Department of Homeland Security is cutting New York's bioterrorism money 15 percent as well, so that in New York, per capita New York would receive $2.99 per resident to fight bioterrorism, while the good people of Wyoming would receive $9.72 cents per person to fight bioterrorism, and the good people of North Dakota would receive $8.09 per person to fight terrorism.

We all know the threat in North Dakota and Wyoming is not nearly as great as New York. What is Secretary Chertoff thinking? What are they thinking over there? Their policies and their thoughts need to change.

CONGRATULATING UPSON-LEE MIDDLE SCHOOL IN THOMASTON, GEORGIA

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

Mr. GINGREY. Mr. Speaker, I rise today to congratulate Upson-Lee Middle School in Thomaston, Georgia, on being recognized as a ''School to Watch'' by the National Forum to Accelerate Middle Grades Reform.

This award recognizes Upson-Lee's academic excellence, especially the school's commitment to challenging every student's mind. Upson-Lee was one of only 82 schools nationwide to receive this honor.

Mr. Speaker, I want to thank Upson-Thomaston Superintendent Howard Hendley, Upson-Lee Principal Patsy Dean and all the Upson-Lee teachers, administrators and parents for the dedicated work on behalf of Georgia's children.

As a former school board chairman, I know the importance of a good middle school education. Our children learn more when they are inspired by the leadership of teachers and principals, and Upson-Lee is doing a great job inspiring the youth of Thomaston.

Mr. Speaker, I ask you to join me in congratulating Upson-Lee Middle School on this exciting recognition.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. GILLMOR) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 26, 2006.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 26, 2006, at 9:45 a.m.:

That the Senate passed without amendment H.R. 1953.

That the Senate passed without amendment H.R. 5401.

That the Senate passed S. 633.

That the Senate passed S. 2784.

That the Senate passed S. 2856.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

APPOINTMENT AS MEMBER TO PUBLIC INTEREST DECLASSIFICATION BOARD

The SPEAKER pro tempore. Pursuant to section 703(c) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note), and the order of the House of December 18, 2005, the Chair announces the Speaker's appointment of the following member on the part of the House to the Public Interest Declassification Board for a term of 3 years:

Admiral William O. Studeman, Great Falls, Virginia.

HOUSE LEADERSHIP DOING RIGHT THING ON IMMIGRATION

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

Mrs. BLACKBURN. Mr. Speaker, we have all just returned from being in our districts talking with our constituents about the issues that are important to them.

One thing that I have heard over and over in my district, Mr. Speaker, is border security. This is an issue that my constituents and Americans care about. This is an issue where they want to see some action. It is the problem that most of them want to see us address, and they will not accept any sort of amnesty for those who have chosen to enter this country by breaking the law.

We need to secure the border. We need to get a hold on illegal entry into this country. That is the number one priority. And I thank the House leadership for doing the right thing on this issue. Chairman SENSENBRENNER has passed a good, solid bill that addresses the problem. The Senate has not. The American people know it.

We look forward to continuing this debate and encouraging all to join in securing the border as our first step toward controlling illegal entry into this great Nation.

□ 1415

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 5441, and that I may include tabular material on the same.

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

There was no objection.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 836 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5441.

□ 1415

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. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, with Mr. MCHUGH (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Thursday, May 25, 2006, the amendment by the gentleman from Colorado (Mr. TANCREDO) had been disposed of and the bill had been read through page 62, line 17.

Pursuant to the order of the House of that day, no further amendments to the bill may be offered except those specified in the previous order of the House of that day, which is at the desk.

AMENDMENT OFFERED BY MR. CULBERSON

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CULBERSON:

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

SEC. ____. None of the funds made available in this Act may be used to process applications or petitions for immigration benefits submitted to the United States Citizenship and Immigration Services until October 1, 2007. This section shall not apply with respect to—

(1) processing applications or petitions submitted before October 1, 2006, for such benefits; and

(2) processing applications or petitions relating to visas under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) (commonly referred to as H–1B nonimmigrant visas).

The Acting CHAIRMAN. Pursuant to the order of the House of May 25, 2006, the gentleman from Texas (Mr. CULBERSON) and a Member opposed each will control 5 minutes.

Mr. SABO. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The gentleman reserves a point of order.

The Chair recognizes the gentleman from Texas.

Mr. CULBERSON. Mr. Chairman, I bring this amendment to the House today to focus the attention of the House, of the White House, of the country on an urgent and very serious problem with the Citizen Immigration Service.

CIS is responsible for reviewing and approving any application for citizenship, for green cards, for visas, for I–90s for people entering the United States temporarily or permanently.

Yet this agency is so incompetent and so poorly run, all of us know, those of us representing border States, that the level of illegal immigration in the country is overwhelming. We have got people entering the country literally at will over our borders.

Based on my own investigation, what I have learned from visiting the border firsthand, it is possible for terrorists to enter the United States just walking over the border, or frankly they can come right through the front door at the Citizenship and Immigration Service offices, the CIS offices, because the agency is not running criminal background checks on people applying for visas or green cards or I–90s or citizenship.

The agency, when they do run background checks, the Inspector General reports, that among people who are applying to enter the United States temporarily, there is a 90 percent error rate in security checks being run on these folks. If you are entering as a refugee, there is a 64 percent error rate.

Now, this is on running criminal background checks on foreign nationals seeking to enter the United States, at a time when we are at war with terrorists who we know are seeking to enter the United States to hurt us. The terrorists who attacked us on September 11 were using dozens and dozens and dozens of fraudulent driver's licenses, phony IDs; they were, many of them, visa overstays.

This agency is so incompetent, so poorly run that in fact they even hired an Iraqi spy and swore him in as an officer of the United States to interview foreign nationals applying to enter the United States. This was reported first in the Washington Times on April 6.

After this was confirmed that this guy was an Iraqi spy, he flew to Baghdad and walked out of the Green Zone and disappeared. This is a huge national security problem, Mr. Chairman. And the problem is really systemic throughout CIS, because their focus is not on national security, but customer service.

This agency's sole primary motivation is on the convenience of the foreign national, to make sure that Osama bin Laden's cousin out in the lobby is not hindered or slowed down in any way, that his application is stamped and approved as rapidly as possible.

Chairman ROGERS has done a superb job in doing everything that he can to bring the CIS, and ICE and Homeland Security, to heel. I know he is aware of the severity of this problem.

My amendment would stop the use of any funds for CIS to process immigration applications other than H1Bs for 1 year, so they can catch up and catch their breath. We know the backlog is so bad right now that they are simply overwhelmed, they are years behind. We know they are not running criminal background checks, and the criminal background checks they do run on these foreign nationals are just riddled with errors.

My amendment is intended to shut that process down for a year to allow them to catch up. The Homeland Security reauthorization is coming up this summer. I intend to pursue this very aggressively with Chairman KING. I bring this amendment to the attention of the House today and do intend to withdraw it.

I understand we need to work through the Homeland Security authorization bill on this, Mr. Chairman. But it is an extraordinarily serious and dangerous problem that the country needs to be aware of. There has even been information brought to my attention and to the chairman's attention that the foreign intelligence agencies have probably penetrated CIS at very high levels and are able to remotely print out visas, I–90s, passports, citizenships to fraudulent individuals remotely on command using laptop computers from anywhere in the world.

This agency I think poses a very serious threat to the national security of the United States. I intend to pursue it very aggressively with the reauthorization of the homeland security bill.

Mr. Chairman, I offer this amendment to the House today to focus the House's attention on it, bring it to the attention of the Nation. And I thank the chairman, Chairman ROGERS, on trying to clear up this agency and homeland security.

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

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

There was no objection.

AMENDMENT OFFERED BY MS. MATSUI

Ms. MATSUI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MATSUI:

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

SEC. ____. None of the funds made available in this Act may be used to carry out the policy of the Department of Homeland Security

that the risk-based formula used for purposes of the Urban Area Security Initiative does not take into account strategic defense considerations, local government assets that serve the military, proximity to international borders, presence of visitors to the urban area, the presence of drug trafficking and other organized crime activities that relate to terrorism, or the catastrophic and cascading effects of an attack on critical infrastructure including dams and levees.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of May 25, 2006, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MATSUI. Mr. Chairman, in January, the Department of Homeland Security made significant changes to our homeland security effort. They announced the areas eligible for fiscal year 2006 UASI grants.

For the first time, Sacramento and San Diego were not identified as high-risk areas. While Sacramento and San Diego did receive fiscal year 2006 funding, the new eligibility guidelines have put our funding for next year and beyond in jeopardy.

Sacramento is the capital of the sixth largest economy in the world and home to dozens of critical Federal and State governmental buildings. Much of the State's water, electricity, and telecommunications systems are managed from Sacramento. Of considerable concern is an attack on Sacramento's dams and levees, not only because of potential loss of life and impact to Sacramento's families, but an economic impact as well. According to a Sacramento Bee analysis, the economic impact of a major flood in Sacramento would cost the region $35 billion. This is damage to homes, loss of jobs, and government revenues.

The San Diego area contains the Nation's seventh largest city adjacent to a heavily trafficked international border, a busy port, and tourist attractions. Nor should it be overlooked that a number of naval and Marine bases are located in San Diego, including the largest naval base in the country.

With fewer installations after four rounds of BRAC, an attack on even one could result in even greater impact. An attack of either of these cities would have repercussions well beyond our region.

Therefore, Congressman FILNER and I have very real concerns about DHS's new eligibility guidelines accurately addressing our homeland security needs. We all agree that a risk-based grant program is an effective use of our limited resources. However, policy is only as good as the information that goes into it.

DHS has already acknowledged that it failed to take into account the catastrophic downstream impact to my district if there were an attack on Folsom Dam. This only raises the question of what other targets have they overlooked.

That is why we need to ensure that DHS properly considers the catastrophic and cascading effects of an attack on critical infrastructure such as dams and levees, as well as determine a way to factor in the presence of drug trafficking and other organized crime activities that relate to terrorism and strategic defense considerations.

This amendment would withhold funding until DHS has properly addressed these issues. It would ensure accountability. It is important that DHS address these concerns. We need increased transparency and understanding of the process before the next UASI review is conducted.

Unfortunately, it is unlikely that a DHS reauthorization bill will come to the floor before the next risk assessment begins.

As a result, we must take this opportunity to require DHS to perform a thorough threat assessment of each urban area. We have an obligation to ensure we are meeting our national security needs. But the questions surrounding the UASI grant eligibility draw into question whether we are meeting that need.

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

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI, which states, in pertinent part, an amendment to a general appropriations bill shall not be in order if changing existing law.

This amendment prescribes a policy. I ask for a ruling from the Chair.

The CHAIRMAN. Are there Members desiring to be heard on the point of order?

Ms. MATSUI. Mr. Chairman, I wish the gentleman would withdraw his point of order.

The CHAIRMAN. The Chair is prepared to rule.

The amendment embodies a statement of policy, not by way of citation but instead by prescription. As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

Page 62, after line 17, insert the following:

SEC. 537. None of the the funds appropriated or otherwise made available in this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

Mr. SABO. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of May 25, 2006, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, today I am offering an amendment on behalf of Representative CAMPBELL. This amendment prevents State and local governments who refuse to share information with Federal immigration authorities by adopting sanctuary policies from getting Federal funds in this appropriation.

Mr. Chairman, there are some cities and States around the country that have such laws, and they blatantly encourage illegal immigration. Such laws prohibit law enforcement officials from reporting to the Department of Homeland Security illegal aliens when they are discovered through the normal course of law enforcement practice.

Section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 makes it illegal for local and State governments to adopt such laws.

These laws, known as sanctuary policies, prevent open communication between local and Federal law enforcement and pose a great risk to all American citizens. We cannot risk letting a dangerous criminal walk out of the sanctuaried city and possibly into our community instead by being deported as the law dictates.

Across the Nation there are repeated examples of illegal aliens, who, on multiple occasions, have been apprehended by local governments only to be released to commit other crimes.

□ 1430

The Washington Times has reported that in a December rape of a woman in New York, four of the five men charged in the case were illegal immigrants, and three had prior convictions that, in keeping with Federal law, would have allowed their deportation. Unfortunately, because the New York City sanctuary policy which prevented city police from sharing information with Federal immigration authorities, these criminals were released by local law enforcement authorities rather than deported. Had New York not enacted a sanctuary policy, this rape may never have happened. Why take a chance on letting another rapist or potential terrorist walk out of a sanctuary city police station and possibly into your community instead of being deported.

Sanctuary policies allow local governments to effectively set up their own patchwork of individual immigration sanctuaries. This directly usurps the authority granted to the Federal Government under the Constitution to establish our Nation's immigration policies. Some may argue that this amendment would coerce State and local police officers to step into the role of Federal immigration agents.

This is a false argument, Mr. Chairman. The Campbell amendment would not require States and local officials to assume any new duties. It would merely ensure that local and State law enforcement agencies obey existing Federal law and cooperate with Federal officials.

It is clear that we need a mechanism to ensure compliance. This amendment provides one by withholding Federal funding from those localities that prohibit law enforcement from sharing information with our Federal enforcement authorities.

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

The CHAIRMAN. Does the gentleman from Minnesota insist upon his point of order?

Mr. SABO. Mr. Chairman, under my reservation, I would like to direct some questions to the gentleman from Iowa. I have trouble understanding the amendment.

The CHAIRMAN. The gentleman may continue to reserve the point of order and be recognized for 5 minutes.

Mr. SABO. Under my reservation, I would like to ask the gentleman from Iowa some questions.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SABO. Mr. Chairman, would the gentleman tell me, does the Department have the authority, not the authority but is the Department doing what the gentleman suggests today?

Mr. KING of Iowa. Which department do you refer to?

Mr. SABO. The Department of Homeland Security.

Mr. KING of Iowa. I don't believe that the Department of Homeland Security is enforcing this law currently, and I do believe they should. But this is the most expeditious method by which we can get enforcement of a law that has been on the books for 10 years and it is a clear law.

Mr. SABO. So the gentleman is suggesting that he wants the Department to be doing something that they are not doing today?

Mr. KING of Iowa. I am suggesting that local government is directly violating the law, and this is the most expeditious way to get compliance of the Federal law.

Mr. SABO. My question was not about local government. It was about whether DHS would be doing something under his amendment that they are not doing today.

Mr. KING of Iowa. I don't direct DHS to do anything under this amendment except to evaluate if the local governments are receiving funds under this appropriations and if they have a sanctuary policy that is on the books.

Mr. SABO. What DHS funding is used today in contravention of section 642(a) of the 1996 Immigration Act?

Mr. KING of Iowa. I think if the gentleman would, that we understand that funds are fungible, and when they go into an appropriations process to a local government, that there can be interdepartmental transfers within those local governments that would be very difficult to track and give a precise answer to. But if funds are going into a local government and local government has a sanctuary policy, one can presume that some of those dollars are being used to support the sanctuary policy. And that is what this amendment seeks to prevent.

Mr. SABO. So DHS would have to clearly be tracking significantly more money than they track today?

Mr. KING of Iowa. Did you say keep track of?

Mr. SABO. Tracking of how the money is spent that they do not do today?

Mr. KING of Iowa. I think it is very clear that these sanctuary policies are printed, they are a matter of public record. There are a limited number of jurisdictions. Although it is a significant list, it is still limited. And it is not a difficult task to identify communities. They self-identify. And if it gets to be a bit too much work for DHS, I would be happy to provide the list to them, sir.

Mr. SABO. Mr. Chairman, I would suggest that from the answers this gentleman has given, that this clearly is putting additional responsibilities on the Department of Homeland Security.

POINT OF ORDER

The CHAIRMAN. Does the Chair understand the gentleman to insist upon a point of order under clause 2 of rule XXI?

Mr. SABO. Yes, I do.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. KING of Iowa. Yes, Mr. Chairman. I point out that the language of the amendment merely requires the Federal official administering these funds to comply with Federal law. A new duty is not required in the face of the amendment, and because we are simply asking them to comply with current Federal law, I don't adjust that at all in this amendment. There is no policy change other than the requirement to comply with existing law that passed in 1996.

The CHAIRMAN. Are there other Members desiring to be heard on the point? If not, the Chair is prepared to rule.

The Chair will judge the amendment on its face. It proposes to limit funds for a specified set of activities. The amendment does not impose new duties and, therefore, constitutes a valid limitation. The Chair would note that the same amendment was ruled in order on May 17, 2005. The point of order is overruled.

The gentleman from Iowa has 2½ minutes remaining.

Mr. KING of Iowa. Mr. Chairman, having had that discussion, I think it does clarify this amendment significantly and that it is important for us to look across this Nation. Once the sanctuary cat got out of the bag some years ago and local governments began passing for their own local interests sanctuary policies that directly contravene the 1996 Federal law, city after city picked up this policy, and we have three States that also have sanctuary policies.

The result of these sanctuary policies has been that we have had people who have been into these cities who have been picked up for a number of reasons, whether they be for traffic violations, minor crime, assault, issues of that nature where they come in the course of contact with law enforcement, and because of the sanctuary policies, the officers have been prohibited from passing these individuals along to, at that time, the INS, and now the Department of Homeland Security for deportation.

The result of that has been the death of at least one police officer in every major city in America. Not as a statement on the magnitude of this problem, but as samples of a magnitude that is far greater than that, we have got to have enforcement of our immigration laws. American people are not going to accept an immigration policy that would come at them without enforcement of our laws and this is one way to demonstrate the will of this Congress.

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

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

The Acting CHAIRMAN (Mr. MCHUGH). The gentleman is recognized for 5 minutes.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank the ranking member.

This amendment attempts to penalize States and localities that have confidentiality policies in place. These policies are supported by our State and our local law enforcement because they encourage immigrant communities to come forward and to report crimes without fearing that immigration status will come under scrutiny. And believe me, back in Orange County, in Anaheim, in Santa Ana and some of the other cities I represent, my police chiefs are very adamant about this issue.

If crimes are occurring and if the witnesses we have are immigrants, immigrants without documents, if they believe that they will be taken or deported, they are not going to want to come forward and tell us what is happening. This is very important. It is important in hit and drive car accidents, in execution style things that happen in some of the Asian communities. This is a very important issue for our local law enforcement.

The message of this amendment would say, it would intimidate immigrants and it would make them less likely to report the crimes to law enforcement or to assist law enforcement. It would hamper the State and local law enforcement's work by intimidating the potential witnesses and

community members that would help to solve these crimes. In fact, this is opposed by the National League of Cities, the National Conference of State Legislatures, and the National Association of Counties. They all oppose this amendment.

So please protect local government's independence and choice. Keep local public safety decisions and resources local and oppose this amendment.

Mr. SABO. Mr. Chairman, I would oppose this amendment. I read the amendment. I am not sure it does what the gentleman from Iowa says it does. I am not sure it does anything, but if it does something, then it is very comprehensive. It either does nothing or else potentially has the ability to limit how DHS responds to emergency and disaster relief. It either does nothing or it may limit what border patrol can do in certain cities in this country. I am not sure which. It either does nothing or it does something significantly more than what the gentleman has suggested.

Mr. Chairman, I would urge the House, as it has the last 3 years, to reject this amendment.

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

Mr. KING of Iowa. Mr. Chairman, how much time do I have remaining?

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

Mr. KING of Iowa. Mr. Chairman, in response to the gentleman and the gentlewoman's remarks, either this amendment does something or it does nothing. We thought when the 1996 Act was passed, it did something, and we found out it has done nothing because local government has defied Federal law. So I am not swayed by the argument that NSCSL or the League of Cities or the counties oppose this amendment. They are the people that are contravening Federal law today. It is the Congress that sets the Federal law, not local government. We need to support this amendment for those reasons.

With regard to the gentlewoman from California's remarks on her confidentiality policy which I had described as a sanctuary policy, undocumented immigrants would be intimidated not to take their cases to law enforcement. I understand that argument. And in fact, one is swayed by that to some degree. But the other side of this is that we have millions of American citizens that we need to attend to. And if we are going to enforce our laws, that argument will always be an argument that can come to this floor to make the case that we should not enforce them because it might intimidate people who are living beyond the law.

Mr. Chairman, I ask support for this amendment. It is prudent. It is reasonable. It supports existing Federal law.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

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

Ms. LORETTA SANCHEZ of California. 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 Iowa will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. DEAL OF GEORGIA

Mr. DEAL of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. DEAL of Georgia:

Page 62, after line 17, insert the following:

SEC. 537. None of the funds appropriated in this Act may be used to grant birthright citizenship to the children of those individuals who are not subject to the jurisdiction of the United States, including the children of illegal aliens.

The Acting CHAIRMAN. Pursuant to the order of the House of May 25, 2006, the gentleman from Georgia (Mr. DEAL) and a Member opposed each will control 5 minutes.

Mr. SABO. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The gentleman from Minnesota reserves a point of order.

The Chair recognizes the gentleman from Georgia.

Mr. DEAL of Georgia. Mr. Chairman, this amendment relates to the issue of birthright citizenship and is a prohibitive amendment for using funds under this appropriations's bill for the purpose of implementing and granting birthright citizenship.

The issue is one that I think has now caught the attention of the American public and rightfully so. The Center for Immigration Studies estimates that some 383,000, or 42 percent of births to immigrants are to illegal alien mothers. Births to illegal immigrants now account for nearly one out of every ten births in the United States.

We are in a distinct minority in the world community in recognizing birthright citizenship. There are only 36 countries that do so, 122 do not. Of the 36 that do, the United States, Cuba, El Salvador, Guinea, and Venezuela are in that list. On the other hand, the vast majority of all westernized countries, including every single European country along with Israel and Japan, do not offer birthright citizenship.

□ 1445

In fact, Ireland in 2004 changed their law to no longer recognize birthright citizenship.

The magnitude of the problem is, in fact, astounding. The Center for Immigration Studies found that illegal immigrants cost the United States taxpayer about $10.4 billion a year. A large part of that expense stems from the babies born each year to illegal immigrants.

In my State of Georgia, a normal, noncesarean section child delivery, with no complications, costs an average of $2,720. Born United States citizens, these children are eligible for all benefits of citizenship, including, but not limited to, education, Medicaid, and welfare.

In one of their own publications, the Department of Homeland Security states: ''An industry has developed around this practice of crossing the border illegally specifically to give birth, with travel agents specializing in birth tours and clinics providing postnatal care, which includes transportation services. For those seeking entry into this country, it is a small price for legal entry and social service benefits that accrue with citizenship.''

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON), my colleague.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding, and I thank him for the leadership on this amendment.

While I know there is a question about a point of order, I think it is important to point out that this legislation is also in the form of a bill which has over 80 cosponsors; and as I look at this, one thing to keep in mind is that if you are flying in an airplane right now, regardless of the origination, regardless of the destination, if you pass the south tip of Florida or the extreme islands of Alaska, if you are born while over those U.S. properties, you become an American citizen, which is an extremely liberal, broad policy in terms of granting one of the most precious things that we as Americans have and that is citizenship.

Now, recently, the U.S. Senate passed a bill which probably is not going to get a lot of support in the House on either side of the aisle, but one of the big criticisms of it is that it grants citizenship too easily to people and the reason why that criticism is there is not because, okay, you have got 11 million people who may be here illegally and those would become citizens overnight. It is that once those 11 million become citizens, they petition to have their mom, dad, cousin, brother, aunt brought in. So you actually have 11 million times three or 11 million times four. It depends on who is doing the calculation.

That is exactly what happens here when a mother comes in illegally and has a baby. The baby automatically can start petitioning to bring the illegal mom, the illegal dad, the illegal brother and sister in and break in line in front of people who have been going through the process for many years.

Recently on the Capitol steps, I had an opportunity to go to a reenlistment ceremony for a woman from Poland. She had already been in Iraq. She had already been deployed and served the United States of America for 1 year in Iraq and was a member of the U.S. Army Reserves, but she was not yet a citizen. I do not think it is right to

have somebody break in line in front of her, a war veteran, who got in here illegally.

I support ending the birthright citizenship. As I understand, 122 nations no longer have that, and I think America should become one of them.

Mr. CROWLEY. Mr. Chairman, I rise today in strong opposition to Deal Amendment to H.R. 5441 The Homeland Security Appropriations Act, changing the requirement for granting birthright citizenship.

At a time when Congress is trying to find a solution to immigration, a problem that tears at the very fabric of our Nation, the Deal Amendment is a hateful amendment that does nothing to improve our security or fix this country's immigration problem.

We cannot under the guise of security, specifically target undocumented individuals, who are here working and contributing to our economy. This amendment will turn children who are born in the United States into stateless babies, who will be forced to grow up and live in the shadows of our society.

This is another far-right Republican approach that does nothing to secure our borders or our country nor contributes in any positive way to this immigration debate. The people of the United States deserve hard work and legislation that helps solve problems and not create them.

All this amendment accomplishes is to create a permanent underclass that will be forced to live on the fringes of our society. Attempting to eliminate birthright citizenship will create a whole new immigration problem. And these poor children are going to stay here because they will not have a country to go to.

When will we learn that unjust and discriminatory legislation does not work? To deny citizenship to children born within our borders is not only unconstitutional but immoral. We are turning our backs on the very principle that this country was founded on. The notion of the American Dream is being trampled on by the Deal Amendment and by those who would support such legislation in this House.

Immigration is a serious problem that requires real solutions. And Homeland Security is too important to be used as a tool of discrimination. I oppose this Amendment.

POINT OF ORDER

Mr. SABO. Mr. Chairman, I insist on my point of order against the amendment. It clearly constitutes legislation on an appropriation bill, which is in violation of clause 2, rule XXI.

The Acting CHAIRMAN (Mr. MCHUGH). Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language imposing new duties, and the amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not order.

AMENDMENT OFFERED BY MR. OBEY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

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

TITLE VI—PREPARING FOR AND PREVENTING KNOWN THREATS AND IMPROVING BORDER SECURITY

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $880,000,000, to remain available until expended, for 1,800 additional border patrol agents, 300 additional customs agents and inspectors, improvements to the automated targeting system as recommended by the Government Accountability Office, and expansion of the Container Security Initiative.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'', $170,000,000, to remain available until expended, for additional operating hours, the purchase of additional air assets, aircraft recapitalization, and establishment of the final northern border airwing.

CONSTRUCTION

For an additional amount for ''Construction'', $300,000,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For and additional amount for ''Salaries and Expenses'', $730,000,000, to remain available until expended, for not less than 9,000 additional detention beds and 800 additional immigration enforcement agents.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for ''Aviation Security'', $200,000,000, to remain available until September 30, 2008, for checkpoint support technology and passenger, baggage, and cargo screening.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $50,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'', $200,000,000, to remain available until September 30, 2008, for the automatic identification system.

PREPAREDNESS

OFFICE OF GRANTS AND TRAINING

STATE AND LOCAL PROGRAMS

For an additional amount for ''State and Local Programs'', $1,090,000,000, of which $536,000,000 shall be for formula-based grants; $214,000,000 shall be for discretionary grants in high-threat, high-density urban areas; $100,000,000 shall be for intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; $200,000,000 shall be for port security grants; and $40,000,000 shall be for grants to States pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109–13).

FIREFIGHTER ASSISTANCE GRANTS

For an additional amount for ''Firefighter Assistance Grants'', $150,000,000, of which $75,000,000 shall be available to carry out section 33 of the Federal Fire Prevention and Control Act (15 U.S.C. 2229) and $75,000,000 shall be available to carry out section 34 of such Act (15 U.S.C. 2229a).

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for ''Emergency Management Performance Grants'', $150,000,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

READINESS, MITIGATION, RESPONSE, AND RECOVERY

For an additional amount for ''Readiness, Mitigation, Response, and Recovery'', $50,000,000.

FLOOD MAP MODERNIZATION FUND

For an additional amount for ''Flood Map Modernization Fund'', $150,000,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $30,000,000, to remain available until expended.

DOMESTIC NUCLEAR DETECTION OFFICE

For an additional amount for ''Domestic Nuclear Detection Office'', $100,000,000, to remain available until expended, for the purchase and deployment of radiation detection equipment.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. In the case of taxpayers with income in excess of $1,000,000, for calendar year 2007 the amount of tax reduction resulting from the enactment of Public Laws 107–16, 108–27, and 108–311 shall be reduced by 10.3 percent.

SEC. 602. The amounts appropriated by this title shall be available for obligation, and the authorities provided in this title shall apply, upon the enactment of this Act.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Pursuant to the order of the House of May 25, 2006, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

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

Mr. Chairman, the President said in December of 2004 that the intelligence bill, ''took an important step in strengthening our immigration laws by, among other items, increasing the number of Border Patrol agent.'' Yet neither the Congress nor this administration has provided the funding for those increased agents.

The committee bill falls short in meeting our border security responsibilities. The committee bill cuts 300 agents from the Bush Border Patrol agent request. It is 1,800 agents short of 4,000 additional Border Patrol agents called for in the Intelligence Reform Act. The committee bill cuts 1,846 detention beds from the Bush request. That is 9,000 detention beds short of the bed space called for in the Intelligence Reform.

My amendment would provide an additional $2.1 billion to increase border enforcement. It would fund an additional 1,800 border patrol agents above

the committee bill and meet the Intelligence Reform Act requirements.

It would also fund an additional 9,000 detention beds above the committee bill and meet the Intelligence Reform Act requirements on that front. The detention bed space level funded by my amendment would meet the 34,653 detention bed level recommended by the DHS Inspector General as necessary to detain all criminal aliens and aliens from special interest countries.

My amendment would further increase our border detection capacities by providing funding for additional air patrols and operating hours, by cutting in half the number of unfunded radiation portal monitors, and by replacing old Border Patrol vehicles and expanding border facilities.

It would also provide for the port security grant program at the $400 million level passed by the House in the Safe Port Act 2 weeks ago. The committee bill provides only $200 million for those grants, and it contains a number of other increases.

Despite the lessons from Hurricane Katrina, the committee bill cuts funding for programs geared to improve the preparedness of local police, fire departments, and emergency responders by $186 million, or almost 6 percent, from 2006. My amendment would provide additional funding for State emergency managers, for firefighters and for updating flood maps in critical, high-risk areas more quickly.

It would also provide an additional $750 million for urban areas and State homeland security grants so that all States and urban areas would receive at least as much as they received in 2005 or 2006, whichever is the highest. That would mean, for instance, that New York would receive almost $115 million more than it received in the recent DHS grant announcement. It would mean that Washington, D.C., would receive $40 million more than it received in the recent grant announcement.

This amendment would also provide more funding for aviation explosive detection for air cargo and for passenger and carry-on bags.

The amendment is fiscally responsible. It would offset the $4.5 billion in additional funding by capping the tax cut that people making over $1 million this year would receive at $102,400 instead of $114,200.

I would urge the chairman to withdraw his point of order against the amendment so that the House could have an opportunity to meet these essential national obligations.

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

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI. I ask for a ruling.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, the purpose of this amendment is to meet critical national responsibilities that the President of the United States has already indicated we should be meeting and that this Congress has indicated on previous occasions that we should be meeting.

Unfortunately, because of the rules under which the House is operating, the gentleman is technically correct. The House could vote on this amendment if the House Republican leadership saw fit to allow us to do so, but I must say that under the rules that the House is operating under I must reluctantly concede the point of order.

The Acting CHAIRMAN. The point of order is conceded and sustained.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

I rise at this moment only because I intended to do this at the beginning of the presentation of the bill and I was unable to be on the floor, but it is very important for the Members to know that the combination of work between the chairman of this subcommittee and our ranking member, Mr. ROGERS and Mr. SABO, reflects the very best work of the House and the Appropriations Committee.

This is the fifth bill that will be coming off the floor in an effort to have all our bills completed with their work on the floor by the 4th of July break. Without their fabulous partnership, this would not have been possible today.

In the bill overall, they provide approximately $32 billion for homeland defense, but I want to for those Members who are most concerned about that pattern whereby we are reducing patterns of growth in government to have them realize that this year's homeland security bill terminates six programs, resulting in $154 million in taxpayer savings. More importantly, in the five appropriations bills considered on the House floor thus far this year, the Appropriations Committee has recommended the termination of 22 programs for a total savings of $1.082 billion.

This is a very important piece of work. It shows the kind of imagination we need if we are going to be able to effectively carry forward this war on terrorism that is first international, but most important, important relative to our homeland defense and homeland security.

I want to congratulate the gentlemen and members of the committee on both sides of the aisle.

AMENDMENT OFFERED BY MR. KINGSTON

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KINGSTON:

Page 62, after line 17, insert the following:

SEC. 537. None of the funds made available by this Act may be used to provide a foreign government information relating to the activities of an organized volunteer civilian action group, as defined by DHS OIG–06– 4, operating in the State of California, Texas, New Mexico, or Arizona, unless required by international treaty.

The Acting CHAIRMAN. Pursuant to the order of the House of May 25, 2006, the gentleman from Georgia (Mr. KINGSTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

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

Mr. Chairman, what this amendment does is it clarifies Congress' position on a Border Patrol practice or a practice of the U.S. Government that tips off illegal immigrants as to where citizen patrols may be located. As we know, we had lots of testimony and lots of visits from people along the border, and we have seen lots of cameras and lots of videos about just the total lawlessness of people coming illegally over the border at night.

As a response in that area, a group has sprung up called the Minutemen Project, and the Minutemen Project is definitely not politically correct in Washington, D.C. However, they filled a void which the government was unable to fill.

There are over 7,000 volunteers in the Minutemen organization, and I am sure, like any other group of 7,000 people, you could find a bad apple or two. Yet, at the same time overall, their help has been productive and good. In fact, the Border Patrol itself in a CRS study indicates how helpful they have been, and their involvement has reduced the number of apprehensions of people coming over. That is because their folks are watching the border.

What my amendment does is simply says that the U.S. Government cannot tip off the Mexican officials as to where these folks are located. Plain and simple, nothing fancy about it. I am sure the Border Patrol will say, oh, no, we are not doing that, and yet one of the Web pages of the Secretary of Mexico had the information very explicit, and we just do not believe that is a good practice.

So what we wanted to do is confirm Congress' position in an amendment.

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

□ 1500

Mr. SABO. Mr. Chairman, I claim the time in opposition; but, Mr. Chairman, I don't rise in opposition.

The Acting CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. SABO. Mr. Chairman, we are told by Customs and Border Patrol that this amendment has no effect on its operation because it only shares information when it is required by international treaty, the same as what this amendment says. So to the best of my

knowledge this amendment simply restates what is policy.

If people want to put it in the bill, I guess that is okay because it apparently does nothing.

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

Mr. KINGSTON. Mr. Chairman, how much time do I have?

The Acting CHAIRMAN. The gentleman from Georgia has 3 minutes remaining.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman for yielding.

You know, the real shame of it is that we are even having to talk about this today. We ought to have a better neighbor on the border than Mexico has proven to be. I know they have economic incentives and reasons why they want their citizens to come illegally into our country, but they should not be put in a position of being tipped off to where citizens of this country are who are performing a service that, here again unfortunately is one that the Federal Government itself ought to be performing in a better fashion, and that is patrolling our borders.

It is regrettable that the Mexican government sometimes knows more about what is going on on our side of the border than we appear sometimes to know ourselves. The Minute Men have provided a service. It is a service that perhaps should be unnecessary if the Federal Government were doing its job adequately and appropriately.

I commend the gentleman from Georgia for offering this amendment, and I urge this body to support it.

Mr. KINGSTON. Mr. Chairman, I yield 1 minute to my friend from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the gentleman for offering this amendment, and also I am thankful to hear from the other side of the aisle that they believe we should go forward and that this doesn't add anything to it other than what existing law is the case.

I hope that is the case, because it was last month I sent a letter to the U.S. Customs and Border Protection, and I did that in response to an article in the Inland Valley Daily Bulletin and reports on various media outlets that stated the U.S. Border Patrol had in fact been informing the Mexican government of the location of the Minute Men and other similar U.S. patrols throughout the border. I sent that letter specifically to say what is our policy, or how are they conducting themselves.

It was also reported that the U.S. Customs and Border Protection spokesman told the media outlets that the policy is meant to ensure the Mexican government that the migrant rights are being observed.

I applaud the gentleman for doing the amendment because we know at the end of the day we here in this House are most concerned about the rights of the American citizens and the safety and protection of the American citizens, and I think his amendment goes a long way to making sure that our rights, our citizens' rights and their safety will be protected so that this information is protected and kept here.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for his support and comments, and I thank my friend from Minnesota on it.

Out of an abundance of caution, I do plan to ask for a recorded vote on this. And the caution is not with anybody in this Chamber, but with our friends in the bureaucracy outside of here; that sometimes we need to have a little statement for them.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. KINGSTON).

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

Mr. KINGSTON. 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 Georgia will be postponed.

AMENDMENT OFFERED BY MR. BISHOP OF NEW YORK

Mr. BISHOP of New York. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BISHOP of New York:

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

SEC. ____. None of the funds made available in the Act may be used to reimburse L.B.& B. Associates, Inc. or Olgoonik Logistics, LLC (or both) for attorneys fees related to pending litigation against Local 30 of the International Union of Operating Engineers.

The Acting CHAIRMAN. Pursuant to the order of the House of May 25, 2006, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Mr. Chairman, my amendment would prohibit funding in this bill from being used by the Department of Homeland Security to reimburse a private corporation for attorneys' fees and any other legal expenses incurred during their appeal from a recent and impartial National Labor Relations Board decision to reinstate employees who were unfairly fired from their jobs at the Plum Island Animal Disease Center, which is a DHS facility located off the North Fork of my district on Long Island.

The Plum Island employees were hard-working members of the International Union of Operating Engineers, Local 30. They were loyal to DHS and to the research facility on Plum Island. In 2002, they were fired on grounds that the NLRB recently found were unjustified. Adding insult to injury, the employees were also denied back pay and benefits for over 3 years of missed work. And now their employer wants to appeal the administrative decision of an impartial arbiter to put them back to work and award them the back pay and benefits they are due.

I hope that my colleagues would agree that spending money in this bill to reimburse a privately-owned joint venture for attorneys' fees and to further extend this already long and protracted litigation is an entirely inappropriate use of DHS funds. More important, it would negate the intended use as appropriated by this Congress and detract from what should be the primary focus of the Department, defending our homeland and keeping Americans safe from foreign sources of terrorism.

For instance, the funds my amendment blocks would be a lot better spent protecting the two cities attacked on September 11th that are now shortchanged $114 million due to the Department's decision to slash anti-terrorism funds from major urban areas.

Mr. Chairman, it is long past time for this case to be resolved, to stop harassing the Plum Island employees, allow them to return to their jobs and restore their benefits. I urge my colleagues to support this amendment.

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

The Acting CHAIRMAN. Does any Member seek recognition in opposition to the amendment?

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Does the gentleman offer the amendment as the designee of Mr. KUHL?

Mr. PRICE of Georgia. I do.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PRICE of Georgia:

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

SEC. _____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''DEPARTMENTAL MANAGEMENT AND OPERATIONS—OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT'', and increasing the amount made available for ''OFFICE OF GRANTS AND TRAINING—FIREFIGHTER ASSISTANCE GRANTS'' (for increasing the amount under such heading to carry out section 33 of the Federal Fire Prevention Control Act of 1974 by $2,100,000, and increasing the amount under such heading to carry out section 34 of such Act by $2,100,000), by $4,200,000.

The Acting CHAIRMAN. Pursuant to the order of the House of May 25, 2006, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

The Department of Homeland Security awarded a contract to a private company for limousine and shuttle services for its employees for $22 million. All of our budget discussions are indeed discussions about priorities, and Mr. KUHL and I would suggest that this simply is an issue of priorities. This amendment shifts $22 million in funds previously used to pay for limousine services to increase the much-needed FIRE grants program.

Created by Congress in 2003, the SAFER Grants are meant to help communities with career, volunteer, and combination fire departments to meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments that antedate the creation of the Department of Homeland Security. These SAFER Grants will help fire departments meet these minimum industry standards prescribed by National Fire Protection Association Standards 1710 and 1720.

It seems to both Mr. KUHL and to me that our priorities as a Nation should be for FIRE and SAFER Grants and not limousines, and I urge my colleagues to support this amendment.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first, let me say that, as written, this amendment does not accomplish what the gentleman, I think, has described, but I do understand the intent of the amendment, and I agree with the gentleman's concerns about the various allegations that have been made about this service.

However, I would like to point out that the Inspector General's office is investigating this 5-year contract to see if there is any impropriety. If there is, the contract will be terminated.

The intent of this amendment is to bar DHS employees from using ''limousine services.'' But it does not define what that means. It could have some wide-ranging impacts if it is not defined.

For example, with no definition, it could be perhaps used to stop FEMA crews from contracting buses to get to disaster areas. It could shut down bus shuttle service between the various DHS campuses in the D.C. area. And it could prevent employees from taking taxis from airports while they are on official travel. These are very impractical limitations for a department we expect to act quickly in time of emergency.

So I would hope at some point in time, if this amendment passes, that there could be some way to define what is prohibited. But even with these concerns and these reservations, I am willing to accept the gentleman's amendment.

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman from Kentucky for his comments and appreciate his concerns regarding the wording and the accuracy thereof, and we look forward to working with him as this process moves forward, and I appreciate his support of the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

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

SEC. ____. None of the funds made available in this Act (1) under the heading ''OFFICE OF GRANTS AND TRAINING—STATE AND LOCAL PROGRAMS'' may be used for puppet or clown shows, gym or fitness expenses (including equipment, training, memberships, and fees), or nutritional counseling, and (2) under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY—ADMINISTRATIVE AND REGIONAL OPERATIONS'' may be used to purchase or pay for adult entertainment, bail bond services, jewelry, weapons, or fines for prior traffic violations.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Pursuant to the order of the House of May 25, 2006, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do recognize the point of order, and I will address that at the very end.

Mr. Chairman, I drafted an amendment here to highlight in essence the mismanagement of money in two specific agencies or programs funded by this bill, FEMA and the Homeland Security Grants program.

There is no one in this body that knows our threat to this Nation better than I. The district that I have the honor and privilege of representing borders the Hudson River and downtown New York City is basically within eyesight of our district. There were tragically far too many people from the Fifth District of New Jersey who lost their lives on September 11. So my top priority since coming to this body has been and will remain homeland security.

The threat to our Nation and the residents of northern New Jersey is still very real. Law enforcement agencies are stretching every penny to purchase equipment, vehicles, medical supplies, and radios, but they do not have enough resources. On too many occasions in this body, I have fought for more resources to be brought to New Jersey and other high-risk areas.

With that being said, it pains me that as my neighbors and friends, living in my region of such high risk, the Department of Homeland Security is still using a portion of our limited resources for things that will keep no one safer and make no taxpayer happier.

It has come to my attention that the DHS has provided grants for example to fire departments to pay for things such as fitness equipment, nutritional counseling, clown and puppet shows, no less. Now, Mr. Chairman, I think clowns are as funny as the next guy, but I don't think the ability to be funny is what it is about when we are trying to help people during the next terrorist attack.

Looking next to FEMA, similar examples illustrate the need for additional oversight of FEMA, the Federal Emergency Management Agency. Since Hurricane Katrina tragically hit the gulf coast, we have heard of numerous examples of mismanagement, neglect, wasteful spending, and even fraud that has prevented hundreds of millions of dollars from helping any of the victims of the storm.

Now, my time is limited here, so I will highlight just some of the most egregious examples. There have been five, five separate government reports by the GAO and other bodies that detail these problems. They have provoked the universal outrage in mismanagement, and here in this amendment we try to address it.

Specifically, my amendment calls attention to the utter mismanagement of the debit card program. As you may recall, FEMA gave out $2,000 debit cards with no verification process for eligibility. People took advantage of it.

□ 1515

Among the many ''necessary'' items that people did for survival were adult entertainment, bail bond services, jewelry, and of course what every victim of a hurricane has to worry about, traffic tickets.

Another example of waste, FEMA spent almost $900 million to store nearly 25,000 manufactured homes around the country mainly because they prohibited themselves from putting them in flood plains, such as New Orleans. In addition, FEMA let almost 11,000 unused manufactured homes sit in open fields in Arkansas, while at the same time paying people's hotel bills of $438 per night to stay in a hotel in New York City.

Further, a GAO report said 2.5 million Hurricane Katrina evacuee registrations were done, and 60 percent were done over the telephone, meaning there was no verification process at all as to who these people were who were getting these dollars.

A study found that as many as 900,000 applicants used bogus Social Security numbers, duplicate Social Security numbers or false addresses and still received funding. There are other examples more numerous.

As we pass this bill today and provide billions of taxpayer dollars to an agency that has practiced questionable responsibility for the funds that we appropriate, I strongly urge this body to work on methods to hold FEMA even more accountable, to a higher standard of level of accountability. There has been too much waste, fraud and abuse in these very important areas of homeland security and dealing with natural disasters.

We can and must do a better job with our security dollars. I look forward to working with the chairman as we move forward to work for better oversight in these areas in this Congress and in the future.

Mr. Chairman, I ask unanimous consent to have my amendment withdrawn because I acknowledge that it is not in order.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OFFERED BY MR. ROGERS OF KENTUCKY

Mr. ROGERS of Kentucky. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROGERS of Kentucky:

SEC.____. The amounts otherwise provided by this Act are revised by increasing the amount made available for ''United States Secret Service—Protection, Administration, and Training'' and the amount made available for ''Federal Emergency Management Agency—Readiness, Mitigation, Response, and Recovery'' by $2,000,000 respectively.

The Acting CHAIRMAN. Pursuant to the order of the House of May 25, 2006, the gentleman from Kentucky (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Now that pretty much everything is said and done on this appropriations bill, according to CBO scoring, the bill is now under its section 302(b) allocation by $4 million. My amendment simply takes that $4 million and makes modest funding adjustments to two accounts: FEMA's Readiness Mitigation Response and Recovery program and the U.S. Secret Services Protection Administration and Training program.

Mr. Chairman, the FEMA dollars will be used to continue work to upgrade the National Response Plan. For the Secret Service, funds will be used to support critical protective operations.

This amendment has been cleared by both sides of the aisle, and I ask that it be agreed to.

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

Mr. ROGERS of Kentucky. I yield to the gentleman from Minnesota.

Mr. SABO. I thank the gentleman for his amendment. It is a good amendment, and I hope it is passed.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. ROGERS).

The amendment was agreed to.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word and yield to the gentleman from New York for a colloquy.

Mr. SWEENEY. Mr. Chairman, I rise to engage in a colloquy regarding the fiscal year 2006 high-density high-threat urban area security initiatives, and I do so recognizing that we are in the process of debating and discussing the 2007 bill, and so the relevance is of some importance.

Last week, DHS released the funding allocations for the 2006 homeland security grants program. I was extremely disappointed to see New York's overall allocation for the UASI program decreased by almost $83 million.

It is tough to understand why, considering New York City remains the highest target to terrorism. New York has been attacked and targeted not once, but multiple times; and its security is a national concern.

In fact, a Pakistani immigrant was just convicted last week for attempting to blow up a subway station at Herald Square.

I have been fighting for a threat-based funding formula for several years because homeland security funding should be based on population, threat, vulnerability, and consequence. The program should never be used for pork spending. The formula I have been fighting for will benefit the areas that need it the most: those that face threats like New York City, Boston, Philadelphia, San Diego, Washington, D.C., Los Angeles and many others where we know real threats exist.

This debate is not a fight between rural and urban areas, and I would point out that I represent the 32nd most rural district in the country, and I know rural areas have essential infrastructure to protect as well. I learned from 9/11 that urban and rural areas are linked in terms of economics; and, frankly, as Americans, we all have the same concerns, so we must look for productive investments from DHS.

Mr. Chairman, I respectfully request your consideration to join with me in working toward a solution in addressing the process in an oversight hearing.

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

Mr. ROGERS of Kentucky. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, first, I want to thank the chairman and ranking member again for their hard work on this bill. The challenges of this bill and this subcommittee include not only setting these essential priorities for our country's security, but also keeping a close watch on the Department to make sure that those priorities are carried out and that the resources provided are well spent.

Chairman ROGERS and Mr. SABO have done a great job on both accounts, and it is in recognition of their past vigilance that we now raise our concern.

As my friend from New York mentioned, last week the Office of Grants and Training, and I should note that this office has changed management and changed names twice in 3 years, announced the State allocations under the Urban Areas Security Initiative. The allocation for the State of New York through this program is 42 percent less than its allocation from last year.

Mr. Chairman, we all know that the process for distributing these funds is a complicated one, but here is also what I know. I know that New York City remains the highest density urban area in the country and by far dedicates more of its own funds to fighting terrorism than any other municipality. I also know that New York City continues to be the financial center of the country. It is the site of Yankee Stadium and Shea Stadium, the site of the Empire State Building and the Statue of Liberty, and the former site of the World Trade Center.

I know that as the Department is still working out its processes for determining risk and threat, there is much room for error.

I would ask the chairman of the subcommittee if he shares my concerns and if he would be willing to hold additional hearings into this matter to make sure that every homeland security dollar is protecting as many Americans as possible.

Mr. ROGERS of Kentucky. I thank the gentleman for his comments. I understand the concerns of both gentlemen from New York, both very valued, hardworking members of the subcommittee, I might add.

I agree that the subcommittee should hold further hearings into this matter. We will be working to set up a closed briefing because we are dealing with classified material here. We will work with the gentlemen to set up a closed hearing to further look into the matter.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SWEENEY) having assumed the chair, Mr. MCHUGH, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that

Committee, having had under consideration the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 5:15 p.m. today.

Accordingly (at 3 o'clock and 25 minutes p.m.), the House stood in recess until approximately 5:15 p.m.

□ 1716

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SCHWARZ of Michigan) at 5 o'clock and 16 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 5254, REFINERY PERMIT PROCESS SCHEDULE ACT

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 842 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 842

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5254) to set schedules for the consideration of permits for refineries. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida, Mr. Speaker for the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. The rule also provides one motion to recommit.

Mr. Speaker, over the last several years, we have seen gasoline prices increase steadily in the United States. The rising cost of gasoline can be attributed to several factors, including increased demand in the United States and in other countries such as China and elsewhere, decreases in oil production in politically unstable countries, including Venezuela and Nigeria, and a lack of refinery capacity in the United States.

In the last 24 years, our refinery capacity has dropped from 18.62 million barrels a day to less than 17 million barrels a day. This at the same time that our gross domestic product has increased in current dollars from 3.1 trillion to 12.4 trillion. Because of the sustained growth of our economy and the fact that we have not built a new refinery in almost 30 years, we are now forced to import over 4 million barrels a day in refined products, and that is when our refineries are running at full capacity.

Any changes in our refinery capacity can cause supply constraints and price spikes, especially in the gulf coast, where we have approximately half of our refinery capacity. And that is exactly what happened when the Hurricanes Katrina and Rita hit the gulf coast, causing gasoline prices to rise almost 50 cent a gallon. 2 months after the storms hit we still had lost almost about 18 percent of our refining capacity, leading to sharp price increases.

In order to prevent the steep increases in gasoline prices that we saw after Hurricanes Katrina and Rita, and to try to moderate the continuing price increase, we must make certain that we build new refineries to meet our current demand and to prevent a loss of capacity due to another hurricane, or a terrorist attack for that matter. Without an increase in our refinery capacity, we will be at the mercy of countries such as Venezuela for the importation of refined oil products. Now, these countries are not reliable sources of refined products due to their politically unstable and/or unfriendly governments.

One of the biggest challenges to the building of new refineries was pointed out by Daniel Yergin of the Cambridge Energy Research Associates during a hearing in the House Energy and Commerce Committee. Mr. Yergin stated that, and I quote, ''the building of new refineries has been hampered by costs, citing and permitting.''

Mr. Speaker, H.R. 5254 would help alleviate some of the problems associated with the building of new refineries. The legislation directs the President to appoint a Federal coordinator to manage the multi-agency refinery permitting process. Working with the governor of any State where a refinery is proposed, the coordinator will begin by identifying and then convening all relevant agencies to coordinate the schedules for action so that no process called for in statute or regulation is short-changed, and public input opportunities are preserved, but also to allow the project to proceed as fast as otherwise possible. The goal of this legislation is to eliminate needless delay from agencies that are either dragging their feet or simply acting in sequence when parallel action would be more efficient.

Bringing new refineries online will ease our reliance on foreign sources of refined products and will also allow us to have enough refinery capacity to meet the needs of our growing economy while providing a back up if any of our refineries are shut down for an extended period of time.

Mr. Speaker, the House has already taken steps to help lower the cost of gasoline. Last month we passed legislation to combat price gouging as well as legislation to open up ANWR to environmentally friendly energy development. However, more must be done. The underlying legislation is just another step in our continued efforts to provide relief from the high cost of gasoline.

H.R. 5254 was introduced by Representative BASS. A majority of the House has already voted in favor of this legislation. However, the bill did not pass because it was brought up under suspension of the rules and it did not obtain a two-thirds majority. Now we have another chance to pass this bill which is important to our energy needs and our growing economy.

I would like to thank Chairman BARTON and Representative BASS for their leadership on this issue. I urge my colleagues to support both the rule and the underlying legislation.

And at this time, Mr. Speaker, I reserve the balance of my time.

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

I thank my friend, the gentleman from Florida, for yielding me time.

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

Ms. MATSUI. Mr. Speaker, when I was home in Sacramento last week, one constant topic of conversation was gas prices and energy policy. I heard several different perspectives on the issues.

Many working families told me they are having to adjust their monthly budgets to offset the cost of $3 a gallon gas. Other individuals expressed concern about global warming and how our dependence on fossil fuels is driving dangerous climate change.

Still others told me they are worried that our economy and our national security are frighteningly dependent on unstable oil producing countries like Iran, Venezuela and Nigeria.

From speaking with my colleagues, it is clear that Americans are echoing these concerns across the country. So I would hope that we could all agree that our constituents, from Sacramento to Miami, want Congress to do something substantive about gas prices and energy policy.

Unfortunately, today's debate represents another missed opportunity for strategic long-term national energy policy. Today we could be addressing the pressing issues raised by my constituents and yours. But we are not.

This resolution would provide for debate for H.R. 5254. This bill purports to address the problem we saw in the wake of Hurricane Katrina and Hurricane Rita, the vulnerability of America's energy infrastructure to supply disruptions.

Because of last year's hurricanes, many refineries in the gulf are running at reduced capacity, or were knocked offline entirely. This tightened supplies and played a role in the rapid rise in gas prices. So there is an issue here for Congress to address. But there is some disagreement on exactly what the problem is.

During debate on this bill, you will hear conflicting explanations for why no new refineries have been built in the United States since 1976. The majority might cite the environmental permitting process saying it has impeded the ability of companies to build new refineries.

They will argue that if Congress just pushed the permitting process harder, if we can do some more streamlining, then new refineries will start sprouting up across the country.

However, the reality is a different matter. The central provisions of this bill are designed to streamline the environmental permitting process for new refineries. Yet, there is no evidence these changes would actually lead to the construction of one new refinery.

That is because there has not been one convincing example of a situation where the permitting process prevented, held up or stalled the construction of a refinery.

You don't have to take my word for it. You can refer to the testimony of the energy company executives. During Senate testimony last year, even they could not cite such an occasion. The fact is, new refineries have not been constructed because it has not been in the interest of industry to do so. And that is fine. It is their right to not to construct refineries. But Congress should not respond to profit motivated decisions by altering permitting processes that are functioning just fine.

Furthermore, the refinery permitting process was altered just last year in section 103 of the energy bill so why are we doing it again? Let's see if that process works before revising it again.

This flawed bill reflects the manner in which it was brought to the floor. The Energy and Commerce Committee has not held hearings on H.R. 5254. It hasn't been marked up either. If this is truly an important piece of legislation, shouldn't it come to the floor in regular order?

If the House wanted to truly address the issue of refinery capacity, we should be taking up H.R. 5365, offered by Congressmen DINGELL and BOUCHER. Their legislation would enhance America's refinery capacity by creating a Strategic Refinery Reserve to complement the Strategic Petroleum Reserve. Unfortunately the majority on the Rules Committee did not allow a vote on this legislation.

This is a commonsense proposal because in emergencies like Katrina, even when the President releases crude oil from the Strategic Petroleum Reserve, we may not have the refinery capacity to process it.

The Dingell/Boucher bill would direct the Energy Department to establish a Strategic Refinery Reserve that can produce 5 percent of daily demand for gasoline.

This reserve would ensure that additional refinery capacity is available during emergencies, strengthening our national security while helping to mitigate upward price pressures. And in non emergencies, it would provide refined products to the Federal fleet, easing demand on the rest of the market.

This is a forward-thinking and logical proposal. I was disappointed that the Rules Committee voted against making it in order as a substitute, because if we had passed a Dingell/Boucher bill, at least I could tell my constituents Congress did something substantive to deal with America's energy challenges.

When I return to my district next week and in the coming weeks and months, I would like to be able to tell my constituents that Congress understands what you are dealing with in terms of gas prices and energy.

We know we can't fix everything overnight. But we have got a real plan for the future.

I want to be able to tell them that we are going to reduce demand by promoting energy conservation and fuel efficient forms of transportation. And we are going to work to develop renewable sources of fuel and other innovative technologies.

Taken together, these will help America move towards energy independence. And we are going to stop providing subsidies to companies that are making record profits, and instead, we are going to help working Americans deal with high gas prices.

I really wish I could say all of those things. But that is not going to be possible if the House continues to consider unnecessary and misguided legislation like this bill.

I urge my colleagues to vote against this rule because this bill did not go through regular order, because it comes to the floor under a closed rule which does not allow for its improvement, and because it does not allow the commonsense Dingell/Boucher substitute.

□ 1730

I urge my colleagues to vote against the underlying bill. Such a vote will reject this misguided approach to energy policy. A ''no'' vote on this legislation would send a message that Congress is ready to consider truly substantive legislation that addresses the energy crisis this Nation faces. Please join me in sending that important message.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield such time as he may consume to the distinguished gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, I rise in support of the rule, of course, providing for consideration of H.R. 5254, the Refinery Permit Process Schedule Act.

First, let me explain the bill. It will create a new system for coordinating the myriad permits and authorizations required under Federal law in order to get refineries built and operating.

Mr. Speaker, a Federal coordinator will call a meeting of all officials involved in issuing permits under Federal law. For those permits that require State officials to implement Federal law, the governor of the State where the refinery would be located selects the participants. Under the leadership of the coordinator, the officials will hammer out a coordinated schedule for acting up or down on permit applications. The schedule will be published in Federal Register. Once the regulatory work begins, if an agency slips behind schedule, the applicant may go to court to get the schedule restored.

The bill also calls on the President to suggest that we use closed military bases as possible candidates for siting refineries, subject to local approval.

H.R. 5254 explicitly preserves the letter and intent of all laws for environmental protection and public participation, and, for the first time, it gives priority to EPA in scheduling permit processing. But it also instills discipline and interagency teamwork into the system so that needless bureaucratic delay can be eliminated.

Why do we need this bill? Witness after witness at our Energy and Commerce Committee hearings have testified to the shortage of refinery capacity in the United States. It is shocking to most Americans that we are importing more gasoline every day and that our domestic capacity to make gasoline is at its upper limits. This causes upward pressure on prices, which we all experience at each fill-up.

One reason that refinery capacity is so tight is the regulatory costs and uncertainty of permitting. We want to take that excuse off the table. But what we really want to do is open the U.S. market to new entrants who will refine traditional fuels and alternatives such as coal-to-liquid and biofuels, both of which are set out in H.R. 5254.

The process for H.R. 5254 started last year on September 7, 2005, just days after Katrina struck the gulf coast. We held hearings that led to H.R. 3893, the Gasoline For America's Security Act. Sections 101, 102 and 103 of H.R. 3893 on refinery streamlining formed the foundation of H.R. 5254.

After a vigorous floor debate, H.R. 3893 passed the House, but it has not been taken up by the Senate. So on May 2 of this year, our colleague from New Hampshire, Mr. BASS, introduced this new version of refinery streamlining that provides for State input

and, more explicitly, preserves underlying Federal environmental laws.

A bipartisan majority of the House voted for H.R. 5254 when it was brought up under suspension of the rules. During that debate, some Members suggested that the bill does not defer adequately to the role of States in permitting decisions. After the debate was over and the bill had garnered 237 votes, but shy of the two-thirds needed under suspension, we reached out to our friends on the other side of the aisle to explore common language. In fact, we offered an amendment designed to address the State role issue, even more than we had already in the underlying bill.

The chairman of the full committee asked that this bill be pulled from the schedule several weeks ago so that bipartisan discussions could be given a chance. Our colleagues in the minority really had three options. Their first option was to accept the new language as fully answering their concern, which I believe it did; option two was to suggest modifications or alternatives to achieve the same purpose; option three was to take their ball and go home. The alternative to ''take their ball and go home'' meant to decide that negotiations would not produce an agreement.

They chose option three, which surprised us. We thought a deal was possible, and we made suggestions to address their concerns.

We are here today with the same bill that received 237 votes last month because the bill already deferred to governors on the designation of State officials to participate in the development of the coordinated plan, and because 237 of us confirmed our support for H.R. 5254 earlier this month, without any further changes, I think that no amendments to the bill are necessary.

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

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentlelady for yielding.

Mr. Speaker, I rise in opposition to this rule and urge its defeat. It is sadly typical of the way this Republican House has operated that the members of the committee of jurisdiction, including the distinguished ranking member Mr. DINGELL, are not allowed to offered amendments during floor debate. I say that is typical, but it doesn't make it right. We need reform of the way this House is being run.

Mr. Speaker, I offered a simple amendment in the Rules Committee to strike section 5 of the bill, the section of the bill that requires the President to designate three closed military bases as sites for an oil refinery. For bases that are chosen, section 5 requires local redevelopment authorities, or LRAs, to halt their re-use planning and consider an oil refinery even if the local community doesn't want one. My amendment was denied.

I would have offered the amendment in an Energy and Commerce Committee markup, but the committee never held a markup. So the bill will arrive on the floor not once, but twice, without the opportunity to debate amendments and without a committee markup.

Communities that have suffered under the impact of a closed military base do not need the President of the United States or the Congress usurping authority for local land use decision making.

Moreover, section 5 is unnecessary. There is nothing, I repeat, nothing in the current statutes or Defense Department regulations that prevents a community from developing a closed base into an oil refinery. If the local community wants an oil refinery, then it certainly can develop one on a closed military base.

Here is the main point: The underlying bill, when read together with the BRAC statutes and regulations, has the effect of forcing an LRA, if designated by the President, to spend local resources and valuable time developing a reuse plan for an oil refinery, even if the community the LRA represents has no interest in a refinery.

Moreover, because under the BRAC law the Secretary of Defense has the final and sole authority to accept a reuse plan and to determine the future use of the base, the effect of section 5 of this bill is to force a community to accept an oil refinery, even if it doesn't want one.

I have no problem with an oil refinery being built in a closed military base in a community that wants the refinery built. But that should be decided by the community, not by the President, not by the Secretary of Defense and not by the Congress. My amendment protected local control. It should have been allowed. I urge my colleagues on both sides of the aisle to reject this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from New Hampshire (Mr. BASS), the author of this important legislation.

Mr. BASS. Mr. Speaker, I thank my friend from Florida for recognizing me, and I want to thank the staff, the chairman of the Commerce Committee and the chairman of the energy committee, Chairman BOEHLERT, for their participation in working out this piece of legislation.

As has been said before, this legislation passed the House a few weeks ago 237–188. Although it prevailed by a pretty good margin, it wasn't enough to make the two-thirds margin required for suspension, so we bring it up today under regular order.

I just want to point out exactly what this bill does. It directs the President to appoint a coordinator for the process of considering refinery citing permits.

It requires that coordinator to work with, not against, but with Federal, State and local entities to issue the needed permits and approvals and set an agreed upon schedule for each approval.

It also allows this coordinator to establish a memorandum of agreement with all the relevant parties which will set forth the most expeditious path toward a coordinated schedule for permitting.

It allows the local Federal district court to enforce this agreed upon schedule, giving proper opportunity for good faith delays and setbacks.

It instructs the President, as we heard a minute ago from my friend from Maine, to designate at least three closed military installations as potentially suitable areas for the construction of a refinery. And, by the way, at least one of those must be designated as usable for a biorefinery, not an oil refinery.

I would point out, as had been debated the last time the bill came up, we haven't built a new refinery in this country since 1976. Gasoline demand in the United States has doubled since then; doubled. Our current capacity for refining gasoline is about 17 million barrels a day. Our consumption is over 21 million barrels a day, which means that the deficit is being imported as a finished goods product from abroad. We are indeed importing an enormous quantity of gasoline every day, which is adding to the instability of gasoline prices as well as availability.

Secondly, too much of our refining capacity is in one part of the country. We learned last year when energy prices climbed 50 cents a gallon at gas stations that Katrina, going through Louisiana and the Gulf of Mexico, can have a devastating impact on availability when refineries are shut down for short periods of time or even longer periods of time. We need to have a more diverse geographic location for refinery capacity in our country.

Furthermore, our current refinery capacity is too reliant on crude oil as a feedstock. Less than 2 percent of our motor fuel is based only anything other than crude. Our national agriculture and forest industry resources can sustainably provide feedstock to displace more than one-third of our transportation fuels. I am hopeful. I would welcome a biorefinery in my neck of the woods. We need refined ethanol to replace MTBE as an oxygenate for gasoline.

We have heard the opponents of this legislation say that even big oil industry, the oil companies, don't think that expediting the permitting process is necessary. Well, I would rather not take the word of the big oil companies as to whether or not they think tight refinery supply is good or bad for business. I don't want to give them any excuse for saying that they can't build new refinery capacity.

Nothing in this legislation will circumvent any existing regulation that exists today. All it does is make it quicker and more expeditious and more efficient, but it doesn't eliminate nor short circuit any local protections.

Others say we are better off expanding current refinery capacity. Well, I addressed that a little bit a minute ago. The danger we face in having a few very large refineries and not other refinery capacity in this country is serious. The impact on consumers, on the economy, can be devastating if we only have a dozen or two. The increased dependence on foreign oil that we may face under these circumstances is significant.

My friend from California earlier mentioned that there is no evidence that the passage of this legislation would lead to the construction of any new refinery. That is a difficult question to answer, because if you don't make it easier, how are you going to know that making it easier doesn't work? The fact is that we know that it can take up to 10 years to get the permitting process done.

I would point out that this bill does no harm whatsoever to the current process, but it makes it work better. If the industry doesn't like it, I don't want to be on the side of an industry that wants to restrict increasing refinery capacity.

I believe that what we envision in this bill protects the environment, it protects the process, it can potentially lead to more diverse and better and modern refinery capacity in this country, which will lead to a stronger economy, lower gas prices in my part of the world, and yet at the same time protecting our fragile environment.

□ 1745

So I urge the Congress to not oppose this rule, bring this bill to the floor, and pass it on to the Senate.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, first I would like to point out again, as Mr. BASS did, that nothing in this bill forces communities designated by the President to submit to Secretary Rumsfeld a reuse plan that includes a refinery, even if they do not want to build one.

The opposite is true. Actually, this is going to go to districts that want them, and we have districts who do want them. I hold in my hand a letter from the Texarkana Chamber of Commerce, Texarkana, Texas, signed by the president of that chamber, the county judge, the Bowie County judge, the mayor, both mayors on the Arkansas side and Texas side.

Mr. Speaker, it is going to go to places who really want them, and the bill requires that the Secretary of Defense give substantial deference to the local redevelopment authority's recommendation, even if that recommendation rejects the refinery.

And the President has no power to direct. He has power only to suggest. And you can see that by looking at section 5, line 16. That simply says: ''The President shall designate no less than three closed military installations, or portions thereof, as potentially suitable for the construction of a refinery.''

So these places are going to be sought after. Maine has nothing to fear. If they do not want it, they can cancel it by simply saying they do not want it. We would be very happy to have it over in Texarkana, Texas and serve four States there that come together.

I urge, of course, the support of this bill.

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

Mr. Speaker, I will be asking Members to vote ''no'' on the previous question so I can amend this rule, closed rule, and allow the House to consider the Boucher-Dingell Strategic Refinery Reserve substitute.

This substitute was offered in the Rules Committee when this rule was reported last month, but was blocked on a straight party-line vote.

Mr. Speaker, I ask unanimous consent to print the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, whatever position Members have on this legislation, they should vote against the previous question so we can consider a much better approach to our Nation's refinery shortage.

The Boucher-Dingell substitute, which is identical to the text of H.R. 5365, will establish a strategic refinery reserve. This reserve would complement the Strategic Petroleum Reserve. It would provide a much needed safety net for this Nation during times when existing refineries are temporarily or even permanently unavailable.

It would also be used to supply fuel to the Federal Government and the military during those times when oil production is not compromised.

Vote ''no'' on the previous question so we can consider this important and responsible substitute. I want to make it very clear that a ''no'' vote will not stop us from considering H.R. 5254, but a ''yes'' vote will block consideration of the Boucher-Dingell substitute.

Again, I urge all Members to vote ''no'' on the previous question.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank all of our distinguished colleagues that have spoken on this rule today. It brings to the floor an important piece of legislation, a bill that this House considered and voted with the solid majority under suspension of the rules just some weeks ago, but it did not obtain the two-thirds vote necessary to pass under suspension of the rules. That is why we have brought it forth again under the regular order with a rule.

It will help. It will contribute to helping our country with the energy crisis that we face, when we recognize the fact that the economy has grown, as it has so tremendously in the last 30 years and yet not one single refinery has been constructed. Evidently, there is a problem. This seeks to do something about it.

So that is why we are bringing again this legislation for consideration of the House under this rule. Accordingly, Mr. Speaker, in order to consider that legislation, we have brought this rule forward, and I would ask all of my colleagues to support it as well as the underlying legislation.

Mr. MARKEY. Mr. Speaker, I rise in opposition to this Rule and to the underlying bill.

Let me begin by saying that I've been in Congress for 30 years now, and this is absolutely the worst energy bill I've seen since the bill the House defeated just over one month ago!

In fact, it is the same exact bill—risen from the grave like some horror movie monstrosity to haunt this House yet again.

The Rule we are considering for this bill is an absolute insult to this House and to the Members. It is a complete and total gag Rule. It makes absolutely no amendments in order. It allows only one hour of debate on the bill. It waives all points of order against the bill.

The Rules Committee Republicans voted down Democratic motions to report this bill with an open rule.

The Rules Committee Republicans voted down a Democratic Motion to make in order an amendment by the gentleman from Maine (Mr. ALLEN) to strike provisions from the bill that would require the designation of no less than 3 closed military bases for use as refineries.

The Rules Committee Republicans voted down a Democratic Motion to make in order an amendment by the gentleman from Virginia (Mr. BOUCHER) to establish a Strategic Refinery Reserve to help cushion the shock of extreme supply disruptions with a federal refinery that would have surge capacity to produce refined products when needed.

Why are the Republicans afraid of having a debate and a vote on these Democratic amendments?

Are they afraid of giving the Members an opportunity to approve a measure that might actually do something to reduce gas prices, and ensure that the rights of local communities are not trampled upon in order to advance the interests of the oil industry? We should be able to have that debate and vote on these amendments today.

We shouldn't be forced to put our amendments into a recommittal motion at the end of the bill in which we will only have 10 minutes of total debate time.

Once again, the Republican Majority that controls this Congress is abusing its power and trampling upon the rights of the Minority.

This bill has never been the subject of any legislative hearing in the Energy and Commerce Committee. It was introduced by the gentleman from New Hampshire (Mr. BASS), on May 2nd of this year and then brought immediately to the House floor on the Suspension Calendar one day later.

Now, the Suspension Calendar is normally used for non-controversial bills that have approved on a bipartisan basis. Most of the time, we use the Suspension Calendar to bring up bills to name post offices, pass commemorations, or enact Sense of Congress resolutions. It is entirely inappropriate to use the Suspension process for a bill as contentious as the Bass bill, because that process bars any amendments and sharply limits floor debate.

Thankfully, the Bass bill failed when brought up as a Suspension. It deserves to fail again here on the Floor today.

There still have never been any legislative hearings on this bill.

There still has been no Subcommittee or Committee process.

The Democratic Members of the Energy and Commerce Committee have been walled out.

This is a bad bill. It deserves to be defeated.

I urge the Members to reject this Rule, to reject this unfair process, and to reject the Bass Refinery bill.

The material previously referred to by Ms. MATSUI is as follows:

PREVIOUS QUESTION FOR H. RES. 842

H.R. 5254—REFINERY PERMIT PROCESS SCHEDULE ACT

Text:

In the resolution strike ''and (2)'' and insert the following:

''(2) the amendment in the nature of a substitute printed consisting of the text of H.R. 5365 if offered by Representative Boucher of Virginia or Representative Dingell of Michigan or a designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (3)''.

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 subject 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. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman 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] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: 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, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on 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 and 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. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The 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.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5521, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2007

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–487) on the resolution (H. Res. 849) providing for consideration of the bill (H.R. 5521) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 53 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SCHWARZ of Michigan) at 6 o'clock and 30 minutes p.m.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 836 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5441.

□ 1831

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. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, with Mr. BONNER (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, the amendment offered by the gentleman from Kentucky (Mr. ROGERS) had been disposed of and the bill had been read through page 62, line 17.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment by Mr. KING of Iowa.

Amendment by Mr. KINGSTON of Georgia.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 179, not voting 35, as follows:

[Roll No. 223]

AYES—218

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cantor
Capito
Carter
Case
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Otter
Oxley
Paul
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—179

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Cannon
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Castle
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ford
Fossella
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Leach
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Reynolds
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Schwartz (PA)
Scott (GA)
Serrano
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stupak
Sweeney
Tanner
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walsh
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NOT VOTING—35

Baca
Bono
Campbell (CA)
Davis (AL)
Evans
Filner
Gallegly
Gibbons
Harman
Istook
Kennedy (MN)
Lantos
Lee
Manzullo
Marshall
Miller (MI)
Nussle
Oberstar
Osborne
Payne
Pearce
Pence
Platts
Pombo
Reyes
Schakowsky
Scott (VA)
Sherman
Strickland
Thompson (MS)
Udall (NM)
Wasserman Schultz
Waters
Weldon (PA)
Woolsey

□ 1903

Messrs. CLEAVER, ACKERMAN, CASTLE and FOSSELLA and Mrs. DAVIS of California changed their vote from ''aye'' to ''no.''

Mr. FRELINGHUYSEN changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chairman, on rollcall No. 223, the King of Iowa amendment to H.R. 5441, I was in my Congressional district on official business. Had I been present, I would have voted ''no.''

AMENDMENT OFFERED BY MR. KINGSTON

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. KINGSTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 293, noes 107, not voting 32, as follows:

[Roll No. 224]

AYES—293

Aderholt
Akin
Alexander
Allen
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carter
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Culberson
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Marchant
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Otter
Oxley
Paul
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney

Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—107

Abercrombie
Ackerman
Andrews
Baird
Baldwin
Becerra
Berman
Blumenauer
Brady (PA)
Butterfield
Capps
Cardin
Carson
Case
Cleaver
Clyburn
Conyers
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Doggett
Doyle
Emanuel
Engel
Eshoo
Farr
Fattah
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kucinich
Larsen (WA)
Larson (CT)
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McDermott
McGovern
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Rangel
Reichert
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schiff
Scott (VA)
Serrano
Slaughter
Solis
Stark
Tauscher
Thompson (CA)
Towns
Van Hollen
Velázquez
Watson
Watt
Waxman
Weiner
Wexler
Wynn

NOT VOTING—32

Baca
Bono
Campbell (CA)
Davis (AL)
Evans
Filner
Gallegly
Gibbons
Harman
Istook
Kennedy (MN)
Lantos
Lee
Manzullo
Marshall
Miller (MI)
Nussle
Oberstar
Osborne
Payne
Pearce
Pence
Pombo
Reyes
Schakowsky
Sherman
Strickland
Thompson (MS)
Udall (NM)
Wasserman Schultz
Waters
Woolsey

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1909

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chairman, on rollcall No. 224, the Kingston amendment to H.R. 5441, I was in my Congressional District on official business. Had I been present, I would have voted "no."

Mr. OBEY. Mr. Chairman, I move to strike the last word and yield to the gentlewoman from New York so that the Members might understand what is going to be in the motion to recommit and what will come next.

I yield to the gentlewoman.

Mrs. LOWEY. Mr. Chairman, I will soon offer a motion to recommit. This motion seeks to increase first responder grants by $750 million. This amount will keep each State and locality funded at whichever is higher, fiscal year 2005 or fiscal year 2006. It is critically important that we increase the allocation for first responder grants.

Mr. Chairman, it is hard to believe, but it is true, that DHS has announced that New York, which remains the likeliest target of a terrorist attack, will receive a $106 million reduction in funding for fiscal year 2007. Short memories. Such a cut is unconscionable.

New York is the only city that has been attacked by terrorists twice. And the New York Police Department has prevented efforts to destroy the Brooklyn Bridge and other critical infrastructure.

Reducing funding to New York and Washington, D.C., the two targets of the September 11 attack, is a slap in the face to every first responder who rushed to the emergency scene that morning and every individual living in those regions.

In a letter sent to the New York congressional delegation last week, Secretary Chertoff stated that New York is at the top of the national risk ranking. Yet, inexplicably, New York's share of funding decreased.

Now, the allocation method that DHS uses, frankly, defies common sense. The Statue of Liberty was not considered part of New York City because, technically, the Federal Government owns the property.

DHS classified over 200,000 entities into four risk quadrants, with all items in each quadrant receiving equal value. This means that something that is clearly a target, such as the Capitol, the Empire State Building, and the Golden Gate Bridge is considered the same as whatever target was number 50,000 on the list. And Washington, D.C., as a whole, was placed in the lower risk quadrant because DHS claims it does not have significant critical infrastructure. And by the way, if you call DHS to get an explanation, they respond, it is classified; we can't tell you.

Now, remember, DHS claims that Washington, D.C. does not have significant critical infrastructure.

□ 1915

The September 11 hijackers did not care about the total amount of critical infrastructure in a specific region. They sought to destroy symbolic targets full of thousands of Americans. Our preparedness effort should reflect this fact.

Unless the motion to recommit is adopted, first responder funding will once again be slashed. In the last 5 years, terrorists have murdered thousands in New York, Washington, Madrid and London. Within the past 2 hours, the Canadian government has stated that the terrorists they arrested last week planned to storm Parliament and behead the prime minister.

Now, my colleagues, this should sound an alarm that now is not the time to reduce funding to prevent, prepare and respond to attacks in areas that face the greatest risk. We must pay now to protect our country or we will pay later.

Mr. OBEY. Mr. Chairman, let me simply explain that the Lowey motion to recommit will be with instructions to report it back forthwith to the House with an amendment adding an additional $750 million for State and local formula-based grants and high-threat, high-density urban area grants so that no State or urban area receives funding below which it received in 2005 or 2006, whichever is higher, and is offset by a 1.8 percent reduction in the tax reduction resulting from the enactment of Public Laws 107–16, et cetera, for taxpayers with incomes in excess of $1 million for calendar year 2007.

Mr. STARK. Mr. Chairman, if there was any doubt, FEMA's performance during Hurricane Katrina proved the Department of Homeland Security's incompetence. I had hoped that more than 3 years after its creation, the Department would use common sense. But as DHS continues to violate Americans' civil liberties, pursue policies that make us no more secure, and misallocate funds, I cannot vote to throw good money after bad.

H.R. 5441 will allow the TSA to spend $6.4 billion strip-searching grandmothers and small children. Yet multiple audits have found that despite this and other invasive techniques, the Department is no more likely to detect a weapon than were security personnel prior to September 11, 2001. Under this bill, DHS will continue to screen only 5 percent of port containers and virtually no air cargo. Wyoming will still get about $27.80 per capita in homeland security funding while California will receive only about $8.05. I shudder to think how FEMA will handle the next large earthquake in the Bay Area when they can't even handle a hurricane with a week's warning.

I vote "no" to DHS's misplaced priorities and urge my colleagues to stop supporting a dysfunctional agency.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of the FY 2007 Homeland Security Appropriations bill. This isn't a perfect bill, but it provides much needed funds to make our country safer.

Total funding in the bill is increased by nearly $2 billion from this year's levels, with some increases from FY06 in Customs and Border Protection, Immigration and Customs Enforcement, the Federal Emergency Management Agency, and the Transportation Security Administration.

Still, I'm concerned about shortfalls in the bill. First, although the bill increases funding for Border Patrol salaries and expenses over FY06 levels, it only funds 1,200 new Border Patrol agents, 300 less than requested by the Administration and 800 less than the 2007 level called for in the Intelligence Reform bill. Similarly, although the bill increases funding for salaries and expenses for Immigration and Customs Enforcement, it only funds about 4,800 additional detention beds, almost 2,000 less than requested by the administration and 3,200 less than the 2007 level called for in the Intelligence Reform bill.

The bill also cuts firefighter and SAFER grants by 11 percent, cuts air cargo security by $30 million, and cuts urban area security grants from FY06 levels.

I opposed the amendment offered by Mr. CAMPBELL which would block any Homeland

Security funding from going to State and local governments if their law enforcement is prohibited from reporting immigration information to the federal government.

I believe that linking this provision to vital homeland security funds could have unintended consequences for our national security. Since 9/11, national security has become a national priority, and State and local governments play an essential role in assisting the Department of Homeland Security to improve the security in this country.

Under current law passed in 1996, it is already illegal for law enforcement to restrict the reporting of immigration information to the federal government. I support this law, and believe it should be fully enforced. The efforts of state and local governments to enhance our security should not be undermined because the federal government has not properly enforced immigration law.

We should be providing states with resources to improve security, not taking these resources away. By under-funding and allowing the weakening of security in some states and localities due to their lack of reporting illegal immigrants to immigration officials, the federal government would in effect be contributing to the weakening of our national security.

Mr. Chairman, much remains to be done to improve our defenses against terrorism, hut this bill is an important step, and I will vote for it.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to join my colleague from New York in expressing my extreme displeasure with the Department of Homeland Security's recent announcement regarding Urban Area Security Initiative grants.

The outcome of DHS's process defies common sense. I am hard pressed to understand how the National Capital Region, one of the regions deemed most at risk in the United States, should incur such a drastic reduction in funding. The nation's capital bears a disproportionate burden in terms of homeland security costs and ensuring public safety needs. This region was one of two targets on September 11; it was the target of anthrax attacks and sniper shootings.

To the best of my understanding, DHS's decision to reduce funding for the national capital area was based on the opinion that region's planning was inadequate. As of this date, I have not been briefed in detail on the process or criteria used to make this determination. This will be rectified when the Government Reform Committee holds a hearing on the subject on June 15th. For the time being, the entire evolution suggests unnecessary secrecy and an overemphasis on bureaucratic expertise.

The risk doesn't go away if a region is planning poorly; rather, the risk to the citizen increases. I truly hope DHS would take the necessary steps to remediate an inadequate plan for UASI funds—to offer a region the help it apparently needs. Cutting funding should not be the method to address any alleged planning deficiencies.

We have to protect the interests of the taxpayer, but we also have to protect the taxpayer. Much was made about the Department of Homeland Security's renewed emphasis on sending funds where the need was greatest. We're not getting off to a good start.

The Acting CHAIRMAN. The Clerk will read the last two lines.

The Clerk read as follows:

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2007''.

Mr. ROGERS of Kentucky. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BIGGERT) having assumed the chair, Mr. BONNER, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 836, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. LOWEY. In its present form, I am, Madam Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Lowey moves to recommit the bill, H.R. 5441, to the Committee on Appropriations with instructions to report the same forthwith back to the House with an amendment providing for an additional $750 million for state and local formula based grants and high-threat, high-density urban area grants so that no state or urban area receive funding below what it received in 2005 or 2006, whichever is higher, and offset by a 1.8 percent reduction in the tax reduction resulting from the enactment of Public Laws 107–16, 108–27, and 108–311 for taxpayers with income in excess of $1,000,000 for calendar year 2007.

POINT OF ORDER

Mr. ROGERS of Kentucky. Madam Speaker, I make a point of order against the motion to recommit because it violates clause 2(c) of rule XXI.

I ask for a ruling of the Chair.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

Mrs. LOWEY. Madam Speaker, I wish to speak on the point of order.

Madam Speaker, I wish to speak on the point of order because, frankly, it is beyond belief to me that this committee could appropriate less to major cities like New York and Washington than they received last year. Given the current threats that are still out there loud and clear, we should not be cutting back on these important critical homeland security dollars.

The SPEAKER pro tempore. Does any other Member wish to speak on the point of order?

Mr. WEINER. Madam Speaker, I wish to be heard on the point of order.

Madam Speaker, a fundamental element of the rules of the House is that Members get an opportunity to debate and have their views heard on issues. We have lost the opportunity to have an amendment such as this because of a unanimous consent that was entered into before these events happened. We, in good faith, entered into a unanimous consent agreement on limiting the number of amendments we offered to this bill. Then in the intervening period, news happened. The Department of Homeland Security issued a formula and issued a distribution of funds that gave less money to places that were at the highest need.

What happened was we entered into a unanimous consent agreement to limit the number of amendments that were offered.

Mr. ROGERS of Kentucky. Madam Speaker, regular order. The gentleman needs to speak to the point of order.

The SPEAKER pro tempore. Is the gentleman from New York intending to address the point of order?

Mr. WEINER. I certainly am, and, if I were permitted to finish, you would see that.

The SPEAKER pro tempore. The gentleman will confine his remarks to the point of order.

Mr. WEINER. Certainly. That is what I am doing, Madam Speaker.

What happened was during the intervening period, after the unanimous consent was entered into, this formula was issued giving Members no opportunity other than this motion in order to make this point, that in order to have funds allocated where they are needed most, the Lowey motion is the only way to do it.

If you vote yes on tabling this motion, you are voting to essentially sustain this allocation.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman must confine his remarks to the point of order.

Mr. WEINER. Madam Speaker, I am seeking to do that.

The SPEAKER pro tempore. The point of order is that the motion to recommit legislates. The gentleman will confine his remarks to that.

Mr. WEINER. Madam Speaker, I understand.

The motion to recommit that we are voting on today that we are seeking to have an up or down vote on, I would say, would give us an opportunity to hear this.

You don't need to raise the point of order. If you want to simply go vote to sustain this ridiculous formula, vote on the Lowey amendment in an act of

good faith that we showed by entering into the unanimous consent. That is why the point of order should be withdrawn.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The motion to recommit proposes an amendment prescribing a new rule of law regarding the Federal income tax. As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained. The motion to recommit is not in order.

Mrs. LOWEY. Madam Speaker, because this ruling defies the imagination of anybody living here in the United States of America, because of this ruling and the decision of this committee to cut back on homeland security funds and refuse to adjust them according to risk-threat vulnerability, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. ROGERS OF KENTUCKY

Mr. ROGERS of Kentucky. Madam Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mrs. LOWEY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 207, noes 191, answered ''present'' 2, not voting 33, as follows:

[Roll No. 225]

AYES—207

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Keller
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Otter
Oxley
Paul
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—191

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

ANSWERED ''PRESENT''—2

Davis, Tom
Wolf

NOT VOTING—33

Baca
Bono
Campbell (CA)
Davis (AL)
Evans
Filner
Gallegly
Gibbons
Gutierrez
Harman
Istook
Kennedy (MN)
Lantos
Lee
Manzullo
Marshall
Miller (MI)
Nussle
Oberstar
Osborne
Payne
Pearce
Pence
Pombo
Reyes
Schakowsky
Sherman
Strickland
Thompson (MS)
Udall (NM)
Wasserman Schultz
Waters
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1942

Mr. SMITH of Washington changed his vote from ''aye'' to ''no.''

Mr. ADERHOLT and Mr. FEENEY changed their vote from ''no'' to ''aye.''

So the motion to lay on the table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Madam Speaker, on rollcall No. 225, table the Motion to Recommit H.R. 5441, I was in my Congressional District on official business. Had I been present, I would have voted "no."

RECOGNIZING SPEAKER HASTERT

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

Ms. PELOSI. Madam Speaker, I rise this evening to salute Speaker HASTERT for becoming the longest serving Republican Speaker in history. Long may his record stand.

This milestone is a testament to his leadership within the Republican Conference and within the Halls of Congress. DENNIS HASTERT spent 16 years as a teacher and coach at Yorkville High School in Illinois. He has put the skills he learned there to good use in this body.

After 6 years in the Illinois State House, he came to the U.S. House of Representatives in 1986. In 1999, DENNY HASTERT's colleagues elected him Speaker of the House, the third highest Government official in the United States.

While we often disagree on issues, we agree on the importance of public service. That kind of public service has been the hallmark of Speaker HASTERT's career whether in the classroom or in the House of Representatives.

□ 1945

Today I also salute the Speaker's wife, Jean, and his two children, Ethan and Joshua, for this milestone.

Through the trying moments and the moments like this, one of great triumph, they have stood by his side. They are watching you on television now.

In Congress we all hold the title ''honorable'' by virtue of our office. Dennis Hastert holds it by virtue of his character. I salute him for his service to our Nation and look forward to many future opportunities to work together.

Congratulations, Mr. Speaker.

The SPEAKER. Thank you very much.

Madam Speaker, I want to first of all say, again, my appreciation to my family who have sacrificed over the years like all our families do when we come to this place. But I am very humbled that I was able to serve this body. I really am not one to keep records because records are made to be broken, but I just want to thank you as Members of the House for the times that we have been able to work together and the times when we have disagreed but we have disagreed in an honorable way.

I think the process that this place offers all of us is something that is unique in all the world. And I look around this room and chairmen that I have worked under who have taught me sometimes the hard way. I see people who have mentored, to try to bring Members along and bring them to places of leadership. I have to reflect and thank one person who I think has been very special in my life in this place, and that is Bob Michel, who served as Republican leader for years. The honor and civility that he brought to this place, I hope that I can pass on as well.

Again, I want to thank you for serving with me because this is a place where we work together and do things together. God bless you and God bless this Congress. Thank you very much.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The question is on the passage of the bill.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 9, not voting 34, as follows:

[Roll No. 226]

YEAS—389

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2001

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MARSHALL. Mr. Speaker, due to a D-Day ceremony, I was unfortunately unable to catch a train that would have gotten me to Washington in time for this evening's votes. I would have voted in favor of H.R. 5441, the Department of Homeland Security Appropriations Act, especially given the inclusion of the Marshall-Miller amendment which will fully fund the Employment Eligibility Verification Program.

Mr. FILNER. Mr. Speaker, on rollcall No. 226, final passage of H.R. 5441, I was in my Congressional District on official business. Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. PENCE. Mr. Speaker, I was detained earlier this evening. Had I been present, I would have voted in the following manner: Rollcall 223 (Campbell Amendment to H.R. 5441)—''aye''; rollcall 224 (Kingston Amendment to H.R. 5441)—''aye''; rollcall 225 (Mo-

tion to Recommit H.R. 5441)—"no"; rollcall 226 (On Passage of H.R. 5441)—"yea."

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 457. An act to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide commercial purchase cards, and for other purposes.

S. 2013. An act to amend the Marine Mammal Protection Act of 1972 to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5441, the Clerk be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4341

Mr. HALL. Mr. Speaker, I ask unanimous consent to remove as a cosponsor Representative Rick Boucher of Virginia from H.R. 4341.

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

There was no objection.

PERMISSION TO FILE SUPPLEMENTAL REPORT ON H.R. 5252, COMMUNICATIONS OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT OF 2006

Mr. UPTON. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be allowed to file a supplemental report on the bill (H.R. 5252) to promote the deployment of broadband networks and services.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

TRUTH IN CALLER ID ACT OF 2006

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5126) to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5126

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 ''Truth in Caller ID Act of 2006''.

SEC. 2. PROHIBITION REGARDING MANIPULATION OF CALLER IDENTIFICATION INFORMATION.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection:

''(e) PROHIBITION ON PROVISION OF DECEPTIVE CALLER IDENTIFICATION INFORMATION.—

''(1) IN GENERAL.—It shall be unlawful for any person within the United States, in connection with any telecommunications service or VOIP service, to cause any caller identification service to transmit misleading or inaccurate caller identification information, with the intent to defraud or cause harm.

''(2) PROTECTION FOR BLOCKING CALLER IDENTIFICATION INFORMATION.—Nothing in this subsection may be construed to prevent or restrict any person from blocking the capability of any caller identification service to transmit caller identification information.

''(3) REGULATIONS.—Not later than 6 months after the enactment of this subsection, the Commission shall prescribe regulations to implement this subsection.

''(4) DEFINITIONS.—For purposes of this subsection:

''(A) CALLER IDENTIFICATION INFORMATION.—The term 'caller identification information' means information provided to an end user by a caller identification service regarding the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or VOIP service.

''(B) CALLER IDENTIFICATION SERVICE.—The term 'caller identification service' means any service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or VOIP service. Such term includes automatic number identification services.

''(C) VOIP SERVICE.—The term 'VOIP service' means a service that—

''(i) provides real-time voice communications transmitted through end user equipment using TCP/IP protocol, or a successor protocol, for a fee or without a fee;

''(ii) is offered to the public, or such classes of users as to be effectively available to the public (whether part of a bundle of services or separately); and

''(iii) has the capability to originate traffic to, and terminate traffic from, the public switched telephone network.

''(5) SAVINGS PROVISION.—Nothing in this Act may be construed to affect or alter the application of the Commission's regulations regarding the requirements for transmission of caller identification information for telemarketing calls, issued pursuant to the Telephone Consumer Protection Act of 1991 (Public Law 102–243) and the amendments made by such Act.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert extraneous material on the bill.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 5126, the Truth in Caller ID Act of 2006, which was introduced by Chairman BARTON and my friend Mr. ENGEL from New York. I also am a proud cosponsor, original sponsor, of the bill which was the subject of a legislative hearing in the Telecommunications and Internet Subcommittee and favorably reported by the House Energy and Commerce Committee on May 24, 2006.

This legislation protects consumers by prohibiting the deceptive practice of manipulating, or spoofing, caller identification information. Caller ID spoofing occurs when a caller fakes his caller ID information, so that the numbers which appear on their caller ID screen is not the caller's actual phone number. In many cases, such spoofers are actually transmitting someone else's caller ID information instead of their own.

Apparently, some spoofers just do it to play a practical joke on their friends, but there have been reports of much more sinister uses of spoofing.

In some instances, spoofing is being used to trick people into thinking that the person on the other end of the phone is someone from a government agency or perhaps another trustworthy party. For example, in last month's AARP bulletin, there is a consumer alert describing a prevalent scam whereby spoofers get the local courthouse's phone number to pop up on peoples' caller ID screens and then tell the recipients of the calls that they are judicial officials in order to get unsuspecting victims to divulge personal information, whether it be Social Security numbers or driver's license numbers, who knows. Law enforcement officials are particularly concerned about senior citizens' susceptibility to such scams.

Another reported case involved a SWAT team surrounding an apartment building after police received a call from a woman who said that she was

being held hostage in an apartment; and as it turned out, it was a false alarm. Caller ID was spoofed to make it look like it was coming from the apartment. Apparently, it was somebody's idea of a bad prank.

In other instances, criminals are stealing credit card numbers, getting the phone number of the actual card holders, and then using those credit cards to get unauthorized wire transfers. In such cases, the criminals spoof their caller ID information so that the number which pops up on the wire transfer company operator's screen is that of the actual card holder, and because such caller ID information matches the actual card holder's phone number on record with the credit card company, the wire transfer company uses it to authorize the wire transfer. Thus, spoofing enables the crime to be consummated.

And, of course, many of us are familiar with our own credit card companies which may ask us to call from our home phones to authenticate and activate those new cards. If our new cards are stolen out of the mail, then criminals may be able to spoof our home phone numbers and authenticate and activate our new cards from the convenience of their own homes, hotel rooms, or wherever else they might call from.

While such spoofing has been technically possible for some time, it used to require specific phone connections and expensive equipment. However, with the advent of VoIP, voice over Internet protocol, over the computer it has become easier for callers to transmit any caller ID information that the caller might choose. Moreover, there are online companies which offer spoofing services for just a couple of bucks for anyone with any phone.

Unfortunately, nefarious uses of spoofing appear to be proliferating, and there is no law, no law, that protects the American public from it. The Truth in Caller ID Act of 2006 would make spoofing illegal.

More specifically, this legislation adds a new subsection (e) to section 227 of the Communications Act of 1934. New subsection (e)(1) makes it unlawful for any person within the United States in connection with any telecommunications service or VoIP service to cause any caller identification service to transmit misleading or inaccurate caller identification information with the intent to defraud or cause harm.

The carefully crafted language in this legislation ensures that other spoofing activities which are legitimate, such as the uses for domestic violence services or to route-enhanced 911 calls, are not prohibited. Additionally, the bill provides a savings clause to clarify that nothing in the act is intended to alter the obligations of telemarketers under the existing FCC do-not-call regulations.

Mr. Speaker, this is a good strong piece of consumer protection legislation that clearly is bipartisan. I want to thank my friends on both sides of the aisle who have worked particularly hard to create this good bill, including Chairman BARTON, Ranking Member DINGELL, Ranking Member MARKEY and, of course, the sponsor of this bill, Congressman ENGEL from New York. I would urge all my colleagues to support this bill.

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

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, spoofing is when a caller masks or changes the caller ID information of their call in a way that disguises the true origination number of the caller. In many instances, a call recipient may be subject to pretexting through spoofing, which can lead to fraud, personal ID theft, harassment or otherwise with the safety of the call recipient in danger. On the other hand, lest we think that spoofing always has nefarious aims, we must recognize that there may be circumstances when a person's safety may be put in danger if the true and accurate call origination information is disclosed as well.

What we seek in caller ID policy is balance, and I believe the legislation before us today, after changes were made in committee consideration, more adequately strikes the historic balance we have sought to achieve for consumer privacy and security.

For instance, Members of Congress often have direct lines in their office, but in order to ensure that such lines do not become generally public and, therefore, remain useful to us, it may be necessary to keep such direct numbers confidential and have the outgoing caller ID information indicate a different number at which our offices can be reached for return calls. That gives the recipient a legitimate phone number to call back, but keeps confidential lines private.

There are many doctors, psychiatrists, lawyers and other professionals who would similarly like to keep direct, confidential lines private in this way who have no direct intention of misleading anyone. In addition, there may be instances, for example, when a woman at a shelter seeks to reach her children, when spoofing is important to safeguard someone's safety. Moreover, informants to law enforcement tip lines or whistleblowers have additional reasons for why their calling information should remain private. We should not outlaw any of these practices, and I think the legislation now incorporates the notion that the intent of the caller is vitally important in gauging whether spoofing unfairly violates privacy and security.

With that, I commend the chairman for the changes he was willing to make in the committee deliberations of the bill, and I congratulate him and I congratulate Mr. ENGEL from New York for his splendid work on this legislation. Mr. DINGELL and I have enjoyed working on this legislation.

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

Mr. UPTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Mrs. SCHMIDT), an original cosponsor of the bill.

Mrs. SCHMIDT. Mr. Speaker, I thank the chairman for giving me the time to speak on this very important bill.

I rise today in strong support of H.R. 5126, the Truth in Caller ID Act, and I commend Chairman BARTON for introducing this legislation and moving it forward.

I know firsthand that there is a need for this legislation. In my own congressional district, just as in many others, prerecorded telephone call campaigns have misidentified the sponsors by forging the caller identification number to make it appear that my own congressional office was doing the calling. You can imagine how surprised I was to see my number appear on a screen from political prerecorded messages attacking me. It is called spoofing.

H.R. 5126 would prohibit the manipulation of caller identification information, or call spoofing, which occurs when a caller falsifies the caller identification number displayed in the caller ID screen. Many companies now offer sophisticated software that permits caller identification information to be manipulated and increasingly allows con artists to scam consumers, sometimes with complicated schemes that ask consumers to provide personal identification data, such as names, addresses, Social Security numbers, and bank account information.

□ 2015

With the increasing frequency of identity theft, we must do all that we can to end opportunities for falsification of this data.

I introduced similar legislation to prohibit caller identification last year. Let us make caller identification truthful and accurate. I strongly support Chairman BARTON's legislation and I urge my colleagues to support it.

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

Mr. ENGEL. I thank the gentleman from Massachusetts for yielding to me, and I am proud to rise in strong support of this legislation and proud to be the lead Democrat on the bill. All too often we hear and experience the partisan divide in Washington, but this bill and the process that so quickly got this bill to the floor has been truly bipartisan.

I must start with thanking my friend and chairman, Mr. BARTON, for his leadership on this bill; and I must also note the invaluable assistance of our subcommittee Chairman Upton, and I thank him for his kind words. I also would like to thank our ranking Democrats, Mr. MARKEY and Mr. DINGELL as well.

When someone looks at caller ID, they have the right to expect that the

person or phone number listed is truly that person. The average citizen has no idea that caller ID can be manipulated so that the person or number appearing is totally false.

I first learned of caller ID spoofing when I read news articles about our colleague from Pennsylvania (Mr. MURPHY) becoming a victim of it. His own constituents thought they were receiving calls from his district office, and these calls were far from appropriate.

I then learned that this technology is being used across the country to allow unscrupulous people to trick unsuspecting people to release personal information. It is so easy for someone to pretend to be Chase Manhattan or Citibank or even a person's doctor. These services even provide technology to change the sound of a person's voice. I could set it to sound like a 25-year-old woman or an 80-year-old man.

Mr. Speaker, I quickly became convinced we needed to address this issue quickly, because obviously what these people are doing is legal and we are playing catch-up to catch up with them. Having thought about this issue in great depth, I became convinced what happened to our colleague from Pennsylvania was just a harbinger of what is to come.

I believe that right now there are people in our country who plan to use this technology to interfere with our elections. Just imagine, the day before an election, a group of people using this technology make hundreds of calls pretending to be leaving a message from the office of a candidate. That message could be rude, insulting, crude, slanderous, sexist, or racist, and it would look like the candidate or the candidate's organization made the calls. The damage would be done, and these people who will do anything to destroy our democracy will have won. But today, the House takes a bold step toward protecting our Nation from these insidious criminals.

Finally, I would like to thank my staff and the committee's staff who worked on this legislation. Pete Leon of my staff, Kelly Cole and Will Norwind from the majority, and Johanna Shelton, Pete Filon, and Colin Crowell from the minority.

I hope we can pass this without any opposition.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 5126, the "Truth in Caller ID Act." And I commend the Chairman of the Committee on Energy and Commerce, JOE BARTON, and Representative ELIOT ENGEL for introducing this bipartisan bill.

Many consumers subscribe to caller ID services that let them know the number of an incoming telephone call and the name of the caller. Consumers often rely on this caller ID information to decide whether to answer a call. Consumers should be able to trust that the caller ID information has not been changed for fraudulent or harmful purposes.

Until recently, manipulating caller ID information, also called "spoofing," was difficult and required expensive equipment. Unfortunately, advances in technology have allowed individuals with fraudulent intent, and others seeking to do harm, to easily spoof their caller ID information, making calls appear to originate from a different person, organization, or location. As such, the recipient of a call that has been spoofed may answer the call thinking that it is coming from someone from whom it is not.

There are legitimate reasons to spoof caller ID information. For example, a domestic violence clinic may alter its caller ID information to mask its identity. This is important for the safety of victims of domestic violence since many victims seek help while they are still living with their abuser.

Caller ID spoofing, however, can be used for nefarious purposes. In a widely reported case, SWAT teams were dispatched to an apartment building in New Brunswick, New Jersey, last year after authorities received a call from a woman saying that she was being held hostage. The caller had spoofed the caller ID information to make it appear as though the call was coming from inside the building.

Caller ID spoofing is also used to gain personal information from a consumer so a criminal can more easily steal the consumer's identity. Equally troubling is the use of such spoofing by predators to cause physical or emotional harm to their victims.

H.R. 5126 will help put an end to caller ID spoofing for fraudulent or harmful purposes. Specifically, the Act makes it unlawful for someone to change their caller ID information with the intent to defraud or cause harm to another person.

This bill is good consumer protection legislation. I am pleased to support it and I urge my colleagues to do the same.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 5126, as amended.

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

A motion to reconsider was laid on the table.

BROADCAST DECENCY ENFORCEMENT ACT OF 2005

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the Senate 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.

The Clerk read as follows:

S. 193

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 ''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)(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

''(ii) 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.''; and

(3) in subparagraph (D), as redesignated by paragraph (1), by striking ''subparagraph (A) or (B)'' and inserting ''subparagraph (A), (B), or (C)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I again ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 193 the Broadcast Decency Enforcement Act of 2005. This legislation is virtually identical to H.R. 3717, as introduced by my good friend, Mr. MARKEY, Chairman BARTON, Mr. DINGELL, and myself in the last Congress on January 21, 2004, which I would note was about a week and a half before the infamous Janet Jackson/Justin Timberlake Superbowl halftime show. That legislation was the predecessor of H.R. 310, which the House passed in this Congress on February 16, 2005 by a vote of 389–38.

While S. 193 omits a number of important provisions contained in H.R. 310, I believe that passage of this legislation will help us achieve our ultimate goal, which is to help ensure American families that broadcast television and radio programming will be free of indecency, obscenity, and profanity at times when their children are likely to

be tuning in, whether that be in the living room watching TV or in the car listening to the radio.

This is about protecting the public airwaves, and Congress has given the FCC the responsibility to help protect American families in that regard. The courts have upheld the constitutionality of our broadcast decency laws, although they have limited the FCC's enforcement to only that content which is aired between the hours of 6 in the morning and 10 at night, when children are most likely to be listening or viewing.

What compelled me to act on this, even before the infamous half-time show, was a review of the Notices of Apparent Liability issued by the FCC in but a few of its radio broadcast indecency cases. And, of course, each case had a transcript of the content that was at issue.

My friends, public decorum on this floor precludes me from reading those transcripts out loud, but what I will say is that what I read was disgusting, vile, and had no place on our public airwaves.

I was glad to see my colleagues, Mr. MARKEY, Mr. BARTON, former Congressman Tauzin, and Mr. DINGELL agreed with me as well. These cases included descriptions of people having sex in Saint Patrick's Cathedral, lewd scenes of a daughter having oral sex with her dad, and a case in which radio hosts interviewed high school girls about their sexual activities with crude reference to oral sex, with the sound effects to match, and I could go on and on and on.

More recently, on March 15, 2006, the FCC issued a Notice of Apparent Liability regarding a scene in a broadcast network program which graphically depicted teenage boys and girls in various stages of undress participating in a sexual orgy. Again, I will not describe everything that was said there, but I can say that the program aired at 9:00 P.M. in the central and mountain time zones and it drew a significant number of citizen complaints from across the country.

We have no place for that on the public airwaves. And while I am not a lawyer, I would hope it would be beyond dispute that such content is indecent under the law and does not belong on the public airwaves, particularly at times when children might be viewing or listening.

In many of those most egregious cases, the radio and TV stations are owned by huge media conglomerates, but the current statutory maximum fine which the FCC can impose upon them for indecency violations remains at $32,500. In the words of former FCC Chairman Michael Powell, he said this, ''Some of these fines are peanuts. They are peanuts because they haven't been touched in decades. They are just the cost of doing business to a lot of producers. And that has to change.''

Well, Mr. Speaker, this legislation in fact changes that. We have a chance to increase by tenfold the existing statutory maximum penalty for indecency violations. The bill would raise the cap per violation from $32,500 to $325,000.

I believe that broadcasters do have a special place in our society, given that they are stewards of the public airwaves. And with that stewardship comes the responsibility, including adherence to our Nation's indecency laws. Most broadcasters are responsible, and many recently have taken steps to redouble their commitment to keeping indecency off the public airwaves. But for those broadcasters who are less than responsible, the FCC needs to have the teeth to enforce the law, and this bill, S. 193, will give the FCC that teeth.

The bottom line is this: We do not change the standards that the courts have affirmed are permissible for the public airwaves, particularly when children might be listening. This bill simply raises the fine on the violators of the existing standards, and it needs to be passed tomorrow.

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

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

Mr. Speaker, I want to commend Chairman UPTON for this legislation and commend as well Chairman BARTON, Ranking Member DINGELL for the cooperative bipartisan way this bill has been has been handled.

Mr. Speaker, this legislation, S. 193, is similar to legislation that previously passed the House. It was approved by the Senate unanimously a few weeks ago. This bill, simply put, raises the cap on possible fines that the FCC can levy for violations of its broadcast indecency rules from $32,500 per broadcast licensee to $325,000.

I would like to emphasize that this legislation does not make indecent broadcast illegal, nor does the bill define what is or is not indecent material. Indecent content aired over broadcast TV and radio is already illegal between the hours of 6 a.m. and 10 p.m. What speech constitutes indecent material will be left to the FCC and the courts to determine.

Again, this legislation simply updates the statute with respect to the amount of money that the FCC can levy as a fine for violations of its rules, and establishes procedures for considering broadcast license awards, renewal, or revocation when repeated violations are found.

I think this legislation has obvious broad support on both sides of the aisle because it merely increases the amount of fines available to the FCC to enforce its existing rules. I intend to support it, and again commend Chairman UPTON, Chairman BARTON, and Ranking Member JOHN DINGELL, and our other colleagues on this bill as well.

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

Mr. UPTON. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN).

(Mr. WALDEN of Oregon asked and was given permission to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, I plan to support this legislation, as I supported the House legislation, to clear up the public's airwaves and punish those broadcasters who violate the law and the standards of the community that they are licensed to serve.

I am perhaps the only Member of the House of Representatives who is a broadcast licensee. For 20 years, my wife and I have owned and operated radio stations in Oregon. I grew up in a pioneer broadcast family. I rise tonight, however, to express concern about the FCC's recent decisions regarding indecency and profanity.

Frankly, the decisions of the Commission leave me and many of my colleagues in the broadcast world a bit confused about where the boundaries are, which has been a problem for the Commission for many years. The Commission found that certain words, which we would find very offensive, could be used in the context of airing Saving Private Ryan. However, perhaps words that would be found less offensive could not be used in an episode of NYPD Blue.

Mr. Chairman, given the tenfold increase in fines that this legislation authorizes, I think it is exceedingly important for broadcast licensees to have a clear understanding of the rules from the FCC. So I would ask you to lend your good office to encourage the FCC to achieve clarification in these areas.

I think it is also important, Mr. Speaker, that Americans understand what we are doing here tonight only affects over-the-air public airwaves, radio and television broadcast licensees. If you think that the TV in your family room is suddenly going to have every program cleaned up, you are mistaken, because we are not allowed at this point to deal with issues involving cable television or satellite television or satellite radio. Indeed, when we began having hearings on this very issue of profanity in the radio broadcast spectrum, one of the individuals who probably caused the most ruckus on the public airwaves shifted over to satellite radio so that he could carry on there unfettered.

I realize these are subscription services, but I think for many Americans, when they catch cable television in their homes, they don't really differentiate any more about the four channels that may be public broadcast channels, over-the-air broadcasts, from those that are on up the dial for the next 400.

□ 2030

So they may wonder why it is that we can take this action tonight against licensees of the Federal Government. Now, cable services do have the ability to regulate individually within the home and block certain programs, so perhaps parents will take it upon themselves to self-regulate the home.

Meanwhile, broadcasters are going to need clarification when the fines are

going to be increased ten-fold, and not all broadcasters are parts of conglomerates. Some are mom-and-pop operators in small communities across America who rise to the challenges of serving their communities in times of natural disaster and just in terms of community events. They will need this guidance because a fine of $32,500 today on the books could bankrupt many of those small, independent broadcasters.

Mr. Speaker, I hope you will work to clarify this so the broadcasters know the rules under which they need to operate and do not violate them unintentionally.

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

Mr. WALDEN of Oregon. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Speaker, I look forward to working with the gentleman to clarify the rules. It is very important that broadcasters know precisely what the rules are. We can do a better job.

We are taking the Senate legislation as it was passed. I think we had some better language in the House. I look forward to working with you and other Members on both sides of the aisle to make this a bipartisan effort and lay those ground rules out so everyone, whether it is listeners or broadcasters, knows precisely the rules of the road and hopefully will not get into trouble for it. I thank the gentleman for his input all along in the process.

Mr. WALDEN of Oregon. Mr. Speaker, I thank the chairman for his leadership in this area as we clean up the public air waves and also come to standards that are clearly understood by all so that inadvertent violations do not occur. And also, a recognition of small-market broadcasters versus the big major ones where even $300,000 may seem insignificant in their revenue stream.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise today for the third time in 3 years to speak out against what I consider the wrong approach to media indecency, and that is increasing FCC fines.

S. 193, the Broadcast Decency Enforcement Act, represents a weak attempt at improving our media, an uncreative policy that will harm our creative community.

Mr. Speaker, we all believe in the need to reduce indecency in media. Parents should not have to worry about what they might encounter with their children when they sit down together to watch TV. But indecency fines will not solve this problem because they do not address its root cause: media concentration and a lack of competition.

When big media gets bigger, conglomerates move further away from quality programming and the principles of diversity, localism and competition, crucial for the service of public interest. Will monetary penalties encourage return to these principles? I sincerely doubt it.

Instead, we need a competitive media environment that provides viewers and listeners with real choices in their entertainment. We need programming that respects the public and performers rather than catering to the lowest common denominator and dumbing down our culture. A consolidated media market controlled by a profit-driven conglomerate is bound to offer cheaply made, shocking entertainment for the sake of increasing viewership and making a spectacle of itself.

Our artists need to be able to work in an environment where creativity is honored. This will never happen under a system of censorship. Creators cannot read the FCC's minds on their definition of indecency. We must work with our creative community to encourage quality media content, not simply offer vague guidelines with high consequences.

That is why I have supported making the fulfillment of public interest obligations an element of the broadcast licensees' renewal requirement and the restoration of the fairness doctrine. It is why I encourage the FCC to think about the impact that media consolidation has on media content and our national character as they begin rewriting their ownership rules, rules that upset millions of Americans and lawmakers on both sides of the aisle.

Mr. Speaker, the indecent media culture we witness today will not be modified by simply increasing fines. It must be transformed through less media consolidation and greater requirements to serve the public interest.

I am sorely disappointed that both Houses have chosen the easy route of increasing fines rather than making a serious attempt to curb indecency by addressing the major problems in our media.

So I would urge my colleagues to vote against this bill, and let's try over again.

Mr. MARKEY. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

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

I would just like to make a couple of closing comments. Again, I thank the gentleman from Massachusetts for his help on this from the start. It was in December 2003 I called him at his home in Massachusetts and asked if he would like to co-author this with me. With that support came the support of then-Chairman Tauzin and the gentleman from the great State of Michigan (Mr. DINGELL).

The four of us introduced this legislation. A week and a half before the Super Bowl, we had our first hearing, in fact, before the Super Bowl came about where it got a lot of publicity. I know all of us on the committee and subcommittee when we held hearings were absolutely disgusted with some of the trash that was said on the radio that was fined. I would like to use a different word than ''trash'' or ''stuff,'' but we would probably get fined for doing that on the House floor, and maybe our words would get taken down. I'm not sure. But it was awful, particularly knowing that kids were listening to that kind of talk.

It was a bipartisan effort. As I recall, I think we had a vote of 49–1 to get that legislation through. I think the bipartisan spirit we have had from the beginning, and I think our House bill was a little better than what the Senate has here in S. 193, but we need to get it done. That is why I was glad to work with the Senators on both sides of the aisle. And I would note this, not a single Senator, not a single one from any State, opposed the legislation that we are going to pass with this bill, S. 193.

Mr. DINGELL. Mr. Speaker, I rise in support of S. 193, the ''Broadcast Decency Enforcement Act of 2005''.

More than a year ago, the House overwhelmingly passed a broad measure to ensure that viewers and listeners would be properly protected from indecent broadcasts over the public airwaves. The Senate has now sent back just one piece of that more comprehensive measure.

The legislation before us will raise the maximum fine for indecent broadcasts tenfold, from $32,500 to $325,000. Increasing the amount that the Federal Communications Commission (FCC) can fine a company that broadcasts obscene or indecent programming is important, particularly given the growing size of these companies due to media consolidation.

Raising the level of potential fines is a good first step, so I support this measure. But it falls short of being a comprehensive solution to hold the FCC's feet to the fire on this issue.

People who are offended by indecent broadcasts on the public airwaves deserve prompt and thorough consideration of their complaints. Previously, the FCC had let some complaints languish for years, resulting in their dismissal. Unfortunately, delays continue. The viewing and listening public still does not receive prompt evaluation of their complaints, and the Commission's treatment of many consumer indecency complaints remains haphazard.

The House last year approved a much stronger and more comprehensive bill by a vote of 389 to 38. The bill would have increased the fines to $500,000 and given the FCC additional tools to fight indecency over the public airwaves. More importantly, it would have required the FCC to act on consumer complaints within a specific timeframe. It would have also made the Commission more accountable by requiring regular reports to Congress on its enforcement activities. This reporting requirement would have ensured that Congress was aware of any FCC action or inaction regarding complaints from our constituents regarding indecent broadcasts. The Senate bill does not take these steps to make the Commission more responsive or accountable.

Consumers would have been better served if the House and Senate had negotiated a compromise bill that included several of the provisions from the House bill to keep the FCC accountable. Nonetheless, S. 193 is a step in the right direction. As such, I support this bill and urge my colleagues to do so as well.

Mr. GENE GREEN of Texas. Mr. Speaker, most of us remember Super Bowl XXXVIII, but

not for the reason that most of us Houstonians would like.

The game was a great showcase for Houston and one of the best in Super Bowl history. The New England Patriots edged out the Carolina Panthers by a score of 32 to 29 in a wild fourth quarter that ended with an Adam Vinatieri field goal with four seconds left.

Unfortunately, Americans remember that game for the offensive halftime show featuring Justin Timberlake and Janet Jackson.

Performers can do whatever they like on their albums, or on subscription services like HBO, and as a Member of Congress I swore an oath to uphold the Constitution and protect all Americans' First Amendment rights of freedom of speech and expression.

But public obscenity purely designed to shock people has no place on primetime broadcast television using the public's airwaves.

Almost every American home has a television and there is nothing a parent can do to protect against indecency on broadcast radio or television.

American families should have the right to watch the Super Bowl without expecting indecent performances, and the current FCC fines were clearly not a deterrent. Therefore, this legislation increases the fines for broadcast indecency by 10 times.

However, the Commission should only use this power against blameworthy broadcasters. A $325,000 fine is a much bigger stick for the FCC to use against indecent broadcasters, so the level of responsibility of the FCC must also increase.

When an independent affiliate airs network programming that turns out to be indecent, the FCC should only punish an affiliate if there was a reasonable opportunity to review questionable taped material or reason to know that such material was likely.

In cases where only the network knows what is going on the air, it stands to reason that only the network should bear the burden for such violations.

Section 503(b)(2)(D) allows the FCC to consider the circumstances of a violation in determining the amount of a penalty. The Commission should use that power wisely and recognize that you cannot deter indecent programming by fining independent affiliates with no control over the content.

Mr. GONZALEZ. Mr. Speaker, I rise to express my support for S. 193, The Broadcast Decency Enforcement Act of 2006, our constituents should expect that when they turn on their local broadcast television and radio stations, they will not be subjected to obscene, indecent, and profane material. I believe this legislation does take the necessary steps to ensure that there is a sufficient deterrence to broadcasters who are careless as to their responsibilities to the general public.

But, Mr. Speaker I am concerned that this legislation may fail to take into sufficient account the economic conditions of a broadcaster. There are numerous small broadcasters who serve small or niche market. This is particularly true of minority owned stations or stations that target the minority viewers. I urge the Federal Communications Commission when it uses its power under Section 503(b)(2)(D) of the Communications Act of 1934 to consider the size of the market that the broadcaster serves and its ability to pay when assessing a fine for airing questionable material, as this body approved when it passed the companion House legislation to this bill—H.R. 310 several weeks ago.

I also believe that the Commission should consider the source of the obscene, indecent, or profane programming when levying a fine. When a local affiliate not owned or controlled by a network airs questionable programming supplied by the network, the FCC should penalize the party who was really at fault. If the local affiliate was not given a reasonable time to review an offensive taped or scripted program before it aired, or if it aired an offensive live or unscripted program without reason to believe it was offensive, the fault arguably lies not with the local affiliate but with the network that supplied the program. Section 503(b)(2)(D) allows the Commission to adjust a penalty based on the culpability of the violator, the circumstances of the violation, or any other matters as justice requires. I believe that a situation where a local affiliate was left "in the dark" about obscene, indecent, or profane material in a program from the network calls for just such an adjustment.

Thank you again, Mr. Speaker, for moving this important legislation forward.

Mr. ACKERMAN. Mr. Speaker, I am continually amazed that defending our Constitutionally guaranteed freedom of speech is such a lonely job in the House of Representatives. I believe in decency and protecting children as much as any Member, but what is at stake here is freedom of speech and whether it will be nibbled to death by election-minded politicians and self-righteous pietists.

If you don't believe that this so-called Broadcast Decency Act will have a chilling effect on free speech, let's take a look at a few examples of how the culture of censorship has spread to the airwaves over the past few years.

Numerous ABC affiliates refused to commemorate Veteran's Day by airing the movie "Saving Private Ryan" because they feared an FCC fine. Ironically, ABC had previously aired unedited versions of the World War II movie in 2001 and 2002 without incident.

Many PBS stations refused to air an episode of the children's show "Postcards with Buster" because Buster, an 8-year-old bunny, learned how to make maple syrup from a Vermont family with two mothers.

CBS refused to air a political advertisement during the Super Bowl because it was critical of President Bush's role in creating the Federal deficit.

CBS and NBC refused to run a 30-second ad from the United Church of Christ because it suggested that gay couples were welcome to their church, and the networks felt that it was "too controversial" to air.

This is how free speech dies: with the pruning of self-satisfied politicians and the whimpering of fearful citizens. These are just a few examples that occurred before this ill-conceived bill has even been signed into law. Broadcasters will certainly increase these practices and bite their tongues when "decency" enforcers can slap them with a $325,000 fine, multiplied by numerous stations. How much farther down the slippery slope of censorship will we slide?

Even more galling is that this free-speech assault is coming from a mere fragment of the public, one organization—the Parents Television Council—representing the religious right and their far right-wing political agenda. This organization, which is responsible for 99.9 percent of the so-called indecency complaints filed with the FCC, boasts "nearly 1 million members." True or not, while that may be a sizable number for an individual organization, when compared to the almost 300 million people currently living in the United States, it really amounts to a small handful of people—less than one percent. Why should this tiny population of scolds be allowed to censure what the remaining 99.66 percent of us listen to?

It is not for this Congress to put limits on free speech. The public decides what they want to listen to and what they want to hear. They can change the channel, they can change the station, they can turn it off. It is not just speech that we agree with and we think is right that we have to tolerate. The true test of freedom of speech is if we tolerate ugly speech, obnoxious speech, and speech that we disagree with.

We need to defend our Constitution. We need to defend freedom of speech, and that is really what is at stake here. Passing this bill is a huge mistake and this vote will mark a very dark day in American history. We are going down a slippery slope and no one can honestly say where it will stop. A vote for this bill is a frontal assault on our Constitution and the protections that it gives to the American people.

Mr. Speaker, I for one will be voting against this bill, and I urge my colleagues to do the same.

Mr. UPTON. Mr. Speaker, I urge all of my colleagues to support this when we take the vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the Senate bill, S. 193.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. UPTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES WITH REGARD TO THE IMPORTANCE OF NATIONAL WOMEN'S HEALTH WEEK

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 833) expressing the sense of the House of Representatives with regard to the importance of National Women's Health Week, which promotes awareness of diseases that affect women and which encourages women to take preventive measures to ensure good health, as amended.

The Clerk read as follows:

H. RES. 833

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 since healthy habits 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 dedicated as the National Women's Health Week: Now therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) calls on the people of the United States to use National Women's Health Week as an opportunity to learn about health issues that face women;

(3) calls on the women of the United States to observe National Women's Check-Up Day by receiving preventive screenings from their health care providers; and

(4) recognizes the importance of programs that provide research and collect data on common diseases in women.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentlewoman from California (Mrs. CAPPS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert extraneous material on the bill.

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

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 833, authored by Mr. HINCHEY, Mrs. BONO and Mrs. CAPPS, expressing the sense of Congress on the importance of Women's Health Week.

Each year Women's Health Week promotes awareness about steps women can take to improve their health. The focus is on the importance of incorporating simple, preventative, and positive health behaviors into women's everyday lives.

When women take simple steps to improve their health, the results can be significant. Many of the leading causes of death among women, such as heart disease, cancer, stroke and diabetes are preventable and treatable if the warning signs are recognized.

Events like National Women's Health Week and National Women's Checkup Day are great opportunities to tell someone you love that their health is important. Remind a mother, sister, spouse, daughter or friend to get regular checkups, exercise regularly, eat a healthy diet, quit smoking, and follow safety rules.

I commend the hundreds of volunteers, women's groups, health organizations, businesses, and charitable organizations who have helped to make National Women's Health Week a success.

Mr. Speaker, I urge my colleagues to support the resolution in recognition of National Women's Health Week.

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

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

Mr. Speaker, I rise in strong support of H. Res. 833, which celebrates National Women's Health Week. I would like to thank my colleagues, Mr. HINCHEY, Mrs. BONO, and Mr. HAYWORTH, for their work on this issue, as well as our chairman, Mr. DEAL.

This week is celebrated annually in order to raise awareness about diseases and conditions that specifically affect women. This also includes how common diseases affect women differently than they affect men. For too long research lacked gender specificity, and because of that, we lacked vital information about how women experience disease differently from men. This is especially true with respect to heart disease, and that happens to be the number one killer of women.

Women's Health Week is also a time to raise awareness about important preventive care measures that all women should take. With the growing number of uninsured in this country, it is no surprise that women are skipping doctor visits that ought to be routine. Knowing that this is especially true for low-income women and minority women, I applaud national efforts to use National Women's Health Week as a time to offer free screenings and conduct outreach to communities that are often left behind.

National Women's Health Week is not just a concept, but it truly is a large-scale effort by individuals, government, local and national organizations in order to highlight practical steps women can take to improve their lives and their health.

During this week, women can access essential checkups, services like mammograms and bone density screenings. These screenings can catch serious conditions like breast cancer early before it is life-threatening, and osteoporosis before it results in fractures.

I support this resolution celebrating National Women's Health Week because it focuses attention on gender disparities in health care delivery. I urge my colleagues to support it as well.

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

Mr. DEAL of Georgia. Mr. Speaker, I continue to reserve my time.

Mrs. CAPPS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank my dear friend and colleague, the gentlewoman from California, for organizing the time for this discussion this evening.

I think this resolution before us at the moment is very, very important. It calls upon the House of Representatives to recognize the importance of National Women's Health Week. The importance of National Women's Health Week is to draw people's attention from all across our country to the issues that affect the health of women in America. And those issues affect women of all ages.

One of the things that we are attempting to do with regard to National Women's Health Week is to draw attention to the necessity to try to live better lifestyles, healthier lifestyles, and to take advantage of the opportunities for medical screening.

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One of the unfortunate situations that we confront in our country, of course, is the fact that we still do not have a system of national health insurance. And so consequently, many women will not be able to take advantage of opportunities to get medical screening because they do not have insurance.

But, in the meantime, this resolution focuses attention on the need to live healthier lifestyles, to be aware of the various diseases and other health concerns that affect women, to take the necessary precautions to deal with those issues, to live the healthiest possible lifestyle, and to get the best appropriate medical attention.

It also thanks all of the agencies, and organizations across our country that devote their time and attention to the issue of womens' health. Womens' health is important for all of us, and that is why this resolution is so important for the Members of this House and for all of our constituents all across America.

I ask my colleagues to devote their attention to this resolution, to support it favorably, and to ensure its passage, because this issue is critically important to every single family in America. I ask that we give it the appropriate attention that it deserves and that the resolution be passed unanimously.

Mr. DEAL of Georgia. Mr. Speaker, I do have an additional speaker who has arrived. I am pleased to recognize my colleague from Georgia, Dr. PHIL GINGREY, for 2 minutes.

Mr. GINGREY. Mr. Speaker, I thank my colleague, Chairman DEAL of the Health Subcommittee of Energy and Commerce. I thank Representative HINCHEY and Representative CAPPS and all Members who bring this resolution, 833, before us this evening.

Those of us involved in health care, like Representative CAPPS, as a registered nurse, and myself, as a physician, and not only a physician, but also a specialist dealing with women's health issues, as an OB–GYN, understand the importance of recognizing that this is National Women's Health

Week. It promotes awareness of diseases that specifically affect women and encourage them to take preventive measures to ensure good health.

It is a time when we need to tell all the women in our lives, our mothers, our wives, our sisters, our daughters, our aunts, in my case, my children and grandchildren, and friends, how important it is to take time out for their health. It can be as simple as taking the stairs instead of an elevator, eating healthier or scheduling an appointment with a health care provider.

Mr. Speaker, as an OB-GYN physician for nearly 30 years, I cannot stress enough how important a good relationship with your doctor is in maintaining your health. Women need to have conversations with their physicians regarding family history. They clearly need to understand the importance of screening tests and how to manage chronic diseases.

I want all of America's women to take a moment to focus on promoting health and preventing disease and illness by taking very simple steps to improve their physical, mental, social and spiritual health.

And I thank the chairman for allowing me to address this issue.

Mrs. CAPPS. Mr. Speaker, I actually have no additional speakers, and so I would yield back the balance of my time, by urging our entire body to follow as we seem to be in unanimity here this evening discussing this legislation that we adopt this resolution unanimously in the House as well.

Mr. DEAL of Georgia. Mr. Speaker, I have no further requests for time and therefore, I would yield back the balance of my time and urge the adoption of the resolution.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, H. Res. 833, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL OSTEOPOROSIS AWARENESS AND PREVENTION MONTH

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 265) supporting the goals and ideals of National Osteoporosis Awareness and Prevention Month, as amended.

The Clerk read as follows:

H. RES. 265

Whereas osteoporosis, a disease characterized by low bone mass, structural deterioration of bone, and increased susceptibility to fractures, is a public health threat for an estimated 44 million Americans;

Whereas in the United States, 10 million individuals already have the disease and almost 34 million more are estimated to have low bone mass, placing them at increased risk for osteoporosis;

Whereas one in two women and one in four men over age 50 will have an osteoporosis-related fracture in her or his remaining lifetime;

Whereas building strong bones during childhood and adolescence can be the best defense against developing osteoporosis later;

Whereas osteoporosis is often thought of as an older person's disease, but bone health is a concern for any age;

Whereas substantial risk has been reported in people of all ethnic backgrounds;

Whereas osteoporosis is responsible for more than 1.5 million fractures annually;

Whereas the Surgeon General of the Public Health Service says that caring for bone fractures from osteoporosis costs America $18 billion annually;

Whereas the Surgeon General believes that bone health is critically important to the overall health and quality of the life of Americans; that it is in jeopardy and will only get worse if left unchecked; and that great improvements in the bone health status of Americans can be made by applying what is already known about early prevention, assessment, diagnosis, and treatment;

Whereas optimum bone health and prevention of osteoporosis can be maximized by a balanced diet rich in calcium and vitamin D; weight-bearing exercise; and a healthy lifestyle with no smoking or excessive alcohol intake; and

Whereas May 2006 would be an appropriate month to observe National Osteoporosis Awareness and Prevention Month: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of National Osteoporosis Awareness and Prevention Month and urges the people of the United States to observe appropriate programs and activities with respect to osteoporosis, including talking with their health care professionals about their bone health.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentlewoman from California (Mrs. CAPPS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume. And I rise today in support of House Resolution 265, a resolution authored by Representatives BERKLEY and BURGESS, that establishes a National Osteoporosis Awareness and Prevention Month.

Osteoporosis is a disease characterized by low bone mass and structural deterioration of bone tissue which can lead to fragile bones and an increased susceptibility to fractures, especially the hip, spine and wrist.

Osteoporosis is a major health threat for an estimated 44 million Americans, or a full 55 percent of people 50 years of age and older. In the United States, 10 million individuals are estimated to already have the disease and nearly 34 million more are at an increased risk for osteoporosis.

Of the 10 million Americans estimated to have osteoporosis, 8 million are women and 2 million are men.

Osteoporosis is often called a silent disease because it can progress very slowly over time without symptoms until a fracture occurs. The consequences of osteoporosis can be devastating, painful, costly and even deadly. Approximately 20 percent of hip fracture patients will die within a year after their fracture, usually from complications related to the fracture.

People tend to assume that osteoporosis is an inevitable part of aging. But for the most part, it is preventable. Prevention of osteoporosis should begin in early childhood and continue throughout life. Building a strong skeleton during childhood, adolescence and young adulthood can help people avoid osteoporosis later in life.

The National Osteoporosis Foundation recommends five steps that can optimize bone health and help prevent osteoporosis. First, eat a balanced diet rich in calcium and vitamin D to build and maintain strong bones. Foods rich in calcium include dairy products like milk and cheese and fish like salmon. Very few foods are rich in vitamin D, but milk is often fortified with vitamin D. Sunlight exposure to the hands, face and arms for 5 to 15 minutes, two to three times a week, helps the body produce its own vitamin D.

Second, engage in weightbearing exercise.

Third, don't smoke or drink too much.

Fourth, talk to your doctor about bone health.

And fifth, have your bone density tested and take medication as directed by a physician.

The activities of National Osteoporosis Awareness and Prevention Month encourage Americans to take the proper steps to protect themselves from osteoporosis, including talking with their health care professionals about their bone health.

Mr. Speaker, I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I thank my colleague, the chairman of our committee.

I particularly want to thank my colleague, Congresswoman BERKLEY, for her work on raising awareness about osteoporosis. It has been a particular mission of hers and it is making a difference around the country, that women are stepping forward on this issue.

As we may know, osteoporosis affects around 10 million Americans, most of whom are over 55, and it is the cause of an estimated 1.5 million fractures annually.

It is often called the silent disease because this bone loss occurs without

any outward symptoms and, of course, 80 percent of all osteoporosis occurs in women.

The quality of life for those affected often takes a downward spiral, leaving those who suffer from osteoporosis unable to walk, to stand up or even to dress themselves.

National Osteoporosis Awareness and Prevention Month is celebrated each May, and becomes a chance for our Nation to become more familiar with the effects of this disease, and about the preventable steps that we can take to deal with it.

Unfortunately, too many people are not at all aware that osteoporosis can be prevented through diet and exercise, both of which help maintain bone density.

Research clearly shows us that the earlier women think about maintaining their bone mass and take the steps to do so, the better their health will be in the long run. And you know, these aren't difficult steps to take. Proper diet, including calcium, proper exercise, are good for very many reasons, but knowing that at the same time you are making yourself healthy, you are also preventing osteoporosis is an important message to get out to everyone. So I encourage the public to take advantage of National Osteoporosis Awareness and Prevention Month by speaking to their health care providers about their risks, and encouraging health care providers to proactively address this subject with their patients.

I proudly support this resolution, and I encourage my colleagues to do the same.

I now invite my colleague, Ms. BERKLEY, about whom I was speaking, who has now arrived, to speak for as long as she may wish to, 3 minutes or whatever.

Ms. BERKLEY. Mr. Speaker, I would like to thank the Congresswoman, Mrs. CAPPS. She is an extraordinary advocate for health care, not only for women, but for families, men, everyone in this country, to make it a healthier country to live in. And I am so grateful for her, for her friendship and for the remarkable mark she has made on this Congress and on this country.

I rise in strong support of House Resolution 265 and ask for its immediate passage.

Mr. Speaker, May was National Osteoporosis Awareness and Prevention Month. Osteoporosis and low bone density affect 44 million Americans over the age of 50. It is a disease in which the bones become more fragile and prone to breaking. Many of those affected are unaware they have osteoporosis and therefore, they are unable to take steps to prevent it.

Like many Americans, I had no idea I was at risk for developing osteoporosis. I thought I simply had bad posture. And it never occurred to me to be screened for osteoporosis. Yet, when I was running for Congress in 1998, I was diagnosed with this disease. Fortunately, within 10 months of the diagnosis, with proper treatment, I was able to stop my bone loss and my bones actually began to strengthen again.

My bill will help raise awareness about the prevention and treatment of this increasingly common disease and encourage those at risk to have a quick and painless bone density test.

While more Americans than ever before have been diagnosed with osteoporosis and are receiving treatment, much more remains to be done to raise awareness about the importance of healthy bones.

Often called the silent disease because it goes undetected in many Americans until they actually break a bone, osteoporosis affects more than 10 million individuals and an estimated 34 million men and women. And yes, Mr. Speaker, men are susceptible to osteoporosis too. They suffer from osteoporosis and have low bone mass which places them at an increased risk for developing this condition.

As of 2003, there were an estimated 3.6 million people who have been diagnosed with osteoporosis. In my home State of Nevada, over 300,000 men and women suffer from osteoporosis and low bone mass. One in two women, and one in four men age 50 and older will have an osteoporosis related fracture in their lifetime.

The consequences of osteoporosis are devastating and very painful. Hip fractures, which occur about twice as often in women as men, are more serious than people realize. Approximately 20 percent of the hip fracture patients over the age of 70 will die in a year after that fracture, usually from complications such as pneumonia or blood clots in the lungs.

Prevention, diagnosis and treatment are the keys to tackling osteoporosis and as a Nation, we must teach people of all ages how to take the necessary steps to keep their bones healthy and strong for a lifetime.

Those at risk who have not yet been tested for osteoporosis need to make an appointment with their physician to have a bone density test. The exams are quick and they are painless and they can be done in conjunction with a regular checkup.

Because of my personal experience with osteoporosis, I am committed to ensuring that my fellow Americans are aware of the importance of early detection and prevention. Men and women can reduce their chances of developing this disease. I encourage everyone to see their doctor and get screened for osteoporosis. It is very silent, but it is a deadly disease.

I urge all of my colleagues to support this resolution that will increase awareness of this disease. I thank my colleague and dear friend, Mrs. CAPPS, for working with me to ensure that this resolution becomes a reality. Thank you very much.

□ 2100

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, H. Res. 265.

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

A motion to reconsider was laid on the table.

AMENDING TITLE 49, UNITED STATES CODE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5449) to amend title 49, United States Code, to modify bargaining requirements for proposed changes to the personnel management system of the Federal Aviation Administration.

The Clerk read as follows:

H.R. 5449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL.

Paragraph (2) of section 40122(a) of title 49, United States Code, is repealed.

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall be effective as of April 1, 2006, including with respect to any proposed changes to the personnel management system of the Federal Aviation Administration that were transmitted to Congress, on or after that date and before the date of enactment of this Act, in accordance with the provisions of section 40122(a)(2) of title 49, United States Code, as last in effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. MICA. Mr. Speaker, I would like to request the time in opposition.

The SPEAKER pro tempore. Is the gentleman from Illinois in opposition to the bill?

Mr. COSTELLO. Mr. Speaker, I support the bill.

The SPEAKER pro tempore. The gentleman from Florida will control the time in opposition.

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that half of my time, 10 minutes, be yielded to Mr. COSTELLO, and that he be permitted to yield time.

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

There was no objection.

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

Mr. Speaker, first I want to thank Speaker HASTERT for allowing us to have this debate tonight and also Majority Leader BOEHNER. There are some people on our side of the aisle that are not so happy that we are doing it, but I have to tell you that when you have 80 Republican Members of Congress supporting a piece of legislation, I think it is important to have the debate and have it now.

I also want to thank Congressman LOBIONDO of New Jersey and Congresswoman SUE KELLY from New York for being my partners in this endeavor as we move this legislation forward, and I want to thank Mr. COSTELLO for standing up in support of the bill.

Mr. Speaker, this bill is pretty simple. There is a contract dispute currently going on between the air traffic controllers in this country and the Federal Aviation Administration, and this bill simply sends them back to the table and asks them to reach a fair and equitable conclusion.

Under current law, the FAA has unilaterally imposed their contract terms on the hard-working air traffic controllers in this country. Congress is not in the business of contract negotiations, nor should it be. The FAA is also at an impasse with four other bargaining units, and the Congress really shouldn't be in the business of constantly reviewing labor contracts.

When this bill passes, the sides will resume negotiating and the existing contract will remain in place, there will be no disruption in service.

If they are unable to bridge the gap, the matter then goes before the Federal Service Impasses Panel. The FSIP, as it is called, will assure that both sides are negotiating fairly, and if no agreement can be reached, FSIP then can impose contract terms on both parties.

Some people might say, oh, man, FSIP, that sounds like a tough place for the FAA or the administration to go to. The FSIP board is made up of seven members, all seven appointees of this president, President George W. Bush.

During the course of this debate tonight, we are going to hear, I think, some facts and figures, and I want to lay some of them to rest now. We may hear that the average salary for air traffic controllers is $173,000. While that may be true if you include all of their benefits, anybody that is lucky enough to have health care or a retirement package knows that about 40 percent of that is made up in those benefits.

The average salary is really about $127,000. I don't know a lot of people in Cleveland, Ohio, that thinks that is too much for people that land the millions of passengers that travel our Nation's airways. You may hear that air traffic controller salaries have increased 75 percent, and we will explore that a little bit later.

Some people are going to criticize the FSIP board saying, oh, man, there is no incentive for the air traffic controllers to go back and negotiate. I will tell you I have talked to both lead negotiators. There is a strong desire to get this done. And, again, at any time after the passage of this bill, if either side thinks that the other side isn't negotiating fairly, they can immediately call up FSIP and go to this seven-member panel, all appointed by President George W. Bush.

Mr. Speaker, this is a good bill. I hope our colleagues can support it with the two-thirds majority necessary.

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

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

Mr. Speaker, I rise in opposition to H.R. 5449. Unfortunately, my very good friend, Mr. LATOURETTE, the gentleman from Ohio, and Mr. COSTELLO, the gentleman from Illinois, support this proposal, but this, unfortunately, is a very seriously flawed bill and piece of legislation, and it comes at a time when we are trying to do everything we can to stabilize and provide economic reform for the aviation industry.

Let me talk a little bit about the history of how we got to this situation. Mr. LATOURETTE has also spoken to the increases that the air traffic controllers have received from 1998 to last year. They did receive some 75 percent, and maybe there was need to adjust the salaries. That translates into about 10 percent per year. But that contract did expire last year, and the air traffic controllers were required and FAA also began negotiations for a new contract.

Unfortunately, that drug out for some time, and by the terms of the existing contracts and agreement, as long as no contract was in place, the terms of the old contract prevailed, with some pretty hefty increases in place.

What has taken place in fact is an impasse occurred. Under existing law, when that impasse was declared by FAA, the matter was sent to Congress. That has all taken place. That is all history. For some 60 days, Congress had an opportunity to overturn that. And it is true that there was legislation with many Republican cosponsors sympathetic with changing some of the procedures. However, that bill was not retroactive, like the LaTourette proposal. This is a reach-back provision, and it also takes Congress completely out of the process, as opposed to the bill that others had cosponsored.

So, this is a bill, again, H.R. 5449, that, if enacted, will change the rules of the game at the bottom of the ninth inning just because one of the teams does not like the outcome of fair negotiations, a legislative process that has already been completed, and, again, we take Congress out of the process.

The Constitution provides in Article I that all bills relating to funding and appropriations come out of the House of Representatives, emanate in the House of Representatives. This legislation, again, reaches back and changes the rules of the game. It allows a panel that is not confirmed by Congress, by the Senate, again, a panel of seven, to make appropriations and also authorization decisions that are left to the Congress.

So, I have great concern about this procedure. I think it sets a horrible precedent.

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

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

Mr. Speaker, I rise today in support of H.R. 5449, legislation that will send the FAA and the air traffic controllers back to the bargaining table. H.R. 5449 seeks to ensure a fair process to resolve impasses that arise during collective bargaining negotiations with the FAA instead of the current one-sided process.

The FAA and NATCA started contract negotiations in July of 2005. The FAA declared an impasse on April 5 and promptly sent the contract to Congress just days before we went out on our April district work period. The 60-day clock expired yesterday, June 5, with the FAA imposing its last offer immediately.

I believe the best way to get a fair contract between the two sides is for Members to sign Discharge Petition No. 13 to bring H.R. 4755, a bipartisan bill with 265 cosponsors, including 75 Republicans, to the House floor for a vote. Congresswoman SUE KELLY and I introduced H.R. 4755 which would insist on binding arbitration, ensuring an end to the dispute, protecting collective bargaining rights and to promote good faith, fair negotiations. One hundred ninety-five Members, all Democrats, signed the Costello discharge petition to bring H.R. 4755 to the floor.

Because I filed the discharge petition, the Republican leadership has decided to bring up H.R. 5449, introduced by my good friend, Mr. LATOURETTE, to the House floor today for consideration. While I would have preferred to see H.R. 4755 on the floor today, I support H.R. 5449, the legislation before us, as a means of reversing the current one-sided process that does not promote good faith negotiations.

I want to remind my colleagues as we hear a lot about salaries and working conditions and other issues that this bill is about process only, plain and simple. There are no mandates concerning salaries, benefits or anything concerning working conditions with the air traffic controllers. It simply gets both sides back to the bargaining table.

Today's debate really comes down to whether Members support the rights of workers and the rights of collective bargaining. Anytime one side comes to the bargaining table knowing that they will get what they want at the end of the day, which is exactly what the current law does, it gives the FAA what they want, their last proposal at the end of the day, then there is no incentive to reach an agreement.

The current law is grossly unfair and needs to be permanently changed. If you truly believe in collective bargaining, you will send both sides back to the bargaining table by supporting H.R. 5449.

I urge all Members to vote ''yes.''

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

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

Just for the record, Mr. Speaker and my colleagues, the average compensation for an air traffic controller today

is $173,000. That is average. The highest paid controller earns $277,937. That is the highest controller. I have 1,397 controllers earning $213,500.

Just for the record, the average median household income in Illinois, the home State of the gentleman who just previously spoke, is $48,953. For Mr. LATOURETTE, the sponsor of this legislation, the average median household income is $42,240.

Further for the record, an air traffic controller for the military, and we have a whole corps of air traffic control servicemembers serving in the United States and across the world, right now a sergeant in the U.S. Air force with 10 years experience and those in the combat zone as we speak tonight serving in Iraq at Baghdad Airport, earn $35,919. Of course, they get many benefits on top of this, such as housing. I want to be fair.

But that brings some of this debate and the amount of compensation we are talking about hopefully into perspective.

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

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

Mr. Speaker, just briefly to the gentleman's baseball analogy, that is exactly why they make extra innings and we should have extra innings here.

Secondly, again, this $173,000 figure, people in Cleveland, Ohio, that are sitting on their couch know that $173,000 is a lot of money, but again, if they are lucky enough to have health care and pension, that is 40 percent of that cost. The average is $127,000.

Now, again, people in Cleveland, Ohio, think that that is a lot of money as well, but I am going to tell you, they think that the guy that walked away from Exxon with a $400 million retirement package, that really is a lot of money.

The sum of $127,000 for someone who has dedicated his or her life to safely landing your family at an airport is not too much money.

Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentlewoman from New York (Mrs. KELLY), the sponsor of the original bill.

Mrs. KELLY. Mr. Speaker, I rise in support of this bill. I have spent a lot of time working on aviation safety on this issue because we need to establish more fairness in the contract negotiation process between the Federal Aviation Agency and our air traffic controllers. When one side is able to cut off negotiations and impose its will on its employees at any time, it is difficult to argue that this is an environment for fair negotiation.

Unfortunately, this is the system we have in place right now for recruiting and maintaining America's best assets for keeping our air safe, our air traffic controllers. It is a flawed system that would weaken aviation safety. It is appropriate that Congress take action to correct this situation now, before problems grow to a point where we can no longer fix them.

□ 2115

Our air traffic controllers are absolutely essential to protecting our skies. We need to ensure that we are recruiting and maintaining the best possible personnel for our really vitally important jobs. That is why I introduced the legislation this year with my colleague, Mr. COSTELLO, to address this situation.

And as he pointed out, we had a bipartisan group of 267 Members behind our legislation that seeks to establish more fairness in the negotiation process. Well, it would be my preference that it would be our bill that would be up for debate today. I sincerely appreciate the leadership's recognition that this matter merits debate and action by this body. The bill that is offered by my colleagues, Mr. LATOURETTE and Mr. LOBIONDO, provides us with a positive step in the right direction.

Mr. Speaker, it does not favor one side over the other. It does not speak in favor of one specific contract proposal over another. It simply sends them back to the negotiating table. This is the right thing to do to keep our negotiation process fair and our skies safe.

I support this legislation. I encourage the other 265 cosponsors that have cosponsored this bill with Mr. COSTELLO and myself to similarly support this bill offered by my colleagues, Mr. LATOURETTE and Mr. LOBIONDO.

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

Mr. Speaker, just a couple of clarifying points, if I may. We heard the gentleman from Illinois talk about sending this contract back to the bargaining table. We heard reference by the previous speaker also of the panel that will get this.

I had the honor and privilege of chairing the House Civil Service Committee for some 4 years. I know a little bit about the Federal Service Impasse Panel. The Federal Service Impasse Panel is not confirmed by the Senate. It has no congressional confirmation. It has seven appointees by the President. Ninety-eight percent of the issues it has handled, and this is what the LaTourette bill would do is send it to this panel, 98 percent of the issues that it has handled are nonwage. That is a fact.

It deals primarily with quasi-governmental and nonappropriated, that is nonappropriated by Congress, mostly agencies that generate their own income through fees.

So this is unprecedented in sending it to this panel. Now, they do not have the staff to deal with this. Maybe it will go on to the Labor Relations Board and then maybe it will be further appealed. But remember, the name of this game is keeping this stirred up and not resolved as long as possible, because we have then the provisions of the Clinton contract, which expired on Monday.

In addition, there are differences between the bill by Mrs. KELLY, and I applaud her for her bill, first her bill did not reach back as the LaTourette bill did, and secondly, her bill kept Congress in the process.

The LaTourette bill takes Congress out of the process, turns this process really over to, again, a board that has really no congressional oversight or participation in even confirming the members in an unprecedented fashion. So that again provides us with some statistics.

Just to also further clarify cash compensation versus total compensation. The highest controller, if we take cash compensation, only is $231,477 for the record. The 1,397 controllers about the statutory cap, they receive, again without benefits, $175,366.

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

Mr. COSTELLO. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I thank Mr. COSTELLO for yielding me time.

Mr. Speaker, when two parties enter negotiations, it is generally expected that both sides play by the same rules. But there is an exception made for the FAA which enjoys a decided advantage over air traffic controllers.

For instance, there was no penalty or consequences for FAA negotiators when they walked away in the middle of negotiations expecting that congressional inaction would automatically impose a new contract with lower pay and benefits for the air traffic controllers have earned through their hard work and impeccable service record since the terrorist attacks.

Mr. Speaker, I would say that this is not an argument about average compensation or cash compensation. This is an argument that is essentially about fairness. The current process is anything but fair. Whatever one's position might be on the underlying issue, most of us can agree that Congress should let the process run its course and refrain from dictating the terms of an agreement that should be settled like any other labor dispute.

Mr. Speaker, the diligent and hard-working men and women who guide America's air traffic serve a critically important role in our homeland security. At the very least we should level the playing field so that they can negotiate a fair contract.

Mr. Speaker, I strongly urge my colleagues to support this resolution.

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

Mr. Speaker, again for the record, first of all, the gentleman from New York just talked about this unfair process. This is the same process that was put into effect during the Clinton administration in 1996, and in 1998 gave the air traffic controllers a 75 percent increase, the same exact process that we are working under.

The gentleman from New York (Mr. BISHOP) and my good friend, the gentlewoman from New York (Mrs. KELLY),

the average median household incomes by State that I have for New York is $47,349. Now, I do not want anyone to think that we are cutting existing air traffic controllers. Under the contract that went into effect on Monday, their compensation and their benefits, they will rise from 2007 to 2011 from $173,000 to $185,000.

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

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

Mr. Speaker, I just want to make a brief comment before yielding to my friend from New Jersey (Mr. LOBIONDO).

Mr. MICA continues to talk this bill reaching back. I just want to focus on the 60 days that was in the current law. It is inconceivable that anybody that has been here for any period of time thinks that this Congress can act in 60 calendar days on anything.

Mr. Speaker, I have been here 12 years. For that entire 12 years we have been trying to repeal a telephone tax that was put into effect to pay for a war. Now some people say, oh, was it the Iraq war? Maybe the gulf war? Maybe Korea? No, the Spanish-American War.

The Treasury Department just announced this week that they are going to let us repeal the tax that is 100 years old, but we were supposed to act in 60 days.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, I rise in strong support of H.R. 5449. I would like to thank Congressman LATOURETTE for his dogged determination in pursuing this issue. Also I thank Congresswoman KELLY and Congressman COSTELLO for their help on this very important issue, and also Speaker HASTERT and Majority Leader BOEHNER.

H.R. 5449 is a fair way of resolving the contract dispute between the controllers and the FAA. It simply brings both parties back to the table to reach a mutually acceptable solution.

I share the concerns regarding the budget shortfall at the FAA and the need to free up funds to modernize our air traffic control system. But I do not think that forcing both parties back to the table to agree to a contract will undermine those goals in any way, shape, or form.

When the talks between the parties reached an impasse, the controllers were offering $1.4 billion in cost savings. Let me repeat that: they were offering $1.4 billion in cost savings. I believe that if the parties were to return to the table, consensus would be reached in a very short period of time.

Congress should encourage both parties to continue to negotiate and not allow the FAA to unilaterally impose their last offer. Mr. Speaker, I urge all of my colleagues to support this good piece of legislation.

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

Mr. Speaker, if I may, I would like to take just a minute. I have the greatest respect for Mr. LOBIONDO. He is one of the hardest workers in Congress. I went up to some of the Federal aviation facilities, testing facilities and others in his district. He is one of the strongest advocates in Congress for good, sound aviation. I am sorry we disagree a bit. I know a lot of Members are under pressure.

I thought about this. And I thought this is one reason why we should not even have these issues before Congress. Ninety-eight percent of the Federal employees, in fact, have a general wage chart and schedule. You can see why countries like Argentina, Germany and others have the tail wagging the dog. I feel bad for Members who are in that predicament.

But our responsibility is to the taxpayer. It is also to a sound aviation system, which I think both Mr. LATOURETTE, Mr. LOBIONDO, Mr. COSTELLO, everyone agrees is important.

The dilemma that we face if we pass LaTourette, and we are working under existing law that did give us 60 days, that did expire on Monday, and we have a new contract. What happens is, given the nature of this impasse panel and its lack of any experience in dealing with these kinds of issues, this could go on and on.

Now, Mr. KNOLLENBERG was on his way. He is an appropriator and oversees appropriations and was to speak against Mr. LATOURETTE's proposal. But what happens here, Members of Congress, Mr. Speaker, is, quite simply put, H.R. 5449 pulls the rug out from underneath actually our entire national aviation system and the whole funding process when we can least deal with it.

Airport projects, and Members should be aware of this, when you have to put 1.9, and I asked the attorneys from FAA, is this enough, at bay for a number of years, and they said, it will probably be double that figure that will be put at bay. I have right now $1.9 billion, Mr. COSTELLO knows this, left in our entire airport improvement funds at this time.

So we put airport projects at risk with unpredictable costs and salaries, leaving this hanging out. Then we also hurt the core of other FAA employees. This chart shows the total compensation gap between controllers and other FAA employees. It is a gigantic gap, some 42 percent.

So we leave them hanging out. We leave all of our projects for funding around the country, we leave air traffic control modernization, which is the system that gives us the very best technology for safety. So that is of a great concern to me.

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

Mr. COSTELLO. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, with all due respect to my good friend from Florida, when a Member stands here and makes an assertion about the pay that air traffic controllers receive, and then you make comparisons with what the average pay is in any area, the unstated implication is that, well, they are just getting paid so much or too much, and the remedy is then to deny them their collective bargaining rights. That seems to be an unstated conclusion.

Mr. Speaker, I hope that is not what my friend is saying, because if you carry that logic forward, then we are going to be here arguing about how much a brain surgeon makes, or how much an engineer makes or how much an architect makes.

If we get into that argument, well, you can always get a better deal on brain surgery, you just might end up dead. Or a better deal on a bridge, it just might fall. Or a better deal from an architect, and have plans with a house with no doors.

I mean, we are talking about highly specialized work here. And for the Congress at this point to make a simple statement that all we want to do, we are not talking about the conclusion, we are not saying that we want to shift or tilt in favor of one side or another, we are just saying, we stand for collective bargaining rights. Let the parties work out their disagreements, and in doing that, we perform a public service.

Mr. MICA. Mr Speaker, I yield 1 minute to the gentleman from California (Mr. ISSA) for the purposes of entering into a colloquy.

Mr. ISSA. Mr. Speaker, I am deeply concerned about the effects that this bill or the absence of this bill might have on my own region of California where we are, I believe in many cases at our major centers, to be at about 80 percent staffing, meaning that we have overtime because of shortages.

□ 2130

What will be the effect of either having or not having this bill on the staffing levels that we need to have to get to full staffing in California?

Mr. MICA. Again, I do think that we have some serious consequences. Not only would this unprecedented reach back and change in policy put us in turmoil for financing the entire system, what will happen is—this is simple math. If you are paying these people over $200,000 per year on average, it allows you less entrants. And Congress is the appropriator. We decide on how many hires.

Mr. ISSA. I thank the gentleman.

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

Mr. COSTELLO. Mr. Speaker, I yield 30 seconds to myself to make a point.

The gentleman from Florida just stated that they are paying these people over $200,000 on average, and I have to tell you that I do not believe that to be an accurate statement. I would just suggest to the gentleman that if you

think about over $200,000 a year on average, and I think that is very misleading.

Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the distinguished gentleman from Illinois for his leadership along with the gentlewoman from New York. I rise to have hopefully supported 4755, but I support H.R. 5449, simply to give air traffic controllers the right to return to the bargaining table. But I really want Americans to learn as we sit here, stand here and debate this question, the airways of America are safe in the hands of sacrificing air traffic controllers who sit under the most intense, stressful occupations that you can ever have.

Let us not go back to the busting of these wonderful hard-working Americans, such was done under the Reagan administration. Let us, in a bipartisan manner, send these good working folk back to the bargaining table to be able to solve their problems. Is it not interesting that most Members fly to work and they take their flying for granted because they believe that the airways are safe because our air traffic controllers are on the front lines of handling their responsibilities.

As I respect the opposition to this bill, let us, as Members of Congress, not having done this timely, let us now do the right thing and give, if you will, the sense of appreciation to hard-working Americans, not to give them any particular benefits, but to allow them to go back to the table and have a matter resolved in the fair and practical way. Let us not repeat the busting of a union and let us go back to the negotiating table. I ask for support for H.R. 5449.

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

Again, for the record, and I believe these figures to be correct, that under the new contract which was put into place on Monday and which the LaTourette reachback would actually wipe out, the average salary with benefits would increase from $173,000 to $185,000 under this new proposal.

If we leave the contract that was negotiated during the Clinton administration in place, it is my understanding that compensation and benefit would reach $211,000. That is not really the question here. Although it is an increase, it is, again, a question of fairness.

We have gone through the process adopted under the Clinton administration in 1996. They did receive, in fact, a 75 percent increase in 1998. The process worked then. The same processes work now. We had the 60 days to consider it. It was not overturned in Congress. The LaTourette proposal is, in fact, different than the Kelly proposal. The Kelly proposal would have gone forward before the Monday deadline. The LaTourette proposal, it is in his legislation. It reaches back to April 6, the date of the impasse. It would overturn, again, all precedents, all laws. I am for fairness in dealing with labor, fairness in dealing with everyone.

I might point out for the record that the median household income for the State of Texas, the gentlewoman who just spoke, is $41,759.

There is great concern about this proposal because again it leaves our safety, it leaves our airport projects, it leaves the future really of bringing on new hires which is so important and an aging workforce all in limbo. It would be an unprecedented reachback.

This is so serious that this afternoon the administration, the President, I am sure, checked off on this. It says, if a bill such as H.R. 5449 that changes or negates the impasse resolution process or the revised terms and conditions of employment that were presented to the President, the President's senior advisors would recommend that he veto the bill.

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

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

Mr. Speaker, I have great respect for the President but on this issue, quite frankly, he is wrong. I think that if he talked to his FAA administrator, we might have a different conclusion.

I want to tell you what has my dander up this evening because Mr. MICA is right. This is an unusual procedure. This has happened once before since this legislation went into effect. The last time, 60 days went by, the Congress didn't do anything. Just like we didn't do anything this 60 days. The administrator of the FAA waited 19 months before she imposed the contract. This, the deadline was up Monday, the 5th of June. You get the feeling she was sitting with one of those desk calendar for left-handers that people get for Christmas and she could not flip to the 5th of June fast enough. I assume she reads the newspaper. She knew this debate was going to take place this week and that action of imposing that contract on the very first day that she could, in my mind, is a direct affront to this people's House and the 300 million people that are represented by it and shame on her.

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

Mr. COSTELLO. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman.

Well, surprise, the political appointees at the Bush Federal Aviation Administration and their supporters in Congress want to undermine the safest, most productive air traffic control system in the world by any measure. Why? Because there is one basic flaw. There is an agenda no one is talking about here tonight. It is not privatized. It does not provide a profit for Halliburton or some other contractor. That is what this is all about. Let's kill off the existing FAA and the air traffic controllers and then the private sector will save us.

Well, in the three countries where the private sector has come in, it has not worked out so well, neither for the safety nor for the taxpayers. They have all had to be bailed out. They are all more expensive. They are all less productive and they are nowhere near as safe.

Now, the gentleman from Florida complains about the salaries. The salary he is talking about with benefits is less than a Member of Congress like himself or me or the gentleman there or any of the rest of us. Now, I could not handle 20 planes on approach with obsolescent equipment and keep people alive day in, day out across America and in our skies. Could he? I think not.

Now, I am not going to complain about that salary. In fact, I don't find anybody at 30,000 feet or 40,000 feet that is complaining about that salary. And if we said, well, let's talk about the productivity. Well, they are handling 20 planes at once on approach, death defying air time here. That is about $8,000 per plane. That is even less than the Republicans mandated federal minimum wage. Now, is that where they want to drive this or do they maybe want to outsource it to India so we could send the data over there and they could do it for even less?

This is about safety, security, air space, the American public and, yes, it is about fairness. There has been a little bit of talk about fairness. Let's talk about fairness. 265 Members out of 435 have co-sponsored the Costello-Kelly bill; but the chairman of the committee, the operatives at the White House, and the Republican leadership will not allow a bill supported by an overwhelming majority of the House of Representatives, Democrats and Republicans, to come up for an up or down vote. Instead, they give us this option. We will give you a vote and then we will complain about the terms of it because it is retroactive and has all these other problems. We will complain about it here and we will require, guess what America? A two-thirds vote for passage.

This is not a straight deal for the people who keep us alive every week in the skies, who have an unparalleled record of safety and security for the American traveling public. Yeah, you can quibble and complain about the salaries and you can get up and talk about the average salary in my district, but I know the air traffic controllers in my district. There is not a single one of them earning $173,000. They would be living in the mansions on the hill if they did and they do not live in the mansions on the hill. So they can come up with the mythical air traffic controller somewhere.

And then the gentleman from Los Angeles comes up and feigns concern

about the number of air traffic controllers. Where is someone going to move and relocate and live in the Los Angeles area on the new $50,000 a year salary?

Vote for this bill. We need a two-thirds vote. And if it does not pass then come down to the well. I invite my Republican colleagues to come down here, sign the discharge position, and bring up the Kelly-Costello bill for a straight up vote, simple majority.

Mr. MICA. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Florida has 3½ minutes remaining.

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

I do not see Mr. KNOLLENBERG or Mr. SHADEGG and try to wrap up for opposition side, and if they come, I will be glad to yield.

First of all, from Oregon, the average median household income is $41,794.

I have the greatest respect for Mr. DEFAZIO. He was my ranking member on aviation. He does a great job, but I disagree with him on this issue.

First let me talk about the fairness. I have been here in the minority. I have been here in the majority. I have never seen anything fairer than this. How would you like to be me, chairman of aviation. We had a bill with 250 cosponsors, many Republicans. That bill was not brought out but people cosponsored it. Everyone was open to cosponsor. We had a discharge petition. Mr. COSTELLO, I believe he had 195, not even every Democrat signed it, no Republicans. So that procedure ended last week. And then I get the notice that of course the new contract is going into effect on Monday and there is going to be a vote, it was supposed to be today. It will be tomorrow.

I feel like the guy that is trying to carry the ball down the field. I get to the end of the line, the goal line, and now they moved the goal for me out into the parking lot. So I do not think I would complain.

Again, I think this has been a very fair and open process. And I admire the Speaker and Majority Leader and others who have participated, Mr. LATOURETTE.

We do want, again, the very best system but we want fairness for the taxpayers. I do not think this is all about fairness for the taxpayers. And I have to go back to John Carr, again, a good friend and he represents the air traffic controllers as well. These are his words, March 31, 2006: ''There is absolutely no reason for NATCA to end talks. The current contract is better than our last concession-laden contract proposal at the bargaining table and stays in effect until there is a new contract. We could literally talk forever.''

That is what this is about. If you reverse the contract that went into effect on Monday and we go back to talking forever, that is the plan because again these huge increases that were allowed under the Clinton administration do continue.

□ 2145

We still have increases, but we have a limit on those increases.

Now, many groups have looked at this. The National Taxpayers Union has strong opposition. Here is a letter I would like to submit for the RECORD. The Citizens Against Government Waste, they oppose it. Americans for Tax Reform, they oppose it. The National Chambers of Commerce, your chambers of commerce have looked at it; they oppose it. The American Conservative Union. If you are on that side of the aisle, the American Association of Airport Executives will be impacted by this. Our airports oppose it.

VOTE NO ON H.R. 5449

As representatives of the aviation industry, we strongly urge you to oppose legislation, H.R. 5449, that would intervene in the negotiation process between the Federal Aviation Administration (FAA) and the air traffic controllers union.

The law governing this process was passed nine years ago and was in place when the air traffic controllers union successfully negotiated its 1998 contract and 2003 extension of that contract.

Current law requires that if Congress wants to intervene, it has 60 days from the Administration's submission to do so. The deadline for Congressional action was June 5.

H.R. 5449, unfairly changes the rules of negotiation nine months into the process. To apply a new process retroactively does not comply with the current law. All parties entered into these negotiations knowing the statutory rules and impasse processes well in advance.

The continued health of our industry depends on the Federal Aviation Administration's ability to effectively and safely manage the national airspace, control costs, achieve efficiencies and expand capacity.

H.R. 5449 changes the rules of a process that has been in place for a lengthy period. This would create uncertainty in terms of cost and efficiencies. The impact would be significant at a time that the industry is facing enormous problems.

Please vote ''NO'' on H.R. 5449.

Sincerely,

JAMES C. MAY,
President and CEO, Air Transport Association.

CHARLES BARCLAY,
President, American Association of Airport Executives.

JAMES K. COYNE,
President, National Air Transport Association.

RONALD N. PRIDDY,
President, National Air Carrier Association.

STEPHEN A. ALTERMAN,
President, Cargo Airline Association.

DEBORAH C. MCELROY,
President, Regional Airline Association.

EDWARD P. FABERMAN,
Executive Director, Air Carrier Association of America.

NATIONAL TAXPAYERS UNION,
Alexandria, VA, June 5, 2006.

NATIONAL TAXPAYERS UNION VOTE ALERT

NTU strongly opposes any attempt to interfere with the negotiation process between the Federal Aviation Administration and National Air Traffic Controllers Association and, as such, our annual Rating of Congress *will include any roll call votes on H.R. 5449*. Negotiations are taking place under existing law and should not be subject to legislative fiat. The controllers' proposal would cost taxpayers $3.7 billion more than the FAA plan. In lieu of needed reforms to privatize air traffic control (and follow the example of our free market friends in Canada, Germany, and the U.K.), money should be devoted to modernization and safety, not ever-higher air traffic controller salaries. For that reason, we urge you to vote ''NO'' on H.R. 5449.

AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES,
Alexandria, VA, June 2, 2006.

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

DEAR MR. SPEAKER: On June 6, the House is scheduled to consider under suspension of the rules, H.R. 5449, a bill to modify bargaining requirements for proposed changes to the personnel management system of the FAA. I am writing to inform you that the American Association of Airport Executives (AAAE) opposes this legislation. AAAE is comprised of the thousands of men and women who manage our nation's airports.

It is our view that the existing law governing the personnel management system of the FAA should not be modified at this time. Further, we believe it unfair and unwise to change the ''rules'' governing the current dispute between the FAA and the National Air Traffic Controllers Association (NATCA) at this very late point in the process.

Sincerely,

CHARLES BARCLAY,
President.

THE AMERICAN CONSERVATIVE UNION,
June 5, 2006.

AN OPEN LETTER TO ALL REPUBLICAN MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES

OPPOSE H.R. 5449

On behalf of the American Conservative Union, the nation's oldest and largest grassroots conservative lobbying organization, I urge you to oppose H.R. 5449, which would interfere in air traffic control labor-management negotiations.

In September of 2005, the existing controller contract expired. Despite recent negotiation efforts by the Federal Aviation Administration (FAA) and the National Air Traffic Controllers Association (NATCA), the discussions have reached an impasse.

The FAA took steps to get the negotiations back on track by involving the Federal Mediation and Conciliation Service (FMCS). The process again was brought to a standstill, as negotiations broke down in early April 2006.

The Federal Aviation Reauthorization Act of 1996, (P.L. 104–264) allows controllers to bargain over pay. In return for this right, the law required that in the event of an impasse, the FAA could implement its final offer after a 60–day congressional review.

Next year, Congress will reauthorize the FAA. A key component of the legislation will be to modernize the nation's air traffic control system and continue to make airport investments to meet growing aviation demands. All elements of the aviation industry, including the controllers, support the modernization and improvement of the nation's aviation system. Securing the funding for the modernization will be one of the biggest obstacles during the reauthorization process.

The American Conservative Union strongly supports and appreciates the efforts air traffic controllers make every day to safeguard the skies. But the facts are that since the last labor agreement in 1998, controllers have received a 75 percent pay increase. The average controller now earns $173,000 in pay and benefits. The current FAA proposal would fully protect the salary and benefits of every current controller. It would control costs for new controllers by offering up to $127,000 in salary and benefits in the first five years.

If the FAA cannot have the ability to follow existing law in negotiating this controller contract, its ability to modernize the air traffic control system is diminished. Additionally, the efforts of FAA Administrator Marion Blakey to manage the agency like a business, with higher productivity and accountability, would be severely compromised. We believe sending this matter to the Federal Services Impasses Panel would do a disservice to both the FAA and NATCA.

The applicable law, ratified less than ten years ago, provides a process by which disputes between the FAA and NATCA are to be reconciled. No compelling reasons have been presented to justify departing from the mandated process and to do so would undermine the basis of the ongoing negotiations. The established legal process should be followed to mediate the contract impasse. Stated simply, the legal process should be followed. The precedent this legislation would create, in terms of involving Congress in collective bargaining negotiations would be extremely troublesome.

The American Conservative Union strongly urges you to vote ''No'' on H.R. 5449, and will consider using votes on, or in relation to, this issue for inclusion in our annual Ratings of Congress.

Sincerely,

J. WILLIAM LAUDERBACK,
Executive Vice President.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, May 31, 2006.

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

DEAR SPEAKER HASTERT: On behalf of the U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, I urge you to oppose a bill sponsored by Congressman Steve LaTourette (R-OH) [H.R. 5449], that would interfere in air traffic control labor-management negotiations.

Since the existing controller contract expired in September 2005, the Federal Aviation Administration (FAA) and the National Air Traffic Controllers Association (NATCA) have made efforts to negotiate a new contract. Unfortunately, those discussions reached an impasse. The FAA then invited the Federal Mediation and Conciliation Service (FMCS) to join the discussions to help reach a deal. Even with the involvement of FMCS in the negotiation process, the impasse persisted, and negotiations broke down in early April 2006.

Under the Federal Aviation Reauthorization Act of 1996, (P.L. 104–264), the controllers were allowed to bargain over pay. In return for this right, the law required that in the event of an impasse, the FAA could implement its final offer after a 60-day congressional review.

Next year, Congress will reauthorize the FAA. A key component of the legislation will be to modernize the nation's air traffic control system and continue to make airport investments to meet growing aviation demands. All stakeholders in the aviation industry, including the controllers, support the modernization and improvement of the nation's aviation system. Securing the funding for the modernization will be one of the biggest challenges during the reauthorization period.

The U.S. Chamber strongly supports and appreciates the efforts air traffic controllers make every day to ensure that our airways are safe. But the facts are that since the last labor agreement in 1998, controllers have received a 75 percent pay increase. The average controller now earns $173,000 in pay and benefits. The current FAA proposal would fully protect the salary and benefits of every current controller. It would control costs for new controllers by offering up to $127,000 in salary and benefits in the first five years.

If the FAA cannot have the ability to follow existing law in negotiating this controller contract, its ability to modernize the air traffic control system is diminished. Also, the efforts of FAA Administrator Marion Blakey to force the agency to operate like a business, with higher productivity and accountability, would be severely compromised. We believe sending this matter to the Federal Services Impasses Panel would do a disservice to both the FAA and NATCA.

The applicable law, enacted less than ten years ago, establishes a process by which disputes between the FAA and NATCA are to be settled. No compelling reasons have been presented to justify departing from the mandated process and to do so would undermine the basis of the ongoing negotiations. Stated simply, the legal process should be adhered to and the precedent this legislation would set, in terms of Congress interfering in collective bargaining negotiations on a politically driven basis outside of the legal process, would be extremely troublesome.

The U.S. Chamber of Commerce strongly urges you to vote ''No'' on H.R. 5449. and will consider using votes on, or in relation to this issue for inclusion in our annual How They Voted ratings.

Sincerely,

R. BRUCE JOSTEN.

AMERICANS FOR TAX REFORM,
Washington, DC, June 2, 2006.

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

DEAR SPEAKER HASTERT: Next week, HR 5449 is slated to be on the suspension calendar. This misguided bill would take away the ability to the Federal Aviation Administration to resolve its current labor dispute with the air traffic controllers union in a timely manner. This costly bill, which is little more than a sop to corrupt labor unions, is too controversial and has no place on the suspension calendar.

In 1996, Congress wrong-headedly allowed air traffic controllers to collectively-bargain with the FAA. In the event of a labor impasse, the FAA would be allowed to implement its final offer after a 60-day review. Removing this 60-day protection for taxpayers is tantamount to changing the rules in the middle of the game—and in favor of the National Air Traffic Controllers' Union.

This bill is expensive (costing taxpayers $1.9 billion over five years), a sop to our opponents, and divisive. At the very least, it should have to proceed via regular order. With the average air traffic controller making $173,000 in pay and benefits, Congress doesn't need to stack the deck in the union's favor by using special rules and gimmicks.

President Reagan knew back in 1981 that the controllers' union was holding air traffic hostage with labor gimmicks—does our Republican Congressional majority today?

Sincerely,

GROVER NORQUIST.

COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE,
June 5, 2006.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE, Soon you will have the opportunity to vote on H.R. 5449, which would amend Title 49 of the U.S. Code and modify bargaining requirements for proposed changes to the personnel management system of the Federal Aviation Administration (FAA). This is an unwise piece of legislation that would turn over contract negotiations to a third party and take away any legislative or executive authority over a $6 billion annual payroll for air traffic controllers. On behalf of the more than 1.2 million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I ask that you oppose this bill.

The FAA recently declared a deadlock in contract negotiations with the National Air Traffic Controllers Association (NATCA). The union wants a new five-year contract that includes an 18 percent pay increase, which would increase cash earnings from $128,000 to $151,000, with total compensation amounting to $200,000 by the last year of the contract. The FAA is attempting to slow the growth of controller compensation costs, comparable to patterns found in the private and government sectors, a commendable action and one appreciated by taxpayers.

According to a law passed during the Clinton Administration, NATCA was given the ability to bargain for wages and benefits, making it one of the few federal unions that are allowed to do so. However, since this law was supposed to encourage savings and increase productivity, it also included a provision that if the FAA and NATCA could not reach agreement on a contract, the two offers would be reviewed by Congress. If Congress makes no decision on the opposing offers within 60 days, the FAA is allowed to implement its final offer. But if H.R. 5449 is passed, it will force the parties into a long arbitration process that would allow NATCA to operate under its current contract with automatic pay raises and old work rules. Considering air traffic controllers have already received a 75 percent pay increase since 1998 and are among the highest paid federal employees—the average salary is $173,000 including benefits—it is no wonder NATCA would prefer a long, drawn-out negotiation.

Congress should not allow a third party to settle this matter. At a minimum, Congress should revisit the idea of wage negotiations before it arbitrarily alters the impasse process found in the 1996 law. Passing this legislation would prevent the FAA from saving $1.9 billion in salaries over the next five years that can be used to modernize the air traffic control system and improve safety. Again, I ask you to oppose H.R. 5449. All votes on H.R. 5449 will be among those considered in CCAGW's 2006 Congressional Ratings.

Sincerely,

THOMAS SCHATZ,
President.

Mr. COSTELLO. Mr. Speaker, I yield myself the balance of the time.

A couple of points very quickly. Number one, the average air traffic controller in the United States does not make over $200,000 a year. Number two, the 75 percent increase that has been referred to by the chairman of the subcommittee, 60 percent of that came through the normal process when every government employee received a raise.

Finally, let me close by asking our colleagues to support this legislation

and I would ask my friend, the chairman of the Aviation Subcommittee, and the 75 Republicans who cosponsored the Kelly-Costello bill, that if this legislation fails tomorrow, if it does not get two-thirds vote and pass in this House tomorrow, then we want to see just how many Republicans who are supporting this legislation today will go up and sign discharge petition No. 13.

Mr. LATOURETTE. Mr. Speaker, I yield myself the remaining time, and I will close.

Just a couple of observations. One, Mr. MICA, as the chairman of the Aviation Subcommittee, does a great job, and a lot of the advances in this country are due to his leadership and Mr. COSTELLO's leadership. So I do not want anybody to leave the floor thinking they are having some kind of tiff, but there are some things that need to be straightened out.

What both sides do agree on is that the air traffic control population is aging. Both sides agree that in 2007 between 4,000 and 7,000 of the 15,000 air traffic controllers are going to retire, and we do not have a farm team. We do not have a pipeline that is really working. For instance, through May of this year, the FAA has only hired one controller. Last year, they hired 762, but since they hired that 762, 400 have retired. It is a program and it is a process that is serious. You just do not show up at work one day and say I am going to be an air traffic controller and I am going to guide your family into Cleveland or Chicago or Washington, D.C.

Secondly, I would say that the reason that the Kelly-Costello bill did not come to the floor is because things are scheduled on the floor. For anybody who is not familiar with our process, things have to be scheduled by the majority leader. The majority leader chose not to schedule the Kelly-Costello bill on the floor. That is why I began my remarks by thanking Speaker HASTERT and Mr. Leader BOEHNER for having the courage to put this on the floor tonight so that Republicans and Democrats could talk about it.

Lastly, there has been some discussion that somehow the Federal Services Impasse Panel is not competent to handle this complicated matter. I would say just from their Web page, the panel resolves impasses between Federal agencies and unions representing Federal employees arising from negotiations over conditions of employment under the Federal service labor management relations statute and the Federal Employees Flexible and Compressed Work Schedules Act.

I do not know what other body is capable of doing it; and I have to tell you, I would have preferred the Kelly-Costello bill. I would have preferred that it be brought up to a vote, but when the administrator of the FAA was flipping through her desk calendar so fast just so she could implement this contract, when she waited 18 months when given the same tools and the same opportunity, the only time that this has ever happened, I think, and I am a pretty calm guy, but I really think that she just took her finger and stuck it in the eye of 268 Members of this House and 75 of them happen to be Republican, 75 of them happen to be members of this President's party. I am insulted.

And I hope tomorrow when this vote occurs, everybody that cosponsored that bill, everybody that signed our letter has the courage to not only be a cosponsor of legislation but has the courage to defy the President of the United States on this vote because, quite frankly, although I admire him, he is wrong on this issue.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 5449, introduced by the Gentleman from Ohio, Mr. LATOURETTE, which would ensure fair treatment of air traffic controllers, by allowing their contract dispute with the Federal Aviation Administration (FAA) to be resolved by the procedures that govern collective bargaining for pay at other federal agencies.

While I appreciate that the Gentleman from Ohio has taken these steps to ensure that air traffic controllers are given a fair shake in this contract dispute with the FAA, I am disappointed that the Republican Leadership has forced this vote under Suspension of the Rules, which requires two-thirds of the House to vote for passage—a threshold much higher than the majority vote required under regular order. Members of this Body have co-sponsored legislation similar to Mr. LATOURETTE's and this substantial, bipartisan majority should be given a chance to work its will.

On April 6, the FAA declared an impasse in its negotiations with the National Air Traffic Controllers Association and sent the dispute up to Congress under a provision that FAA argues gives it the right to unilaterally impose its contract terms if Congress does not act within 60 days.

FAA's interpretation of the law gives it an inherent, unfair advantage to impose its contract terms on its employees. Such a one-sided process has been an impediment to good faith negotiations that could lead to a voluntary contract. Under H.R. 5449, the parties would return to the bargaining table and, if a settlement could not be reached, the Federal Service Impasses Panel (FSIP) would have jurisdiction to resolve the dispute, including the power to impose binding arbitration on the parties.

Other federal agencies that have collective bargaining for wages must use the FSIP procedures and, as recently as 2002, the NTEU, on behalf of the Security and Exchange Commission employees it represents, went before the FSIP to settle several issues regarding pay.

The FAA has gone to great lengths to try to persuade the general public that the highly-skilled air traffic controller workforce is overpaid. I can recall no other instance in which a federal agency has gone so far in disparaging its workforce. Air traffic controllers deserve better. They are responsible for the 24/7 operation of the most robust and complex air traffic control system in the world. In 2005, for example, they moved more than 700 million airline passengers. Each day, the federal controller workforce safely and efficiently manages approximately 130,000 take-offs and landings in a system whose passenger volume is expected to grow to one billion by 2015. Our lives, and those of our constituents are in their hands, and I believe that they deserve their current pay.

Under the FAA's proposal, many controllers are being asked to take a reduction in their take home pay. FAA is proposing to limit or eliminate differential pay for controllers at some of the Nation's busiest airports, such as New York's JFK and Chicago's O'Hare airport. The average federal controller at one of these facilities could see a pay reduction of more than $10,000 per year.

Moreover, the FAA has misrepresented the facts regarding the controllers' compensation package. First, the FAA states that the current average controller pay is $173,000. This is misleading because approximately 40 percent of the controllers' compensation is in the form of federal health and retirement benefits that all government employees and Members of Congress receive. In addition, the FAA argues that the controllers have received an average 75 percent increase in salaries since 1998. However, this statement blatantly ignores the fact that nearly 60 percent of these increases are attributable to government-wide pay raises. Most of the remainder comes from a reclassification to recognize the responsibility of controlling traffic in busy facilities.

I am also concerned that if the FAA is permitted to unilaterally impose this contract there will be a mass exodus of highly-skilled, senior controllers that are eligible to retire. This exodus could cause severe understaffing at our Nation's towers, negatively impacting the safety as well as the efficiency of our air traffic control system. It is therefore imperative that we send the parties back to the negotiating table to hammer out a voluntary agreement to avoid any disruptions to air traffic control operations.

Accordingly, I strongly urge my colleagues to support H.R. 5449, and restore fairness in the bargaining process between the FAA and its labor unions.

Mr. SHAYS. Mr. Speaker, I urge support of H.R. 5449, which requires the Federal Aviation Administration and the National Air Traffic Controllers Association to return to the bargaining table and negotiate a contract.

If this legislation is not passed, the FAA can impose unilaterally its contract on the union. By passing this legislation, Congress is not choosing sides, but is simply asking the two sides to come to a mutually agreeable contract solution.

I believe Congress must encourage employers and unions to come to amicable solutions. I recently introduced legislation to improve the negotiating process at the National Labor Relations Board because many union employees feel that employers have an unfair advantage because they can hold out as long as it takes to get favorable terms in the contract.

It seems to me Congress can lead by example by putting the air traffic controller contracting process on a more level playing field. Under current procedures for the FAA and the air traffic controllers, the FAA would have an advantage by holding out because they can eventually unilaterally impose their contract offer. It seems to me this legislation is fair to both sides.

Our Nation's air safety relies on the men and women who work in air traffic control towers. I am hopeful both sides will work diligently towards a solution.

Mr. KNOLLENBERG. Mr. Speaker, I rise today in strong objection to H.R. 5449, a bill to modify bargaining requirements for proposed changes to the personnel management system of the Federal Aviation Administration.

I currently serve as the Chairman of the Appropriations Sub-Committee on Transportation, Treasury, HUD and other agencies. This legislation today would put an enormous strain on my committee's resources and force all programs under my jurisdiction into greater budgetary peril.

Simply put, a ''yes'' vote on H.R. 5449 could cost the FAA $1.9 billion over the next 5 years. The FAA would be forced to divert funds from critical safety initiatives—such as air traffic control modernization—to cover the cost of sky-rocketing controller salaries.

I understand that air-traffic controllers provide a valuable service to the flying public and that they work hard to ensure safety and security. I also understand that due to the unique ability of their union—an ability that is not available to every other federal employee union—they have negotiated some of the highest wages in federal service.

The average air-traffic controller earns $173,000 per year, and their salaries have gone up 75 percent in the past 8 years. The top 100 NATCA union members earn an average salary of $197,000.

How does this compare with other federal employees? Well, quite well I would say. These controllers make more than Members of Congress ($165,200), Cabinet Secretaries ($180,100), and almost as much as Supreme Court Justices ($199,200) and the Vice President of the United States ($208,700).

The comparison is even more striking when we weigh their salary levels against other critical safety, security, and health professions.

In my home area of Detroit, an average NATCA member makes $118,490. Compare that to the average firefighter ($42,100), police officer ($48,770), or registered nurse ($59,380). And, this kind of pay disparity is not unique to my home area, but is consistent across the Nation.

At a time when our federal workforce is stretched at home and abroad to protect our Nation, there is no justification for air traffic controllers to enjoy unparalleled salary hikes, especially when our military personnel, homeland security officials, first responders, and other government employees do not receive the same treatment.

Some may try to indicate that a ''yes'' vote on H.R. 5449 would be a ''free'' vote to give to the unions. However, nothing could be further from the truth.

If H.R. 5449 is enacted, it will effectively render the new FAA/NATCA control null and void, and cause FAA costs and salaries to spiral out of control. The new NATCA/FAA contract would be superseded by the previous contract, reached between the Clinton Administration and NATCA in 1998, and the continuation of the 1998 contract would cost tax-payers $1.9 billion in the short-term, and $3.8 billion in the long-term.

It should be obvious that a cost of $3.8 billion tax-payer dollars is far from ''free.''

A vote for this bill is not about protecting workers wages and stopping the FAA from slashing controllers' salaries. To be crystal clear: the FAA has offered to protect the compensation of each and every current controller. A new contract would only apply to new hires, and not affect the salaries of existing controllers.

Mr. Speaker, I strongly oppose H.R. 5449—a bill that would ban the FAA from reigning in out-of-control controllers' salaries and cost taxpayers and my committee billions of dollars. I strongly urge a ''no'' vote on this financially reckless legislation that will set a dangerous precedent for years to come.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 5449; legislation that will strengthen the negotiation process between unions and the federal governments. As many of my colleagues know, the Federal Aviation Administration recently declared a deadlock in negotiations with the National Air Traffic Controllers Association (NATCA). The issue is simple; on one hand, the air traffic controllers unions want to increase the pay package for their employees and on the other, the FAA wants to cut the pay package. On June 5, 2006, the 60 day period for Congress to take action on the FAA's contract offer to the NATCA officially expired. Under current law the FAA would now be able to unilaterally impose the contract because Congress has not acted.

The legislation being considered tonight would provide air traffic controllers with a fair negotiation process. H.R. 5449 would break the current impasse by sending negotiators to the Federal Service Impasse Panel (FSIP), a neutral third party, for a final resolution instead of keeping them bound to the FAA.

Mr. Speaker, American workers must be provided with the opportunity to participate in a fair bargaining process. Contracts should be the result of a fair deliberate process that ensures that the rights of workers are protected through a full hearing of their grievances in front of a neutral third party. Congressional inaction and the forced acceptance of one sided contracts are not the way to settle employment disputes.

There has been a lot of talk about this bill interfering with the FAA's ability to budget its compensation packages. Opponents say that this legislation will cost the FAA $1.9 billion over the next 5 years. This bill does none of these things.

H.R. 5449 does nothing to modify or manipulate the compensation scheme of air traffic controllers. It only deals directly with the bargaining process itself by reaffirming the meaning of good faith bargaining by requiring the parties to submit their impasses to the Federal Service Impasses Panel (FSIP) for final resolution—the natural course for employment disagreements and negotiations at the federal level.

I call on my colleagues to cut through the clutter that this issue has created. The ability for American workers to fairly negotiate with the federal government is at stake here and Congress has a chance to stand up for our Air Traffic Controllers. I call on my colleagues to support and pass H.R. 5449.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of H.R. 5449, which would move current and future contract disputes between the FAA and the air traffic controllers to the Federal Services Impasse Panel.

Current law has an extremely unusual disadvantage for our Nation's air traffic controllers: if their union negotiators cannot reach a contract agreement with FAA, then the FAA can impose a contract unless Congress says otherwise within 60 days.

The FAA declared an impasse in the negotiations and has stated that they will be imposing their terms unilaterally within a matter of days in the face of majority opposition in Congress.

This is an extreme burden that few other American workers, if any, must meet in their contract negotiations. Current FAA contract law grants too much power to the FAA management and makes a mockery of the collective bargaining process.

H.R. 5449 is a good compromise, because we as Congress are not taking sides and picking the air traffic controllers contract offer or pick the FAA's contract offer.

The bill is good policy because Congress is not the best place to negotiate the details of employment contracts. Instead, this legislation would place the decision in a specialized board that has plenty of experience mediating federal workers' contract disputes.

The Federal Services Impasse Panel is fair—they resolve numerous disputes in favor of different sides, sometimes going with the agencies' positions and sometimes with federal employees.

The air traffic controllers in the Houston Center and the Houston TRACON and throughout Texas deserve the same fair shake in arbitration that other federal workers receive.

Much of the opposition to this legislation and to air traffic controllers in general comes from groups that voice knee-jerk opposition to any and all federal spending. They fail to offer any answers to the simple fact that air traffic controllers have a hard, complicated job with extremely high stakes.

I doubt that many of the opponents to this bill have ever been in an air traffic control tower, or a control center or a TRACON when a large bank of flights comes into a major hub airport.

We want our skies to be safe, and you don't get safety by cutting corners and nickel and dimeing the workforce.

Our air traffic control system is about to experience a wave of retirements. If we want to recruit quality employees to keep us and our children flying safely into the future, we should approve H.R. 5449.

Mr. LATOURETTE. Mr. Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5449.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MICA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 5449, the matter just considered by the House.

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

There was no objection.

AMENDING HOUSE RESOLUTION 517, RECOGNIZING THE LIFE OF WELLINGTON TIMOTHY MARA

Mr. ISSA. Mr. Speaker, I ask unanimous consent that House Resolution 517 be amended as follows: in the first Resolved clause, strike ''61 years'' and insert in lieu thereof ''51 years''.

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

There was no objection.

SUPPORTING THE GOALS AND IDEALS OF THE VIGIL FOR LOST PROMISE DAY

Mr. ISSA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 422) supporting the goals and ideals of the Vigil for Lost Promise day.

The Clerk read as follows:

H. CON. RES. 422

Whereas over 26,000 citizens die from the effects of drug abuse each year;

Whereas the damage from drugs is not limited to drug abusers; the collateral damage from drugs is enormous, and drug abuse costs society over $60 billion in social costs and lost productivity;

Whereas drugs rob users, their families, and all Americans of dreams, promise, ambitions, talent, and lives;

Whereas drug abuse affects millions of families in the United States;

Whereas the stigma of drug abuse and the cloak of denial keep many individuals and families from dealing with the impact of drugs;

Whereas many friends and families are ashamed to acknowledge the death of their loved ones caused by drug abuse;

Whereas all Americans can benefit from illuminating the problem of drug abuse and its impact on families, communities, and society;

Whereas the futures of thousands of the Nation's youth have been cut short because of drug abuse; and

Whereas law enforcement, public health and research organizations, community coalitions, drug prevention outreach organizations, individual parents, siblings, friends, and concerned citizens are joining together on June 8, 2006, in a Vigil for Lost Promise, to call public attention to the tremendous promise which has been lost with the deaths of those affected by drugs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress supports the goals and ideals of the Vigil for Lost Promise day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H. Con. Res. 422, offered by the distinguished gentleman from Virginia (Mr. TOM DAVIS), the committee chairman. This resolution would support the goals and ideals of the Vigil for Lost Promise Day.

Mr. Speaker, drug use and abuse is a national crisis that affects the health of many of our citizens and affects all our communities. Drugs affect people from all walks of life, and addiction does not discriminate. Millions of families and friends have experienced the loss of a loved one to drug use. Addiction has many dimensions and disrupts multiple aspects in an individual's life. Drugs rob users, their families and their friends of dreams, promises and their ambition, their talents and their vitality.

This resolution honors those family members and friends who feel the pain and tragedy each day from the loss of life to drugs. The Vigil for Lost Promise is a national event which brings together parents and friends who have lost someone to drugs and for those who are dedicated to the promise and potential of our Nation's youths.

The stigma attached to drug use causes many friends and families to feel ashamed to acknowledge the death of their loved ones. However, this event offers an opportunity for families to remember those and is dedicated to the education of others on the importance of keeping our youth drug free.

I ask that all Members join with me in supporting H. Con. Res. 422 in the hope that we can offer support to the families and friends of those who have lost loved ones to the perils of addiction.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, many people view drug abuse and addiction strictly as a social problem. Parents, teens, older adults and other members of the community tend to characterize people who take drugs as morally weak or as having criminal tendencies. They believe that drug abusers and addicts should be able to stop taking drugs if they simply are willing to change their behavior. These myths have stereotyped those with drug-related problems, their families, their communities and the health care professionals who work with them. Drug abuse and addiction comprise a public health problem that affects many people and has wide-ranging social consequences.

A Vigil for Lost Promise Day will help replace the myths and long-held mistaken beliefs about drug abuse and addiction with scientific evidence that addiction is a chronic, relapsing, and treatable disease. Addiction does begin when an individual makes a conscious choice to abuse drugs, but addiction is not just using a lot of drugs.

Recent scientific research provides overwhelming evidence that drugs do more than interfere with normal brain functioning by creating powerful feelings of pleasure. They also have long-term effects on brain metabolism and activity. Changes occur in the brain that can turn drug abuse into drug addiction, a chronic and relapsing illness. Those who are addicted to drugs suffer from compulsive drug cravings and usage that they cannot quit alone. Treatment is necessary to end the compulsive behavior.

Drugs crush the hopes, dreams and potential of drug users, and they shatter the lives of the users' families and friends. I support Vigil for Lost Promise Day because it will draw attention to the impact drugs have, not only on users, but to their loved ones and the community at large.

I look forward, Mr. Speaker, to the day when our country will treat this illness the way it should be treated and that we will have available to individuals treatment on demand, that is, individuals when they know that they are ready and are willing to seek treatment ought to have resources and places to go.

So I commend the sponsors of this legislation and urge its support.

Mr. CUMMINGS. Mr. Speaker, As an original cosponsor of H. Con. Res. 422, I rise in support of this important resolution expressing the support of Congress for the goals and ideals of the Vigil for Lost Promise Day.

More than 26,000 lives may be lost to the effects of drug abuse this year. This tragic impact is felt in communities across this great nation. Sadly many of these deaths occur among our young people.

One thing we know about drugs is that they do not discriminate and they do not engage in favoritism—not on the basis of race, color, gender, class, geographic location, or age. Drugs have the same impact on everyone who succumbs to their influence.

Moreover, the pain felt by the tragic loss of a loved one to drug overdose or to the deadly effects of chronic drug abuse is universal. The sense of loss, bewilderment, and often shame are known to parents, children, spouses, loved ones and friends of the victims of drug abuse and addiction from all walks of life. These emotions can be especially acute when the victim is a young person who will never have the opportunity to express his or her potential, to live out the promise of a full and productive life.

Envisioned by eight families who have personally suffered the loss of a loved one because of drugs, the Vigil for Lost Promise will serve as a remembrance for those who are

gone, and to illuminate the pervasive and dangerous effects of drug use. The ultimate objective of these eight families is to help ensure that other families will not have to endure the same kind of loss.

The U.S. Drug Enforcement Administration, the National Institute on Drug Abuse and the Partnership for a Drug Free America have joined the families in support of this effort to raise awareness about the terrible toll that drugs take not just on families and friends but on society as a whole.

I join my colleagues in saluting these organizations, each of which plays a vital role in our national control strategy, as well as the courageous families and other participants who will attend this important event, which will occur this Thursday, June 8th, at DEA's headquarters in Arlington, Virginia.

Mr. Speaker, as we have observed over the past few years, the meth epidemic has awakened much of America to the rampant devastation that drugs can cause to entire communities. This kind of devastation has long been known to urban centers like my own city of Baltimore—cities that have suffered through successive epidemics of heroin, cocaine and crack.

As a result of the meth epidemic, I believe there is a heightened awareness around the country and in this House that drugs don't just impair and kill individual drug users; they tear apart families and neighborhoods. I am hopeful that Thursday's Vigil will bring about even broader recognition of the fact that this problem affects all Americans and that it requires a strong national commitment to drug prevention, drug treatment, combined with concerted efforts to keep drugs off of our streets and out of the hands of our nation's young people.

Sadly, over the past six years, we have seen this Administration shift funding away from prevention, treatment, and state and local law enforcement in favor of supply reduction efforts beyond our borders. This strategy has resulted in no discernible impact on the availability of drugs on the street, and the number of lives lost to drugs like cocaine, crack, heroin and meth continues to climb.

Mr. Speaker, Congress faces difficult choices and the national preoccupation with preventing potential terror attacks is justified by the lingering shock and damage of the 9-11 attacks. Still, we cannot afford to ignore a drug problem that claims more than two thousand American lives each month. If we lack the political will or resources to make a truly substantial investment in prevention and, most important of all, to make drug treatment accessible to all who seek it, at least let us take other steps to ensure that drug abuse claims as few American lives as possible.

There are steps the government can take to avoid preventable deaths from drug overdose and abuse, as well as from the spread of deadly communicable diseases, including HIV/AIDS and hepatitis, among intravenous drug users.

If we are serious about the goal of saving lives, then let us work together to:

Provide funding to states to establish overdose prevention programs;

Ensure that first responders and law enforcement (including correctional workers) are trained to respond to drug overdoses and save lives;

Increase the availability of naloxone ("nal-OX-own")—a short-acting drug that can reverse the effects of a heroin overdose—to first responders, law enforcement, needle exchange programs, drug treatment centers, and other public health facilities;

And, finally, allow federal funds to be used to support needle and syringe exchange programs, which have been proven in scientific study after scientific study to reduce HIV transmission without increasing drug use.

All of these are steps that, if implemented, would save lives, preserve human potential, and reduce the suffering of families and communities across America.

By decrying the terrible impact of drugs and yet failing to take prudent action to avoid preventable drug-related deaths, Congress and the Administration risk sending a mixed message to parents who have lost a child to drugs or who stand to lose a child to drug abuse if we don't do our part.

So, as we commemorate the lives of those whose promise has been extinguished by drugs, let us be equally mindful of those who are still with us—but whose lives are in danger and hang perilously in the balance. Let us commit to helping them to avoid the terrible fate of having their promise needlessly lost and being mourned by those who love and care for them.

Mr. Speaker, I want to close by thanking Mr. DAVIS and Mr. SOUDER for bringing this resolution before us and by again saluting everyone who has worked to make the Vigil for Lost Promise come to fruition. I urge all of my colleagues to support the resolution and, more importantly, to support policies and initiatives that will minimize the number of lives lost to drug abuse from this day forward.

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

Mr. ISSA. Mr. Speaker, I urge all Members to support the adoption of H. Con. Res. 422, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 422.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL CHILDREN AND FAMILIES DAY

Mr. ISSA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 763) supporting the goals and ideals of a National Children and Families Day, in order to encourage adults in the United States to support and listen to children and to help children throughout the Nation achieve their hopes and dreams, and for other purposes.

The Clerk read as follows:

H. RES. 763

Whereas research shows that spending time together as a family is critical to raising strong and resilient kids;

Whereas strong healthy families improve the quality of life and the development of children;

Whereas it is essential to celebrate and reflect upon the important role that all families play in the lives of children and their positive effect for the Nation's future; and

Whereas the country's greatest natural resource is its children: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of a National Children and Families Day to—

(1) encourage adults to support, listen to, and encourage children throughout the Nation;

(2) reflect upon the important role that all families play in the lives of children; and

(3) recognize that strong, healthy families improve the quality of life and the development of children.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H. Res. 763, which will support the goals and ideals of National Children and Families Day. H. Res. 763, which currently has 54 bipartisan cosponsors, passed the full Government Reform Committee with unanimous consent on May 4, 2006.

Too often we overlook the importance of a strong family in our everyday lives and most importantly its impact on our children. Our children are our country's most vital resource, and we should strive to do everything possible to prepare them to lead healthy, productive lives as they mature into adulthood.

There is nothing more important to any of us, whether we are adult or child, than to have a sense of family and tradition, but most important, to have a feeling of belonging. Too often here in this great country, we hear about the breakdown of the family. A nationally proclaimed family and children's day will be a bridge to our future and will help us restore the Nation's greatness.

Mr. Speaker, this day can serve to be a reminder to all of us to encourage children everywhere to achieve their hopes and dreams.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, families teach children the lessons they must learn to be happy and to prosper. They also care for children by giving them love and warmth and providing food, shelter and financial support.

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While families may handle problems differently, families can develop the following traits to become strong and to improve the quality of life and the development of children. Families learn how to show love and affection towards each other. And no matter what children say or do, children need to know that their parents love them. Children must know that they are loved even though they have different strengths or weaknesses. And when children make mistakes, parents can let them know they are loved as they help them to discover how to learn from mistakes.

Strong families build trusting relationships by demonstrating commitment to all the members of the family. This includes following through with promises, working as a team, and talking to one another about important decisions and daily plans.

All families experience crisis, but strong families use these experiences to learn and to grow. Family members should spend time together talking, reading, playing games, and taking walks. They should encourage each other and be involved in their neighborhoods and community.

A National Families and Children's Day will encourage families to embrace these traits and will highlight the important role all families play in the lives of children and their positive effect for the Nation's future.

It is so unfortunate that there are millions of children in our country who don't have the ability to experience on a daily basis, on a regular basis, on an ongoing basis the love and care of a stable family relationship; children who are institutionalized or children who move from one foster situation to another. Hopefully, as we continue to learn how to enhance and improve the quality of life, we will better learn how to strengthen and develop family structures and the reality that strong families help make for a strong Nation.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H. Res. 763.

This resolution passed out of my committee with unanimous consent on May 4th and has support from Members on both sides of the aisle.

This resolution supports the goals and ideals of a national children and families day to encourage adults to support and listen to their children to help them achieve their hopes and dreams.

Being a parent is the toughest job an individual will ever have, but it is important to recognize that strong, healthy families improve the quality of life and the development of children.

In today's fast-paced society, and with so many demands placed on adults and children alike, it is important to take the time out and recognize the basic necessity of encouraging our Nation's youth as they are the future of this great Nation.

Mr. DAVIS of Illinois. Mr. Speaker, I urge passage of this legislation, and I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I have no further requests for time, I urge passage, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and agree to the resolution, H. Res. 763.

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

A motion to reconsider was laid on the table.

COMMENDING AMERICAN CRAFT BREWERS

Mr. ISSA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 753) commending American craft brewers.

The Clerk read as follows:

H. RES. 753

Whereas American craft brewers are a vibrant affirmation and expression of American entrepreneurial traditions, operating as community-based small businesses and providing employment for more than 33,000 workers;

Whereas the United States has craft brewers in every State and more than 1,300 craft brewers nationwide;

Whereas American craft brewers support American agriculture by purchasing barley, malt, and hops grown, processed, and distributed in the United States;

Whereas American craft brewers promote the Nation's spirit of independence through a renaissance in hand-crafted beers like those first brought to colonial shores by European settlers and produced here by the Nation's founding fathers, including George Washington and Thomas Jefferson, for the enjoyment of the citizenry;

Whereas American craft brewers strive to educate legal drinking-age Americans about the differences in beer flavor, aroma, color, alcohol content, body, and other complex variables, as well as historic brewing traditions, beer history, and gastronomic qualities of beer;

Whereas American craft brewers champion the message of responsible enjoyment to their customers and work within their communities to prevent alcohol abuse and underage drinking;

Whereas American craft brewers produce more than 100 distinct styles of flavorful beers, the quality and diversity of which have made the United States the envy of every beer-drinking nation in the world, thereby contributing to balanced trade by reducing American dependence on imported beers, supporting American exports, and promoting United States tourism;

Whereas American craft brewers are vested in the future, health, and welfare of their communities as employers providing a diverse array of quality local jobs, as contributors to the local tax base, and as committed sponsors of a broad range of vital community institutions and philanthropic causes, including parent-teachers' associations, Junior ROTC, children's hospitals, chambers of commerce, humane societies, rescue squads, athletic teams, and disease research; and

Whereas, in 2006, American craft brewers recognize the week of May 15–21 as American Craft Beer Week and mark it as a time to educate Americans about craft beer and celebrate the contributions that American craft brewers have made to the Nation's communities, economy, and history: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the establishment of American Craft Beer Week as a celebration of the contributions that American craft brewers have made to the Nation's communities, economy, and history; and

(2) commends American craft brewers for providing jobs, improving the balance of trade, supporting American agriculture, and educating Americans about the history and culture of beer while promoting the responsible consumption of beer as a beverage of moderation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution now under consideration.

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

There was no objection.

Mr. ISSA. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I thank my colleague for yielding, and I rise today to recognize and congratulate America's craft brewers, one of the most vibrant and fast growing class of small businesses in America.

Craft brewers are entrepreneurs and hobbyists who create distinctive beverages in small independent breweries across the country. They represent the best in American ideals by combining a spirit of industrious entrepreneurship with a commitment to quality and civic responsibility. The result is a unique product that continues an enduring American tradition of home brewing that can be traced back to George Washington and Thomas Jefferson.

Craft brewers have come a long way since then. Today, there are over 1,300 independent breweries throughout the country, and their numbers are continuing to grow. For the second straight year, craft beer is the fastest growing segment of the U.S. alcoholic beverage industry. In 2005, craft beer experienced a 9 percent increase in volume, nearly triple that of the growth experienced in the wine and spirits industry.

This industry occupies an important niche in our economy and its continued growth is beneficial to our communities. Not only do craft brewers provide over 33,000 of our constituents with quality jobs, they also support our agricultural economy by purchasing barley and malt and hops grown, processed, and shipped domestically. Furthermore, with over 100 diverse and flavorful beverages, craft brewers' beverages have attracted an international following that has strengthened and increased U.S. beer exports.

In my district, the F.X. Matt Brewing Company has become an integral part of our community. For 118 years, this regional brewery has continually reinvented itself and today is most famous for its line of Saranac beer. The brewery's capacity to respond to market changes and customer demands have ensured its continued ability to provide over 100 high-quality manufacturing jobs in an area that has experienced a decline in this sector.

Continuing the tradition of attention to the local community, the F.X. Matt Brewing Company fosters local pride and involvement through their association with the Boilermaker 15K Road Race, one of the finest in America, which culminates in an area-wide celebration at the brewery, and by hosting what we call ''Saranac Thursdays'' throughout the summer, from which all the proceeds benefit the United Way.

Craft brewers live and work in the community where their products are made, which underlies their continued commitment to local charitable and philanthropic institutions. They have supported children's hospitals, humane societies, chambers of commerce, disease research, and parent-teachers association. In short, they are just good citizens. Craft brewers are committed to promoting the safe and moderate consumption of their beverage, and work closely with their communities to prevent underage drinking and alcohol abuse.

American craft brewers are a testament to this country's entrepreneurial and community-based small businesses tradition, and I urge my colleagues to join me in recognizing the unique contributions they have made to our culture and economy by supporting this resolution.

Just let me make one last observation. Some people might say, watching the proceedings of this House, why are they spending time on resolutions like this when there are so many really pressing issues facing the Nation? And the answer is very simple. This is a small portion of our legislative week set aside for resolutions just like the ones we are discussing, important to America, not of grand importance, not everybody is concerned about them, but important to certain segments of America.

Tomorrow, we go on with the appropriations bills to discuss things like the war on terrorism. We dealt with homeland security today. We deal day in and day out with critically important issues, but I think it is just proper that we pause on occasion and dedicate a few minutes to saluting, as I am saluting the small brewers of America, and you can salute any small business you want to. They add to the very fabric of our Nation, and I am proud to identify with it.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentleman from New York in commending American craft brewers. America's brewing landscape began to change during the late 1970s when the traditions and styles of brewing brought to our country by immigrants from all over the world began to disappear. Highly effective marketing campaigns were changing America's beer preference to light-adjunct lager. Low-calorie beers soon began driving and shaping the growth and nature of the American brewing industry.

The home brewing hobby began to thrive as American beer drinkers began brewing their own beer so that they could experience the beer traditions and styles of other countries. Those home brewing roots gave birth to what we now call the ''craft brewing'' industry. Today, American craft-brewed beer is an all-malt beer that is higher in calories and has greater flavor and aroma than the light beers of the 1970s.

Made by any one of America's 1,458 small regional microbreweries, our pub breweries, craft brewers produced 6.23 million barrels, or 3 percent, of the beer consumed in the American States in 2001. American craft brewers are small community-based businesses that employ 33,000 workers and exemplify the American entrepreneurial spirit.

Since 1978, the American craft beer industry has never lost market share. Craft brewers have succeeded in expanding the minds of beer consumers and in creating and establishing a niche in the American consumer market. Today's American beer consumers continue to provide support to the craft beer market.

Again, I join with the gentleman from New York and the gentleman from California in commending the home brewers, as many people like to call them, but the people who make their own so they can sip it, and taste it, and know what it is like before it is finished.

Mr. Speaker, I support this resolution, urge its passage, and I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I will close in two important ways. One is to, first, urge all of my colleagues here and already at home tonight to vote for this resolution. I think it sets the right balance on an important segment of our craft industry. Much more than an alcohol industry, this is about the right of the small operation to do something that is a time-honored tradition.

Secondly, I would like to reiterate in the best possible terms why this time we spend here in the evening is different. Most of our colleagues have gone home for the evening or gone to their dinners, but, in fact, Members will choose to come here and take time that otherwise these Chambers would be dark to talk about issues that don't affect all of America but affect some part of America or their district, and I believe that this is the right balance.

I continue to support the idea that we should bring resolutions on suspensions to the floor when they are not controversial but important to segments of our economy.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and agree to the resolution, H. Res. 753.

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

A motion to reconsider was laid on the table.

RECOGNIZING 30TH ANNIVERSARY OF THE VICTORY OF UNITED STATES WINEMAKERS AT 1976 PARIS WINE TASTING

Mr. ISSA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 399) recognizing the 30th anniversary of the victory of United States winemakers at the 1976 Paris Wine Tasting.

The Clerk read as follows:

H. CON. RES. 399

Whereas on May 24th, 1976 in Paris, France, the premier wines of California and France were judged in a blind taste test by leading French wine experts;

Whereas the winning red wine was the 1973 Stag's Leap Wine Cellars SLV Napa Valley Cabernet crafted by winemaker Warren Winiarski;

Whereas the winning white wine was the 1973 Chateau Montelena Napa Valley Chardonnay crafted by winemaker Miljenko ''Mike'' Grgich;

Whereas this event became known as the Tasting Heard 'Round the World, and heralded the beginning of the rise to preeminence of California wines;

Whereas the Smithsonian Institution's National Museum of American History has placed bottles of the winning wines in its permanent collection;

Whereas wines from all over the United States are now enjoyed all over the world; and

Whereas the domestic wine industry now contributes over $50 billion a year to the United States economy: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes and honors the 30th Anniversary of the California victory at the 1976 Paris Wine Tasting; and

(2) recognizes the historical significance of this event to the United States wine industry.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution now under consideration.

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

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume, and I appreciate that this resolution is being taken out of order, but one might say it is being taken in the correct order. One might even say that it is being taken one after its correct order.

As a Member from California, with my colleague from California on the other side of the aisle, it is important to note that California wines are, in fact, the finest in the world; that they enjoy a special place and a personal honor around the world. So although we came after beer tonight, I would certainly say not far after beer this evening.

Mr. Speaker, until 1976, France was generally regarded as having an unchallenged reputation as the foremost producer of the world's best wines. In that year, a wine merchant in Paris, Steven Spurrier, organized a prestigious wine tasting, now known as the Paris Wine Tasting of 1976.

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The blind tasting contest was judged by eight of France's top wine tasting experts. In the white wine as well as red wine consumption, California wines took first place, ending the French wine domination of that industry.

Mr. Speaker, I will include the rest of my statement for the RECORD. I respect so much the co-chairman of the Wine Caucus that I do not want to take the thunder that likely belongs to him and all of the good work my colleague from California has done.

Time Magazine's Paris correspondent was on hand for the tasting and broke the news to the world. Less might have been made of the contest had the renowned French tasters been less disdainful toward the California selections as they tasted. The French tasters were stunned when the names of the wines were revealed. The impact of the tasting for California wines was immediate, showing people everywhere that exceptional wines could come from somewhere other than France. The 1976 Paris tasting has been duplicated over the years with many times the same result. Today, California wines continue to demand respect and admiration of wine experts all over the world.

I urge all members to come together to support adoption of this resolution on the 30th anniversary of that historic tasting.

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

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the champion of wine tasting in the House and the sponsor of this legislation, the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman from Illinois and my colleague from California, and I concur that this is an important resolution. Although the beer measure was taken up first; as someone who has lived in the wine industry my entire life, someone who grows wine grapes and someone who has worked in many different jobs in the wine industry, I can tell you firsthand that there is truth in the old saying that it takes a lot of beer to make good wine. So it is probably appropriate that both of these measures are taken up tonight.

Mr. Speaker, I have the distinct honor and pleasure of representing California's 1st Congressional District, home to over 500 wineries, I believe and I think everyone would agree, the heart and soul of the American wine industry. So you might ask why it is that I would have introduced a resolution honoring a French wine tasting.

As my colleague from California said, the fact of the matter is the Paris Wine Tasting of 1976 is the seminal event in the history of the U.S. wine industry. At that event, some of Europe's greatest wine critics, those from within the European wine community, chose U.S. wines as the winners of that tasting in a blind test. That is why that wine tasting is known even today as the tasting heard around the world.

The Paris tasting was proof that American wine makers could compete with the best in the world, that wine makers like Warren Winiarski of Stag's Leap Wine Cellars and Mike Grgich of Chateau Montelena, he now owns his own winery, but at the time he was the wine maker at Chateau Montelena, were in fact making some of the best wines in the world.

Robert Parker, the world-renowned wine critic, put it best when he said, ''The Paris tasting destroyed the myth of French supremacy and marked the democratization of the wine world. It was a watershed in the history of wine.''

The tasting served as a launching pad for an industry that has grown to become a major contributor to our national economy, now totaling over $50 billion a year. There are over 4,000 commercial wineries throughout all 50 States. Many of them are small family-owned businesses. The number has grown by 30 percent in the last 4 years, and the wine industry and the tourism that it generates employs over 250,000 tax-paying Americans.

It is, in fact, a great industry, and our wines are in fact the best. It is appropriate that we take this time to commend those who participated in and the industry that has grown out of the Paris Wine Tasting of 1976. I urge all of my colleagues to vote in favor of this. I thank you for the courtesy of bringing this measure up tonight, both out of order and on the floor, recognizing the 30th anniversary of this famous wine tasting.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Let me just say that Californians, whether Democrat or Republican, take their politics seriously. They do not always agree on all things, but I think they do agree and I think all of us can agree with them that California does in fact have some of the finest wines known to humankind. I am pleased to join with them in passing this resolution, and perhaps one of these days Representative THOMPSON might even make me an honorary member of that tasting club.

Mr. Speaker, until 1976, France was generally regarded as having an unchallenged reputation as the foremost producer of the world's best wines. In that year, a wine merchant in Paris, Steven Spurrier, organized the prestigious wine tasting competition now known as the Paris Wine Tasting of 1976. Spurrier sold only French wines and later said ''I thought I had it rigged for the French wines to win.''

The jury of nine testers in the wine competition included eight of France's top wine tasting experts. Blind tasting was performed so that none of the judges knew the identity of the wines that were tasted. First to be tasted were white wines. The comparison included Chardonnays and matched the very best French Chardonnays from Burgundy against California Chardonnays. The winner was a California Chardonnay that was from Chateau Montelena and made by winemaker Mike Grgich. Third and fourth places also went to California Chardonnays. All nine judges awarded their top scores to either Chalone Winery or Chateau Montelena, both of California. The red wines then were tasted. A Cabernet Sauvignon from California's Stag's Leap Wine Cellars and produced by winemaker Warren Winiarski was chosen as the top wine of that type.

The tasting results were surprising to the judges and wine connoisseurs worldwide. The lone reporter who attended the competition was from Time magazine, and that reporter's story promptly revealed the results to the world. Leaders in the French wine industry banned Spurrier from the nation's prestigious wine-tasting tour for a year, apparently as punishment for the damage his tasting had done to France's image of superiority. And as recently as 2005, some of the judges still refused to discuss the tasting, saying that to do so would have been ''too painful.''

This resolution recognizes and honors the 30th anniversary of the California victory at the 1976 Paris Wine Tasting and recognizes the historical significance of this event to the United States wine industry.

I urge my colleagues to support H. Con. Res. 399.

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

Mr. ISSA. Mr. Speaker, I yield myself the balance of my time, and I might remind the gentleman from Illinois that wine tasting is a full-participation sport available to all over the age of 21.

Mr. Speaker, I would just close by noting that many, many times California's superiority as the grape wine capital of the world has been repeated in Paris. With that, I close by saying I eat French fries and drink California wine.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 399.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL TOURISM WEEK

Mr. ISSA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 729) supporting National Tourism Week.

The Clerk read as follows:

H. RES. 729

Whereas travel and tourism has a major impact on the economy of the United States as the 3rd largest retail sales industry in the Nation;

Whereas 1 out of every 7 people employed in the United States civilian labor force is directly or indirectly employed in the travel and tourism industry;

Whereas international travel to the United States is the largest service export, having generated a trade surplus for 16 consecutive years, increasing 144 percent between 2003 to 2004 to over $4 billion;

Whereas, in 2005, travel and tourism-related expenditures reached $1 trillion, including $596 billion in direct sales and $445 billion in indirect sales, and supported 8 million jobs;

Whereas the Department of Commerce has released the 2004 international year-end arrivals data, revealing that the level of international travel to the United States increased by 12 percent from 2003 to 46 million in 2004, with overseas visitors increasing 13 percent, to 20 million in 2004;

Whereas domestic and international traveler spending in the United States generated $99.4 billion in taxes for Federal, State and local governments in 2004;

Whereas tourism contributes substantially to personal growth, education, appreciation of cross-cultural differences, and the enhancement of international understanding and good will;

Whereas the abundant natural and man-made attractions of the United States and the hospitality of the American people establish the United States as the preeminent destination for both foreign and domestic travelers;

Whereas National Tourism Week was established by Congress in 1983, and first celebrated in May 1984, when President Ronald Reagan signed a proclamation urging citizens to observe the week with appropriate ceremonies and activities;

Whereas, since 1984, National Tourism Week has been celebrated each May by the travel and tourism community, travel industry associations, as well as many States, cities, and localities throughout the Nation; and

Whereas May 13 through 21, 2006, is the 23rd annual National Tourism Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports National Tourism Week; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to observe National Tourism Week with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the resolution under consideration.

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

There was no objection.

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

I rise in support of H. Res. 729, offered by the gentleman from Florida (Mr. FOLEY). I am also a cosponsor of this resolution, and cosponsor of it for a good reason. The $1.3 trillion industry in travel and tourism is one that both Florida and California enjoy, and people from all over the world also enjoy it. The United States receives nearly 50 million international visitors, spending over $100 billion a year while touring within our country.

In fact, the United States is the number one tourist destination in the world. The Travel Industry Association says if not for the taxes generated by the travel and tourism, every household in America would pay over $900 more in taxes each year to make up for the shortfall, much of that coming from foreign visitors.

In addition, travel and tourism generate $100 billion in tax revenue for local, State and Federal governments. For this reason, it is important that we encourage and recognize the travel industry for its dedication to not only the accommodation of our vacation needs, but also in providing much-needed jobs and revenue for our country each year. I urge all Members to come together to support the vitally important travel and tourism industry by adopting H. Res. 729.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, people across the Nation and around the world have enjoyed traveling across America to visit our magnificent cities, parks, museums, and our many other national historic and cultural sites. America provides countless opportunities to learn about and to enjoy our Nation's immense variety of attractions.

The travel and tourism industry represents a vital part of the American economy. It is a $1.3 trillion industry in the United States, and $100 billion is generated each year in tax revenues for local, State and Federal governments. And with the total of 7.3 million American jobs related to travel, the travel and tourism industry is one of the country's biggest employers.

National Tourism Week was established by Congress in 1983 and first celebrated in May of 1984 when President Ronald Reagan signed a proclamation that urged citizens to observe the week with appropriate ceremonies and activities. Held each year from May 13 to May 21, National Tourism Week provides the perfect platform upon which to challenge State tourism boards, city governments and other relevant entities to take a proactive role and to engage in practices that protect and maximize their tourism assets.

As a matter of fact, when I think of tourism, I think of my own congressional district which includes downtown Chicago with many of the skyscrapers, the Sears Tower, the Water Tower Place. King Tut is now on exhibit in our city, and thousands of people are coming each and every day. And so travel and tourism contribute to the cultural and social well-being of the Nation. I support this resolution and urge its passage.

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

Mr. ISSA. Mr. Speaker, the gentleman from Illinois is quite right. On Monday I left several tourist dollars on the 95th floor of the John Hancock Building at that lovely, beautiful restaurant. Chicago is in fact a major tourist destination, and I have been to more trade shows than I care to, well, I care to remember them all. They were all quite good. Chicago hosts some wonderful McCormick-based facilities, and has some of the finest hotels. I have not stayed in all of the finest hotels, but you have some of the finest hotels.

Mr. Speaker, I urge adoption of this resolution to thank the travel and tourism industry for what they contribute to our economy.

Mr. FARR. Mr. Speaker, at the start of the summer season we recognize the contributions of the travel and tourism industry by celebrating National Tourism Week.

Over the last 22 years, our Nation has celebrated National Tourism Week, and rightfully so. This industry ranks first, second or third in nearly 60 percent of the country.

Not only is tourism a dominant industry in the U.S. economy, but it is an industry that is present in every Congressional district. From sea to shining sea, to purple mountains majesty, every corner of the U.S. contributes to the travel and tourism industry—Hawaii, Alaska, Maine, Florida, California, and everything in between.

The travel and tourism industry boasts heavy-hitting statistics on expenditures, revenues, and jobs (the 3rd largest retail sales industry in the Nation; has generated a trade surplus for 16 consecutive years; supports 8 million jobs; in 2005, expenditures reached $1 trillion.). But that's not all. The travel and tourism industry produces something that cannot be quantified. There is no better way to understand and appreciate a culture than to travel to that land and experience it. When people come to the U.S., they experience our culture and hospitality first hand, and almost without exception, their view of America changes for the better. In today's world, this element is priceless.

As co-chairs of the Congressional Travel & Tourism Caucus since 1997, Congressman FOLEY and I have worked hard to educate our colleagues about the significance of this industry and all that it offers to our country. The caucus is over 100 members strong and continues to grow as more of my colleagues truly comprehend the magnitude of tourism.

Travel is an integral part of the human experience, and I am pleased that we are honoring the travel and tourism industry by putting forth this resolution celebrating National Tourism Week.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H. Res. 729, resolution sponsored by my friend and colleague MARK FOLEY, the Co-Chair of the Travel and Tourism Caucus along with members of the Caucus including myself, in support of National Tourism Week.

It is worth repeating, Mr. Speaker, as the resolution points out, Travel and Tourism as the 3rd largest retail sales industry in the Nation, has a major impact on the economy of the United States. One out of every 7 people employed in the United States civilian labor force is directly or indirectly employed in the travel and tourism industry. International travel to the United States is the largest service export, generating a trade surplus for 16 consecutive years, increasing 144 percent between 2003 and 2004 to over $4 billion. And, in 2005 alone, travel and tourism-related expenditures reached $1 trillion, including $596 billion in direct sales and $445 billion in indirect sales, and supported 8 million jobs.

As someone who represents an area where tourism is our number one industry, I am proud to report that despite increases in the price of oil, the tourism industry in the Virgin Islands have been doing exceptionally well over the last couple of years.

According to the Virgin Islands Bureau of Economic Research, the industry was one of the strongest performers and main contributor to the economic performance during 2004 with increases in both air and cruise ship passengers. Total visitors in the Territory in fiscal year 2004 reached a record 2.6 million, up 12 percent over 2003.

The BER projects, barring any significant shocks, that visitor arrival will peak at 2.7 million by the end of fiscal year 2005 and 2.8 million in fiscal year 2006.

Mr. Speaker, the Travel and Tourism industry generates trillions of dollars in economic activity in the U.S. and as such it deserves all of our support. I urge my colleagues to support passage of H. Res. 729.

Mr. FOLEY. Mr. Speaker, I would like to offer my support for House Resolution 729, a bill that I and Mr. FARR introduced recognizing the 23rd Annual National Tourism Week.

First established by Congress in 1983, this annual event gives us an opportunity to recognize the significant importance the Travel and Tourism Industry has on our economy.

The travel and tourism industry is the lifeblood of many states around the country—including Florida, California, New York and Nevada, to name a few. Every Congressional District is impacted—that is every district with a restaurant, hotel, museum, national park, stadium, theater, campgrounds and beaches.

Domestic travel and tourism-related spending has reached $1 trillion a year. There are over 8 million people in the food service, hospitality and travel-related industries that rely on America's vibrant and thriving travel industry.

As America's third-largest retail sales industry, nearly $100 billion dollars was generated in tax revenue for our local, state and federal governments in 2004.

In addition, international travel to the United States is now the largest service export with a generated trade surplus for 16 consecutive years.

For example, in my district there are visitors from all over the world who are drawn to our beautiful beaches, recreational lakes, habitat wildlife preserves and golf courses. In 2005, Florida collected over $3 billion in tourism and recreational sales, a reflection of $62 billion that went into the state's economy during the year.

So as some of us begin our summer travel, let us remember the tremendous impact the travel and tourism industry makes on all of our lives.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and agree to the resolution, H. Res. 729.

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

A motion to reconsider was laid on the table.

MATTHEW LYON POST OFFICE BUILDING

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5245) to designate the facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, as the ''Matthew Lyon Post Office Building''.

The Clerk read as follows:

H.R. 5245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MATTHEW LYON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, shall be known and designated as the ''Matthew Lyon Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Matthew Lyon Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, born in County Wicklow, Ireland, Matthew Lyon was a printer, farmer, soldier and politician who came to America as an indentured servant at the age of 14 in 1764. During the Revolution, Matthew Lyon fought with Ethan Allen and the Green Mountain Boys to capture Fort Ticonderoga. He later resigned from the Army in 1778, and became a member of the Vermont House of Representatives from 1779 to 1783.

During this time he built and operated various kinds of mills, including one to manufacture paper. He also established a printing office in 1793 and published the Farmers' Library. In addition, he created the Fair Haven Gazette, a weekly newspaper, and served as publisher and editor while using the paper to express his political opinions in the early years of our Republic.

Lyon was elected as a Republican to the Fifth and Sixth Congresses, but was not a candidate for renomination in 1800. He then went on to relocate to the State of Kentucky in 1801, and settled in Caldwell County, now Lyon County, and became a member of the House of Representatives of Kentucky in 1802.

He was then elected to the Eighth Congress and to three successive Congresses until he was unsuccessful in seeking reelection in 1810. He is certainly one of our Founding Fathers, and it is long overdue for him to be recognized with this post office.

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

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Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a member of the Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 5245, legislation naming the postal facility at 1 Marble Street in Fair Haven, Vermont, after Matthew Lyon. This bill, which was sponsored by Representative BERNARD SANDERS of Vermont, was unanimously reported by our committee on May 4, 2006.

Matthew Lyon was born in County Wicklow, Ireland, and in 1764, at the age of 14, emigrated to the United States as an indentured servant. It was not long before he was a free man and fighting alongside Ethan Allen and others in the famous battle of Ticonderoga. Lyon went on to settle in Vermont, founding the village of Fair Haven and later representing Vermont in Congress for two terms.

Lyon was a fierce Jeffersonian Republican and a staunch opponent of the Sedition Act. Lyon's public opposition to the Sedition Act led him to be the first person arrested under the guise of the act. A dubious honor to some, perhaps, was a badge of honor to this protector of free speech and liberty. Lyon would serve a 4-month prison sentence and become a champion of the movement opposed to the Sedition Act.

After serving two terms as the Representative for Vermont and one term in the Kentucky State legislature, Lyon was elected to Congress again, this time as a Representative for the State of Kentucky, becoming one of

only three people elected to Congress from two States.

Mr. Speaker, this is certainly a great deal of historic as well as patriotic value, and I would urge swift passage of H.R. 5245 which seeks to honor the life of a true American pioneer, Matthew Lyon.

Mr. SANDERS. Mr. Speaker, I rise in strong support of H.R. 5245, a bill I introduced to rename the Fair Haven, Vermont, post office in honor of Matthew Lyon, an American patriot and staunch defender of First Amendment rights.

I would like to thank Chairman DAVIS and Ranking Member WAXMAN for their help in moving this bill through the Government Reform Committee. I would also like to thank Jeffrey Schulz, the Fair Haven Town Manager, and the Fair Haven Select Board for supporting this legislation.

Matthew Lyon was born in Dublin, Ireland, on July 14, 1749, and immigrated to colonial America in 1765 as an indentured servant. In 1774 he purchased land in the area of the Hampshire Grants now known as Wallingford, Vermont, and soon after joined Ethan Allen's Green Mountain Boys militia where he led his own unit in defending their land from competing claimants as well from British attacks from the north. In Vermont, he was involved in encouraging the formation of citizen committees across the state to discuss national and state issues, meet with their elected officials, and ensure that their government was being operated in the best interest of all citizens.

In 1783, Matthew Lyon founded the town of Fair Haven. He served in the Vermont State Legislature for 14 years before being elected to the U.S. House of Representatives to serve as Vermont's Congressional representative from 1797–1801. Interestingly, he also represented the State of Kentucky in the U.S. House from 1803–1811.

Matthew Lyon, however, is perhaps best known for being the first person to stand trial and be convicted under the 1798 Sedition Act—sweeping legislation passed during a period when America was engaged in hostilities with France. As we're all aware, the purpose of the legislation was to curtail dissent from citizens and members of the press who opposed President John Adams' foreign policy toward France. The legislation was unquestionably a direct attack on rights explicitly protected by the First Amendment of the U.S. Constitution.

For violating provisions of the Sedition Act, Matthew Lyon was convicted and sentenced to four months in jail, required to pay the cost of his prosecution and a fine of $1,000. His only crime was writing a letter to the editor critical of President John Adams' foreign policy toward France and submitting another person's similar writings to a local newspaper that published them. Although he was jailed, he continued to exercise his Constitutional rights by expressing his views and actively opposing the Sedition Act's anti-free speech provisions. He was even re-elected to Congress from prison in December of 1798.

Eventually, the Sedition Act was allowed to sunset according to its terms and President Thomas Jefferson pardoned those still serving in prison under the Act and remitted their fines. Decades later, Congress passed a law that reimbursed Matthew Lyon's heirs and representatives for the fines he was forced to pay under the Sedition Act.

This remarkable story is not only one that makes the citizens of my state proud but also represents an event of national historical significance. Too often today, we forget the struggles that many who came before us undertook to preserve freedom of speech, the press, and the right to assemble. This post office will serve as a reminder to Vermonters, the nation, and all those who visit Fair Haven, of the heroic efforts made in the past to protect the rights of all to speak freely, no matter what political viewpoint or ideas they may have.

At a time when we find ourselves struggling to balance the security of our nation with the liberties we cherish, I can think of no better time to honor one of our nation's champions of the First Amendment's right of free speech. Naming the Fair Haven Post Office in honor of Matthew Lyon would be a fitting tribute to him and his fight for liberty, and would serve as a reminder of Fair Haven's connection to this great American patriot.

I urge my colleagues to support this bill; to honor Matthew Lyon, a patriotic American who through his actions more than 200 years ago, reminds us of the importance of freedom of speech in our country.

Mr. DAVIS of Illinois. I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I urge adoption and yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 5245.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONGRATULATING ALBERT PUJOLS ON BEING NAMED THE MOST VALUABLE PLAYER FOR THE NATIONAL LEAGUE FOR THE 2005 MAJOR LEAGUE BASEBALL SEASON

Mr. ISSA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 626) congratulating Albert Pujols on being named the Most Valuable Player for the National League for the 2005 Major League Baseball season.

The Clerk read as follows:

H. RES. 626

Whereas Albert Pujols of the St. Louis Cardinals was named the Most Valuable Player for the National League for the 2005 Major League Baseball season;

Whereas in 2005 Albert Pujols led the Cardinals with a batting average of .330, 41 home runs, 117 runs batted in, and 16 stolen bases;

Whereas Albert Pujols is the only player in the history of Major League Baseball to have a batting average higher than .300, hit 30 or more home runs, drive in 100 or more runs, and score 100 or more runs in each of his first five seasons in the major leagues;

Whereas Albert Pujols has already won the 2001 Rookie of the Year Award for the National League, the 2003 National League batting championship, and the Most Valuable Player Award for the 2004 National League Championship Series;

Whereas Albert Pujols exemplifies true sportsmanship and class; and

Whereas Albert Pujols is active in numerous St. Louis area charities and causes, most notably through his establishment of, and involvement in, the Pujols Family Foundation: Now, therefore, be it

Resolved, That the House of Representatives congratulates Albert Pujols on being named the Most Valuable Player for the National League for the 2005 Major League Baseball season.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, the national pastime, obviously, is baseball and to honor the most valuable player of the 2005 season seems to be only appropriate. Certainly, there can be no more appropriate thing as we go into the heart of baseball season than to consider a resolution recognizing this amazingly great accomplishment and an amazing season in 2005. And so I urge my colleagues to adopt this resolution.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, St. Louis Cardinal first baseman Jose Alberto Pujols is widely regarded as one of major league baseball's best offensive players because he hits consistently for average and power. On August 5, 2005, Pujols became the first player in major league history to hit 30 or more home runs in each of his first five seasons. On August 31, 2005, he became the first major league player since Ted Williams to have 100 runs batted in during each of his first five seasons.

Originally from the Dominican Republic, it was in the United States that Pujols developed his love for baseball and demonstrated his ability for the game. He batted over .500 during his first season of high school baseball. At Maple Woods Community College in the Kansas City area, Pujols showed off his talent by hitting a grand slam and recording an unassisted triple play during his first game and by batting .461 during his first season.

The St. Louis Cardinals drafted Pujols in the 13th round of the 1999 draft. He initially turned down a $10,000 bonus and opted to play in the Jayhawk League in Kansas. By the end of the summer, the Cardinals had increased their bonus offer to $60,000. Pujols signed with the Cardinals and was assigned to the minor leagues. By

the next year he was playing for Single A team the Peoria Chiefs where he was voted league Most Valuable Player. Pujols progressed quickly through the ranks of the St. Louis farm system and on to the major leagues.

The 2005 season saw Pujols establish career highs in walks and stolen bases while leading the St. Louis Cardinals in almost every offensive category. He finished with a .330 batting average, a .430 on-base percentage, and a .609 slugging percentage, 41 home runs, a grand slam, 117 RBIs, 97 walks and 16 stolen bases. The Cardinals were eliminated during the National League championship series, but only after Pujols hit a memorable home run in game five, a two-out, three-run blast in the top of the ninth inning off Houston Astro closer Brad Lidge. After the season, Pujols received his first National League Most Valuable Player award which underscored his critical role in keeping the injury-plagued Cardinals on track throughout the season.

Pujols should be commended for his work on the baseball field, for the foundation he and his wife, Diedre, have created and dedicated to the love, care and development of people with Downs Syndrome and their families, and for helping the poor in the Dominican Republic. For those and other reasons, I urge my colleagues to support H. Res. 626, a tremendous athlete, but an even more tremendous humanitarian.

I reserve the balance of my time.

Mr. ISSA. I have no further speakers on this side, Mr. Speaker, so I will reserve the balance of my time.

Mr. DAVIS of Illinois. It is my pleasure to yield such time as he might consume to that great St. Louis Cardinal fan and the sponsor of this legislation, Representative CARNAHAN from Missouri.

Mr. CARNAHAN. Mr. Speaker, I rise today in support of House Resolution 626, congratulating Albert Pujols of the St. Louis Cardinals on being named the Most Valuable Player in the National League for the 2005 Major League Baseball season.

As you know, Mr. Speaker, we recently passed a companion resolution, House Resolution 627, congratulating his teammate, Chris Carpenter, for winning the National League Cy Young Award. This marks the first time since 1968 that the Cardinals have won both an MVP and Cy Young Award in the same year.

Albert Pujols came to spring training in 2001 as a 13th round draft choice. Not only did he make the St. Louis Cardinals opening day roster that year, but he won a starting job and went on to win the National League Rookie of the Year Award.

The first 5 years of his career rank among the best in baseball history. He has a career .332 batting average, 201 home runs and 621 runs batted in.

He is the only player in the history of the major leagues to have a batting average higher than .300, hit 30 or more home runs, drive in 100 or more runs, and score 100 or more runs in each of his first five seasons.

During the 2005 season, Albert Pujols led the Cardinals with a batting average of .330, 41 home runs, 117 runs batted in, and 16 stolen bases. He was a major factor in the Cardinals' 100-win season and run to the National League championship series.

Albert Pujols is truly a champion on and off the field. He and his wife, Diedre, have three children, a son named Albert, Jr., a daughter named Sophia and a daughter Isabella who has Downs Syndrome.

In 2005 they started the Pujols Family Foundations which is dedicated to the love, care and development of people with Downs Syndrome and also reaches out to impoverished families in the Dominican Republic, Albert's native country.

As a lifelong Cardinals fan and St. Louis resident, it is an absolute joy to watch Albert Pujols on and off the field. He embodies the true spirit of Cardinal Nation, and I offer my most sincere congratulations on all that he has accomplished thus far, and wish him the best in the future, including recovering from his recent injuries.

Mr. Speaker, I think the spirit that he brings to baseball and that has captured this country is also reflected in the numerous Members of this Congress, not just from St. Louis, not just from the State of Missouri, but from around the country and both sides of the aisle that joined in sponsoring this resolution of congratulations.

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

Mr. ISSA. Mr. Speaker, I urge adoption and yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and agree to the resolution, H. Res. 626.

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

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PASSPORT MONTH

Mr. ISSA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 327) supporting the goals and ideals of National Passport Month.

The Clerk read as follows:

H. RES. 327

Whereas, through international travel, Americans can individually play a major role towards improving foreign relations by building bridges and making connections with citizens of other countries;

Whereas interacting with the global community inspires Americans to reflect on the diverse multi-cultural background that has defined the United States as a great country of cooperation and progress;

Whereas having a passport and traveling abroad creates connections with the global community, supporting goodwill throughout the world;

Whereas having a passport and traveling abroad promotes understanding and goodwill throughout the world, opening the doors to increased peace, tolerance, and acceptance;

Whereas having a passport and traveling abroad opens up a preponderance of educational opportunities and experiences for Americans of all ages;

Whereas having a passport and traveling abroad enables Americans to see first-hand the effect of the United States on the world, including the tremendous amount of humanitarian aid given by the United States through both public and private sectors;

Whereas having a passport and traveling abroad reminds Americans that they are members of a global family and gives them opportunities to mend rifts around the world;

Whereas fewer than 23 percent of Americans have passports, thereby limiting their ability to travel outside the United States;

Whereas the more Americans travel outside the United States, the more they will experience opportunities to increase their understanding of the world and the place of the United States in it;

Whereas the creation and support of a National Passport Month signals to Americans the important role they can play as ambassadors for the United States by serving as agents of understanding, tolerance, and mutual respect; and

Whereas travel publishers along with travel editors from the most prestigious media outlets in the United States, student travel organizations, and book sellers have designated September as ''National Passport Month'' to educate the public about the importance of having a passport and the positive impact international travel has on individuals: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Passport Month; and

(2) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate ceremonies, programs, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, today in the United States, fewer than 23 percent of Americans have an issued passport, meaning that millions of our citizens are unable to take advantage of the culturally enriching opportunities presented by international travel. International travel can help promote understanding, tolerance and mutual respect for other

cultures and traditions around the world.

National Passport Month would support the goal of encouraging and inspiring Americans to participate in the educational opportunities that having a passport can provide.

□ 2245

By opening the doors to the rewards of traveling beyond the boarders and the equally important potential that we have to build bridges connecting cultures throughout the world, makes it extremely pertinent that we encourage especially the young and old to apply for past ports.

Mr. Speaker, recently it became necessary to have a passport to go into Mexico. Most Americans are not yet aware of that. I would particularly remind people listening tonight throughout the world and those who will read the official record of our proceedings here today that having a passport takes time. I would encourage people to have them before they intend to travel so that they are prepared for the quick trip from San Diego to Tijuana or the trip from here to Abu Dhabi.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will include for the record a statement from Representative BARBARA LEE, who is the sponsor of this resolution. Congresswoman BARBARA LEE could not be with us here today, though she sincerely wanted to be. In her absence, she asked me to give a few remarks on her behalf.

Congresswoman LEE would like to thank ranking member WAXMAN and the chairman of the Government Reform Committee, TOM DAVIS, along with the leadership on both sides of the aisle, for bringing this bill to the floor today. Representative LEE expresses her appreciation to the over 55 cosponsors of this bipartisan resolution for their support and she wants in particular to thank her Republican leader on the resolution, Congressman CHRIS SMITH from New Jersey, for his support.

This resolution is extremely straightforward and noncontroversial. It details and recognizes the value of international travel and requests the President to issue a proclamation calling on the Federal Government, State localities, schools, nonprofit organizations, businesses and other entities and the people of the United States to observe National Passport Month with appropriate ceremonies, programs and activities.

As the senior Democratic woman on the House International Relations Committee and a traveler herself, Congresswoman LEE truly understands and appreciates the value and importance of international travel. As Congresswoman LEE notes in her statement for the record, there is no substitute for the experience that you get from visiting other countries. Travel changes the way we see the world. It broadens our horizons and deepens our appreciation for different countries and cultures. It also helps us to be more understanding, tolerant and to have respect for other cultures.

Not only does travel provide enriching opportunities for the individual, it can also have profound benefits to our Nation as a whole by allowing Americans to spread the message of freedom and democracy around the world. In addition, having a passport and traveling abroad enables Americans to see the American influence on the world firsthand, including the tremendous amount of humanitarian aid given by Americans throughout both the public and private sectors.

I agree with the Congresswoman, who states that Americans of all ages are our best ambassadors and we should promote policies that encourage them to travel, to forge connections with people from other countries, to foster mutual understanding and tolerance and to help open new doors to peace.

The timing of this resolution could not be more critical, because America needs a boost in foreign public opinion. When Lonely Planet, which is located in Representative LEE's district in Oakland, California, raised the idea of a National Passport Month, she immediately embraced it. In Representative LEE's statement for the record she notes how proud she was to introduce H. Res. 327 and to be part of the campaign to recognize the importance of international travel and how overwhelmed she was by the support she has received for the effort.

In April of this year, Lonely Planet presented her with over 5,000 petition signatures from people all over the country who support these efforts. This resolution has the support of a broad coalition of over 70 supporting travel organizations and associations. This includes corporations such as American Express and Yahoo and the State Department. In fact, Congresswoman LEE is submitting the letter of support from the State Department along with her statement today.

Representative LEE would like to thank all the supporters of the resolution, and notes that she looks forward to working with them to ensure that the White House issues the proclamation in ample time for the inaugural National Passport Month celebrations this September.

I, too, Mr. Speaker, would urge support for this resolution. And since we have had so many items on the agenda this evening coming out of Government Reform, I also want to simply state that it has indeed been a pleasure to work with the gentleman from California. I am not looking forward to another long session like this coming from Government Reform, but if it has to be, then I look forward to working with him.

I urge passage of this resolution.

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

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

Mr. Speaker, I, too, urge passage and thank the gentleman from Illinois. It is a pleasure working on the Committee on Government Reform. It is also a privilege serving on the International Relations Committee, in which public diplomacy has been a major initiative that Chairman HYDE and Ranking Member LANTOS have been reaching out and trying to have done.

There is no better public diplomacy than for Americans to reach out to people, perhaps from their ancestry or simply from an area of interest, by visiting. So I too encourage all the Members to vote for this, to travel themselves and to be the diplomats in public diplomacy that we need so badly in this time of strife throughout the world.

Ms. LEE. Mr. Speaker, I rise in support of H. Res. 327, legislation I sponsored to support the goals, ideals and creation of National Passport month.

I want to thank my colleague Congressman DANNY DAVIS for managing the bill today and for his leadership on the Government Reform committee. I also want to thank the Ranking Member of the Committee, Congressman WAXMAN and the Chairman of the Committee, TOM DAVIS along with leadership on both sides of the aisle for bringing this bill to the floor today.

Mr. Speaker, I also want to express my appreciation to the over 55 co-sponsors of this bipartisan resolution for their support, and want to especially thank my colleague and the Republican lead on this effort, Congressman CHRIS SMITH from New Jersey for his support.

This resolution is extremely straightforward and noncontroversial. It details and recognizes the value of international travel and requests the President to issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Passport month with appropriate ceremonies, programs, and activities.

The purpose of National Passport Month is to create a time to educate the public about the incredible opportunities available to those who obtain passports as well as the positive impact international travel has on individuals and the global community.

Today, less than 23 percent of Americans have a passport, thereby limiting their ability to travel outside the United States. As a result, millions of Americans are unable to take advantage of the enriching opportunities presented by international travel.

As the Senior Democratic woman on the House International Relations Committee, and a traveler myself, I understand and appreciate the value and importance of international travel.

There really is no substitute for the experience that you get from visiting other countries, from meeting the people, tasting the food and interacting with the culture. It changes the way we see the world. It broadens our horizons and deepens our appreciation for different countries and cultures and our shared humanity. It also helps us learn understanding, tolerance and mutual respect for other cultures.

Not only does travel provide enriching opportunities for the individual, it can also have

profound benefits to our Nation as a whole by allowing Americans to spread the message of freedom and democracy around the world. In addition, having a passport and traveling abroad enables Americans to see the American influence on the world first-hand, including the tremendous amount of humanitarian aid given by Americans through both the public and private sectors.

Americans of all ages are our best ambassadors and we should promote policies that encourage them to travel, to forge connections with people from other countries, to foster mutual understanding and tolerance and to help open new doors to peace.

The timing of our efforts could not be more critical. I think we can all recognize that America needs a boost in foreign public opinion and I am confident that connections made with American travelers can and will make a huge difference improving our image abroad.

So, for all of these reasons, when Lonely Planet, which I am pleased to say is located in Oakland in my district, first raised the idea of a national passport month, I immediately embraced it.

I am proud to have introduced H. Res. 327 and to be part of this campaign to recognize the importance of international travel, and I am overwhelmed by the support we have received. In April of this year, Lonely Planet presented me with over 5,000 petition signatures from people all over the country who support these efforts. And this campaign has the support of a broad coalition of over 70 supporting travel organizations and associations to corporations like American Express and Yahoo.

Moreover, the U.S. Department of State is on record in supporting September as National Passport month. I want to read a quote from its letter: "Since September is a time of the year when schools are re-opening and many students are considering travel or study abroad, it is a highly appropriate month to promote public awareness of the value of the U.S. passport. The Department shares your appreciation of the U.S. passport and supports your resolution."

So, today I'm pleased the House will go on record in support of proclaiming September National Passport Month.

Again, I want to thank all the supporters of this resolution and I look forward to working with you all to ensure the White House issues this proclamation in ample time for the inaugural National Passport month celebrations this September.

U.S. DEPARTMENT OF STATE, BUREAU OF LEGISLATIVE AFFAIRS,
Washington, DC, August 29, 2005.

DEAR MS. LEE: Thank you for your letter addressed to Secretary Rice regarding H. Res. 327, a resolution to encourage President Bush to proclaim September National Passport Month. It is a pleasure to acknowledge your comments on the positive impact international travel has on individuals and the global community. We, too, recognize the value of travel as a means of enhancing international understanding.

Even though the State Department will issue more than 10 million passports this fiscal year, still less than 23 percent of Americans have a passport. The Department strives to make the process of issuing passports to U.S. citizens as efficient and as courteous as possible. Since September is a time of the year when schools are re-opening and many students are considering travel or study abroad, it is a highly appropriate month to promote public awareness of the value of the U.S. passport. The Department shares your appreciation of the U.S. passport and supports your resolution.

Sincerely,

MATTHEW A. REYNOLDS,
Acting Assistant Secretary.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and agree to the resolution, H. Res. 327.

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

A motion to reconsider was laid on the table.

HOUSE REPUBLICANS ARE FIGHTING FOR BORDER SECURITY

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

Ms. FOXX. Mr. Speaker, House Republicans understand that in this post-9/11 world we cannot separate national security from border security. On that fateful day back in 2001, we learned that the "business as usual" mentality simply does not work anymore. What our Nation needs is a clear immigration enforcement strategy that reduces the threat posed by those who are breaking our laws.

It is estimated that roughly 12 million illegal aliens now reside in the United States. Each year the number grows by another 700,000. Yet we are arresting the same number of illegal aliens as we did back in 1977, despite the fact we have many more illegals coming in than we used to.

Obviously, something has to be done. That is why House Republicans voted to pass a major border security bill this past December. This bill strengthens our borders, implements employment eligibility verification systems, cracks down on those who knowingly hire illegals, empowers local law enforcement to enforce our immigration laws and expedites the swift deportation of illegal aliens.

This is something that has to be done and we cannot compromise on this. Our Nation's security is at risk, and nothing else is more important.

D-DAY AND THE YOUNG AMERICANS

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

Mr. POE. Mr. Speaker, the silent ocean roar now covers the battlefields on the shores of France.

They fought for a people they did not know in a place they had never been and consecrated the soil of freedom by the self-sacrifice of their own blood.

There are 9,386 Americans buried on the cliffs of Normandy, France. 1,557 are still missing 62 years later. They gave their youth so Europe could have a tomorrow. They came not to conquer, but to set a people free. That D–Day invasion of France was the beginning of the liberation of Europe.

Those that served that day jumped from the sky in the darkness, or went ashore in the face of massive gunfire. They were the young Americans that went to land in Normandy on June 6, 1944. They defeated the evil forces of the Axis and they did not come back until it was over over there.

History refers to those that died and those that lived as the Greatest Generation. They are our fathers and our grandfathers. They defended the honor of liberty and proved there is something worth fighting for, and there is something worth dying for. And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTERNALLY DISPLACED PERSONS IN NAGORNO-KARABAKH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to bring attention to the problem of internally displaced persons, or IDPs in Nagorno-Karabakh in the Caucus. The situation is disheartening because aid is needed and, unfortunately, the United Nations refuses to allow its organizations like UNHCR and UNICEF to operate in the country largely due to Azerbaijan's opposition.

Because internally displaced persons remain within the borders of their home country, primary responsibility for protecting and assisting them rests with their national authorities. However, I strongly believe there is also a responsibility that lies with the United States and the international community to bring rightful attention to this issue and consider ways to ease and eventually end the plight of these displaced individuals.

Mr. Speaker, in the late 1980s and early 1990s, as the Soviet Union was collapsing the people of Nagorno-Karabakh made a peaceful request to reunite with Armenia, from which they were arbitrarily separated by Joseph Stalin in 1921.

□ 2300

Azerbaijan responded with a campaign of ethnic cleansing and full-scale military attack on Nagorno-Karabakh.

As a result of Azerbaijan's aggression, 30,000 people died, and hundreds of thousands fled the region. About 36,000 Armenian refugees from Azerbaijan and some 71,000 displaced ethnic Armenians now reside in Nagorno-Karabakh.

Though the fighting has ended, ceasefire violations continue, and the victims are still suffering.

IDPs still face hardships, including lack of economic opportunity and inadequate shelter. Refugees and displaced individuals and families deserve humanitarian support independent of their location. However those in Nagorno-Karabakh have not received adequate international assistance.

The International Committee of the Red Cross and Doctors Without Borders are the only major international organizations operating in Nagorno-Karabakh. Besides Armenia, the United States is the only other government providing them assistance.

Now recognizing the ongoing need for humanitarian assistance, the U.S. Congress has provided funds to Nagorno-Karabakh since 1998. Through various organizations, USAID has implemented critical projects, including the construction of homes, improved access to water supplies and school reconstruction.

Although these programs have helped improve living conditions, much more is still needed. So, Mr. Speaker, the UN unfortunately refuses to operate in Karabakh and does not send aid or organizations like UNHCR and UNICEF there for assistance.

The reason given by the UN is that they do not work in ''politically unrecognized territories''. Yet it is my understanding that there are several other disputed territories where the UN currently operates. For example, the UN has been providing assistance to refugees in the West Bank and Gaza since 1950. In fact, the UN created a specific organization, the United Nations Relief and Works Agency for Palestine refugees in the Near East to help Palestinian refugees.

They have also undertaken work in other unrecognized or disputed areas, including Kosovo, Somaliland, Abkhazia, South Ossetia and Transnistria. The Karabakh authorities have made repeated requests for help to the UN for assistance but have been unsuccessful.

The UN's refusal to work in Karabakh is unfair and hard to comprehend since the UN has been providing substantial assistance to refugees and IDPs residing in Armenia and Azerbaijan, while overlooking the needs of similar groups residing in Karabakh.

It is encouraging that the United States is committed to finding a peaceful solution of the Nagorno-Karabakh crisis. But as Members of Congress, we must provide the leadership necessary for the UN and other relevant organizations to find ways to support these refugees and IDPs.

I plan to send a letter urging the UN to reconsider its misguided policies that are depriving suffering people in Karabakh of urgently needed humanitarian assistance. I hope that my colleagues will join me in this effort when I send the letter, and that we can get the UN to turn around its position.

LAWLESSNESS BREEDS MORE LAWLESSNESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, she was buried alive in a landfill underneath massive concrete chunks. Human garbage is what Milagro Cunningham thought of this 8-year-old girl who he raped, choked and left to die in a dump.

Police do not know how she was able to find the strength to wiggle her fingers while trapped underneath these slabs of concrete. She was still barely alive, and wiggling her fingers was her silent cry for help.

Milagro Cunningham was an illegal from the Bahamas. He was arrested three times by police before he tried to kill this tiny girl. Not once did the police detain him for trespassing on American soil. They let him go each time. Then he ruined the life of a child. Mr. Speaker, this ought not to be.

Failure to enforce the laws of the border brings those bad people to America to break more laws. There are others. The Railroad Killer, Angel Resendez or Resendez Resendez as he is sometimes referred to, raped, bludgeoned, hammered, and even sledge hammered nine people to death. All lived within yards of railroad tracks throughout the plains of America.

Small town shops sold out of pistols. People who never locked their doors sealed their windows afraid of this killer on the loose. The killer? An illegal from Mexico. He hopped trains never knowing where he was going, but always knowing what would happen when he got there. To him every border, Mexican, U.S. or Canadian meant bloodshed and murder.

He was arrested and released numerous times. He was even arrested and deported. He was sent home after carrying guns, defrauding Social Security, committing burglary, trespassing, even pretending to be an American citizen.

But the border of Texas and Mexico is no border at all for this killer. He was only arrested for murder after he claimed the lives of nine American citizens. His first known murder victim was beaten to death just 2 years after his last deportation. The victim's girlfriend was raped and beaten, but she survived and was found near railroad tracks.

These deadly illegal invaders knew what they were doing, but they are not the only ones to track northward leaving a trail of trouble. Their bold and brazen border crossings and thousands of others like them mean 12 legal citizens will be murdered today, tomorrow, and every day.

Lawlessness on the border breeds lawlessness in the heart of America. And 13 legal citizens will die because a drunk illegal got behind the wheel of a car. That occurs today, and tomorrow, and every day. That is 28,000 homicides by illegals since 2003, 10 times the number of U.S. soldiers killed in Iraq and Afghanistan.

Mr. Speaker, this ought not to be. And there is more. Eight children will be sexually abused by illegal perverts who will cross the line, cross over our open borders. That is today, that is tomorrow, and it is every day. Lawless on the border breeds lawlessness in the heart of America.

Not all illegal immigrants are criminals. But some are. And when all cross the border, they break the law with their first step on American soil. And their first crime may not be their last.

Mr. Speaker, they are not just trespassing on our soil, they are laughing at our laws. They are violating our values. They are shattering our safety. Mr. Speaker, this ought not to be. It must be stopped with a sealed border, and a common sense immigration process that puts America first.

And to the pandering politicians who prefer a plan of patronizing the illegals to the detriment of citizens and illegal immigrants, shame on you for your un-American policy. That's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

RECOGNIZING BILLY CASPER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I wanted to rise today to talk about an American hero, a hero from San Diego, California, Billy Casper, one of the great athletes to ever stride the greens and fairways of America's golf courses and compete in national and international tournaments with a great successful record, but also one of the greatest family men and greatest husbands, greatest father, greatest grandfathers who ever had a family in San Diego or helped a community or did all of the great things that Billy Casper has done.

I have got my friend, Mr. ISSA, to talk with me a little bit about Billy Casper. But Billy Casper was a great golfer. And he is celebrating, we are celebrating here, his first victory which was the LaBatt Open in Canada. I think he was 22 years old at the time.

I think he had at that time had married Shirley, who was his high school sweetheart from Chula Vista, and he followed that victory, the LaBatt Open, with some 50 more PGA professional victories, including two U.S. Opens and a Masters.

You know, people once said, Mr. Speaker, I know you coming from Long Beach, and then ultimately the entire State of California as our former Attorney General, you knew about Billy Casper, because he was a guy who was

called by Johnny Miller, as the guy who had the greatest set of hands in golf, meaning one of the greatest touches.

He had what I think is the most memorable come-from-behind victory in the history of major golf in 1966, when he demonstrated those great hands when he was 7 shots behind the great Arnold Palmer in the closing 9 holes of the U.S. Open, 1966, playing at Olympic Country Club in San Francisco, and Billy Casper closed out with a 32 on the back 9 at Olympic, which is nearly miraculous.

He tied Arnold Palmer and he beat him the next day in a playoff with a 69. Now, they had The Big Three of Golf, Mr. Speaker. It was called Player, Palmer and Nicklaus. They needed the Big Three because between 1964 and 1970, they needed all three of their tournament victories added together to have more than Billy Casper because he had 4 more victories during that period than the great Jack Nicklaus, and he had more victories than Arnie and Gary Player together.

It is neat to be here with Mr. ISSA from San Diego and talk about this American hero, this San Diego sports hero, Billy Casper.

Mr. Speaker, I yield to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, I know you join with Mr. HUNTER and myself in recognizing the importance of California, and particularly San Diego as the golf club production and design capital of America. But a club is just what it sounds like unless you put it in the hands of somebody like Billy Casper, somebody who can do what Duncan Hunter cannot do, and I guarantee I cannot do with a club and that is make it send a ball straight and true or hook it if you need to hook it to make that special shot. Billy Casper had that talent, used that talent and was a great ambassador for our country here and around the world. I think it is very appropriate that we honor him here on the floor of the House tonight.

Mr. HUNTER. I thank Mr. ISSA for his contribution here, because Billy Casper has not only touched the hearts or touch the minds and memories of lots of sports writers and people who read those sports pages when he was amassing those 51 professional victories, but he touched the hearts of so many young people. And he and Shirley, his wonderful wife, have hearts as big as the 18th green at San Diego Country Club, and they have touched the lives of literally thousands and thousands of young people through the scholarship funds that they put together, through all the help they put together through Billy's annual tournament.

If you walk up to Billy Casper on the golf course, here is a guy who won a couple U.S. Opens and the Masters and a guy who lives in this era where sports idols charge money for their autographs. Billy Casper will stop what he is doing, he will look you in the eye, and if you are a young person he will really pay a lot of attention to you. He and Shirley are absolutely the greatest examples of what families should be like in this country. So it is neat to be here with my great colleague Darryl Issa and talk a little bit about this American hero, Billy Casper.

□ 2310

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING NORTH CAROLINA'S BEEKEEPERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today in honor of the many of the hard working beekeepers in North Carolina's fifth congressional district. Beekeepers play an extremely important role in our society and often do not get the recognition they deserve.

Back in 1905, an obscure Swiss patent clerk named Albert Einstein published three papers that would later result in his receiving the Nobel Prize. During that same year, he gave a speech on a subject that fascinated him greatly, the marvelous honey bee. He said, ''If the bee disappeared off the surface of the globe, then man would only have four years left to live.''

Back then, much like it is today, the survival of the honey bee was threatened by pests and climate. The honey bee survived the challenges of Dr. Einstein's time but new obstacles have also emerged. Despite these challenges I am sure that Dr. Einstein would be happy to know that the honey bee is alive and well in North Carolina.

Next year the North Carolina State Bee Keeping Association celebrates its 90th year of helping local beekeepers succeed. I am happy to report that the association has seen a 58 percent increase in membership in just the past 2 years and now has more than 1,900 dues paying members. The organization is run entirely by volunteers without a single full time paid staff member. It is the largest bee keeping association of its kind in the Nation and some folks tell me the best.

According to Dr. David Tarpy, North Carolina State Agriculturist and head of the agricultural program at North Carolina State University, there are some 10,000 hobbiest beekeepers in North Carolina. I am proud of our North Carolina beekeepers and I want to tell you why. But first perhaps we should answer a basic question. Why do so many grown men and women fawn over this tiny insect and weighs less than an ounce and is so small it can rest on your fingernail? The answer reveals the secret of why so many are so passionate about their apiary hobby.

If you call the office in the North Carolina Department of Agriculture that works with beekeepers, you will be greeted by the words, ''beneficial insects.'' After all, the honey bee is one of God's most beneficial creatures. She makes sweet honey that mankind has enjoyed for most of his time on the planet. The 100,000 colonies of bees managed by North Carolina beekeepers produce some $10 million worth of honey, almost all of which is consumed within the State. Some say our honey, especially the wonderful sourwood honey produced in the mountains, is just too good to send away.

The honey bee also pollinates 90 or more important food crops, a third of all the food we eat. Without proper pollination, many of these crops would not produce fruit. The value of honey bee pollination to North Carolina agriculture exceeds $100 million and is growing. Cucumbers are ninety percent dependent on honey bee pollination, blueberries 80 percent. Apples, melons and many vegetables are also dependent on the honey bee.

There is much more to this little bee than the delicious honey they make and even crops they pollinate. Modern medicine is returning to the old ways and rediscovering the practical use of many products from the hive in preventing and curing disease. Honey was used to treat burns and minor wounds by the ancient Greek, Chinese, Roman and Egyptian civilizations. The jelly that worker bees use to grow their new baby queens is a highly valued and expensive cosmetic. Pure beeswax makes wonderful candles and is a reliable industrial grade lubricant. There is much anecdotal evidence that bee venom is an effective remedy for arthritis and multiple sclerosis. And most recently, sticky, resinous propolis from the hive, once considered a nuisance is now the subject of a major cancer treatment research project at Wake Forest University.

Speaker after speaker at the annual beekeeping conferences tell us that North Carolina has the best State wide organization of beekeepers in the entire Nation. Many people in many organizations deserve credit for this success.

In 1975 Dr. John Ambrose came to work for North Carolina State University as an extension bee keeping specialist. Dr. Ambrose led an important era of growth for beekeeping in North Carolina, expanding the position to a major teaching and research position that is now held by Dr. Tarpy. This position is one of the best of its kind in the entire Nation.

The U.S. Department of Agriculture bee labs also play an important role in finding and developing new ways to protect of the honey bee.

J.D. Foust has been president of the North Carolina association of Beekeepers for the past 3 years and has led the organization through its fastest growth ever. Brady Mullinax of Forsyth County, has been a stalwart in the organization for more than half a century. Steve and Sandy Forrest, proprietor of Brushy Mountain Bee Farm in Wilkesboro, have build a thriving business out of supplying beekeepers with equipment and supplies and are now the third largest beekeeping supplier in the entire Nation.

The typical beekeeper in North Carolina not unlike the solitary yeoman farmer who, with an ax and hoe, carved North Carolina's vast agri-business economy from the wilderness that once swept from the Atlantic and Mississippi River. He takes his chances and usually at the end of another season, there is sufficient honey for him to sell at his roadside stand and leave enough for the bees to survive another winter.

For many beekeepers in my district the honey they produce is their Christmas money and an important part of their annual disposable income. I am proud of our beekeepers, for they are the residual spirit of the early pioneers who built this country on little more than strong backs and a desire to be free.

If Albert Einstein was correct in his fear that the survival of mankind depends in large part on the survival of the honey bee, I am confident that the honey bee is in safe hands among so many North Carolina passionate beekeepers.

□ 2320

HONORING JUDGE WILLIAM M. STEGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, this week, America, Texas and East Texas mourn the loss of Federal District Court Judge William Merritt Steger.

As former law clerk and good friend Andy Tindel said, ''Judge Steger was one of the finest, fairest, most honest man I have ever had the privilege of practicing law before.''

While Bill Steger was studying prelaw, the Japanese bombed Pearl Harbor on December 7, 1941. And within 24 hours the 21-year-old had withdrawn from Baylor University and volunteered for service. The Dallas native has always wanted the opportunity to become a pilot, and with the Nation entering World War II, he took a chance.

On November 9, 1942, he got his wings. Then after training he was sent to Casablanca and flew 56 combat missions for which he received an air medal and four oak leaf clusters.

While later training other pilots, Captain Steger also tested the first U.S. jet airplanes.

Once his Nation was secure, Bill Steger went back to school and received his law degree from Southern Methodist University, that is, their law school.

He married his wife, Ann Hollandsworth Steger, on Valentine's Day in 1948. They had one child, the late Merritt Reed Steger, who was one of my younger brother David's closest friends.

Judge Steger entered and engaged in private practice in Longview and Tyler and headed up numerous east Texas campaign clubs for Dwight D. Eisenhower for President. After the election, President Eisenhower appointed Judge Steger in 1953 to the position of U.S. attorney for East Texas at the young age of 32.

In 1960, he and a good friend debated which one should run for governor and which one should run for senator. Their goal was to bring the Republican party into popularity in the State of Texas. Because Texas was conservative, it seemed to Judge Steger that it would be a good fit, but he was blazing a trail. He ended up being the one to run for governor against a very popular John Connally, and Judge Steger's good friend John Tower ran for senator. The Republican party had never before then received enough votes to hold a primary, and though Judge Steger knew he would not win the race, he hoped he would get the requisite 200,000 votes so the Republican party could hold a primary in the next election. Judge Steger actually received more than 600,000 votes.

In 1962, Judge Steger was persuaded to run for Congress and received 49 percent of the vote, lacking only 1,300 votes to beat his Democratic opponent who was the incumbent.

Bill Steger became a Federal district judge for the Eastern District of Texas in December of 1970 after President Richard Nixon nominated him. He truly loved being a jurist, and he was a hardworking, dedicated, cerebral, nonsense, constitutional constructionist judge whose discerning intellect could always cut straight to the heart of any issue.

In 1987, Judge Steger assumed senior active status duty, but since then still continued to handle a full docket. December 1, 2005, marked 35 years on the Federal bench for Judge Steger, and since his appointment in 1970, he had handled more than 15,000 cases.

Judge Steger received the Justinian Award May 7, 2004, at the annual Tyler Law Day luncheon for his community service, legal ethics and professionalism.

He was a Baptist, a charter member and a deacon of Green Acres Baptist Church, helping to nurse it through its early days of going from nonexistent to its current 12,000 members. He was a confidant for me, a friend and a wise sounding board.

He and Ann endured the worst heartache a couple can face in the loss of their only child, Reed, in a tragic scuba diving accident, but the manner in which Judge Steger dealt with such devastation and allowed his faith, God's help, and Ann's companionship to help overcome the horrendous blow will help inspire me the rest of my life.

Judge Steger was a heroic patriot; a caring father; a loving husband; an even-handed, clear-thinking, constitutionally reverent judge; a personal mentor; and a cherished friend whom I came to know through my brother 25 to 30 years ago.

Always having had the courage of his convictions despite the odds against him, Judge Steger was and is a profile in courage whose memory will continue to inspire me the rest of my life.

God bless the Stegers and God bless America.

REMEMBERING NORMANDY

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Under a previous order of the House, the gentleman from California (Mr. ISSA) is recognized for 5 minutes.

Mr. ISSA. Mr. Speaker, I rise with my colleague from California (Mr. HUNTER), the chairman of the Armed Services Committee, to recognize that it is now the 61st year to remember Normandy, to remember that special time when the world waited and hoped that the allies, led by the United States, dominated by the United States, would free Europe, the European mainland, from the effects of fascism, the effects of allowing a petty dictator to build an Army and begin expanding his borders.

Mr. Speaker, I find it particularly appropriate that just a week ago at the Memorial Day commemoration at Mt. Soledad in San Diego where Congressman HUNTER and I both live, we were faced with the exact same situation that we see in Normandy: crosses. We were faced looking at a memorial that remembers all of our fallen heroes from previous wars that was put there because of our fallen heroes of the Korean War and now is in jeopardy of being taken away because somebody says that if it is in the shape of a cross, it must by definition be a religious statement.

My colleague and I, I believe, are here tonight to remember Normandy and remember those many crosses that we have seen across the land and above the cliffs of Normandy and remember that those crosses do not stand for Jesus Christ or for religion. Those crosses stand for the men and women buried below.

With that, I yield to the gentleman from California (Mr. HUNTER), my colleague, the chairman of the Armed Services Committee.

Mr. HUNTER. Mr. Speaker, I thank my colleague for yielding, and I think it is appropriate to recall the days of Normandy.

The gentleman said those days when the world waited to find out whether or not that very difficult mission would be successful, and you know, the theme I think that we should take from Normandy or the message from Normandy was that our soldiers came not to conquer but to liberate. That is consistent with the American theme throughout the last century, and it is consistent with the theme that is being carried out by about 130,000 men and women in the sands of the Iraqi desert right now.

And that is, that all the wars that we fought in the last century, wars in which we lost 619,000 Americans killed in action on the battlegrounds and the oceans and the airways of the various wars, we did not conquer, we did not covet land. When we won the Spanish American War, we gave back Cuba and the Philippines, gave them their freedom. When we went to save Europe the first time, we gave back all that ground that had been hard won by the Marines at Bellawood and by the U.S. Army and so many difficult battles. In World War II, having liberated Europe a second time in that century, we gave back all that land that had been so dearly won.

And today, in Iraq, we are not engaged in military operations so that we can somehow derive material benefits from that country or somehow enslave the inhabitants of that country and turn them toward our political benefit and our economic benefit.

We do it because we think that it is in the interests of the United States to spread freedom, to change the world, and I think lots of Americans understand that if we do not change the world, the world is going to change us.

Those heroes who have won now some 45,000 Bronze Stars for meritorious service and for valor in the battlefields of Iraq and Afghanistan I think are every bit as courageous and, in many cases, are related to and the descendants of those incredible people who climbed the cliffs at Normandy and went up those beaches.

Some of those landing craft opened up and the Americans were machine gunned before they could get out of the craft, and there were men bobbing in those waves, some of them dead before they hit the water. Others got to the beach and went down, and you can see the dramatic newsreels that show Americans falling as they are taking that beach, and then still others got to the base of the cliffs, and then some scaled those cliffs.

Of course, we had others that came in, paratroopers, some of whom landed in dug-in positions that the enemy had established and were killed before their chutes could reach the ground. Others that went in in gliders, not an avocation that is conducive to longevity, and others simply went in the old-fashioned way, but they went in for freedom. They went in for America, and they liberated, and that is the theme of Normandy.

I thank my colleague for yielding this time.

Mr. ISSA. Mr. Speaker, I thank my colleague and I thank the Speaker for the opportunity to remind the world that the only land we ever covet are the small plots around the world in which we bury our dead.

□ 2330

THE DEBT, THE DEFICIT, AND THE FUTURE OF THE COUNTRY

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for half the time remaining before midnight as the designee of the minority leader.

Mr. ROSS. Mr. Speaker, this evening I rise on behalf of the 37-member strong fiscally conservative democratic Blue Dog coalition. We are 37 fiscally conservative Democrats that are united in the name of fiscal discipline and common sense. We are very concerned about the debt, the deficit, and the future of this country that we are leaving for our children and grandchildren.

As you can see right here, today, the United States national debt is $8,369,917,837,082 and some change. And if we divide that number by every man, woman, and child, including those being born today, everyone in America's share, including the children, amounts to about $28,000. It is what we call the debt tax, D-E-B-T, and that is one tax that cannot go away until we get our Nation's fiscal house in order.

Because, Mr. Speaker, you see, our Nation is spending about $.5 billion a day not paying principal but simply paying interest on the national debt. One half billion dollars a day. Give me 3 days' interest on the national debt and I can build Interstate 69 through Arkansas. Give me another 3 days' interest on the national debt and I can complete Interstate 49 in Arkansas. Give me less than a day's interest on the national debt, and I can complete the Hot Springs Expressway. Give me less than a day's interest on the national debt, and I can complete I–530 through Arkansas. Give me a couple days' interest on the national debt and I can make the Red River navigable all the way up to Fulton, Arkansas, at Interstate 30.

It is these type of priorities that can create economic opportunities and jobs for our people that will continue to go unmet until our Nation, until this Republican Congress gets its fiscal house in order.

You will find these posters, Mr. Speaker, that change daily. Unfortunately, the number continues to increase daily. But you will find these posters by the door to every one of the 37 members of the fiscally conservative Democratic Blue Dog coalition. You will find this by our doors in the halls of Congress because we want America to know. We want America to know that this reckless spending, this reckless spending that has been provided to us under the leadership of this Republican Congress must stop.

You know, this is the first time in well over 50 years that the Republicans have controlled the White House, the House, and the Senate. And what have they given us? They have given us failure after failure. They failed in the aftermath of Hurricane Katrina. They failed with their energy policy. They have failed with their war policy in Iraq. They have failed with their Medicare prescription drug plan implementation. And they have failed by giving us the largest deficit ever in our Nation's history for a fifth year in a row.

The projected deficit for fiscal year 2007? You will hear a lot of people say it is $350 billion. Not so. The real deficit for fiscal year 2007 is $545 billion. Because, you see, when the Republican leadership tells you the deficit is $350 billion, and that is bad enough, it is one of the largest deficits ever in our Nation's history, but the reality is when they say it is $350 billion, they are counting the money that they are borrowing from the Social Security Trust Fund. Without the Social Security Trust Fund, the real deficit projected for fiscal year 2007 is $545 billion.

The first bill I filed when I got to Congress was a bill to tell the politicians in Washington to keep their hands off the Social Security Trust Fund. Now I am beginning to understand why the Republican leadership refused to give me a hearing or a vote on this bill, because today they are using the Social Security Trust Fund to help pay for this reckless spending, this deficit spending.

But this is not new. In fiscal year 2006, the deficit was $372 billion. In 2005, it was $318 billion. In 2004, it was $412 billion. In fact, this Republican administration, this Republican Congress has given us a deficit every year since 2002. It is hard now to believe that we had a balanced budget in this country from 1998 through 2001, but we did.

And why is this important? Why is this important? The total national debt from 1789 until 2000 was $5.67 trillion. But by 2010, the total national debt will have increased to a whopping $10.88 trillion. Mr. Speaker, this is a doubling, a doubling of the 211-year

debt in just 10 years. Interest payments on this debt are one of the fastest growing parts of the Federal budget, and the debt tax, D-E-B-T, is one tax that cannot be repealed.

The current national debt: $8,369,917,837,082 and some change. Each individual's share of the national debt, including every man, woman, and child alive tonight, is somewhere around $28,000. Well, the average household income in my district is not much more than that, Mr. Speaker. Yet it would take that amount of money from every living man, woman, and child in this country to wipe out this national debt.

It is time for this Republican Congress to stop this reckless spending. It is time for this Republican Congress to address our Nation and its spending habits with a good dose of common sense.

Now, why do deficits matter? Deficits reduce economic growth. They burden our children and grandchildren with liabilities. We spend today, and it is our children and grandchildren that get stuck with the bills. They increase our reliance on foreign lenders, who now own about 40 percent of our debt. That is right, this President and this Republican Congress has borrowed more money from foreign central banks and foreign investors in the past 5½ years than the previous 42 presidents combined.

The U.S. is becoming increasingly dependent on foreign lenders. Foreign lenders currently hold a total of about $2 trillion of our Nation's public debt. Compare this to only $23 billion in foreign holdings back in 1993.

So who do we owe all this money to? The top ten current lenders are: Japan. We have borrowed, our Nation has borrowed, this Republican Congress and this Republican administration has borrowed $640.1 billion from Japan. China, $321.4 billion.

As my friend John Tanner has pointed out, if China decides to invade Taiwan, we will have to borrow more money from China to defend Taiwan. This is a dangerous path that we are going down as a Nation, owing all this money to foreign central banks and foreign investors.

The United Kingdom. We have borrowed, our Nation has borrowed $179.5 billion from the United Kingdom. OPEC. And we wonder why gasoline is approaching three bucks a gallon. Our Nation has borrowed $98 billion from OPEC. Korea, $72.4 billion. Taiwan, $68.9 billion. The Caribbean banking centers, $61.7 billion. Hong Kong, $46.6 billion. Germany, $46.5 billion.

And Mexico. Imagine that, our Nation has borrowed $40.1 billion from Mexico. To do what? To finance the war in Iraq, to finance tax cuts for those earning over $400,000 a year. And the list goes on and on.

□ 2340

Again, our national debt is $8,369,917,837,082 and some change, and this is just a small sampling of where $2 trillion of that debt has come from. It has come from foreign central banks and foreign investors.

Mr. Speaker, if you have any questions or comments or concerns about what I am talking about tonight as it relates to the debt and the deficit and trying to restore some common sense and fiscal discipline to our Nation's government, I invite you to e-mail us at BlueDog@mail.house.gov. Again, there are 37 members of the fiscally conservative Democratic Blue Dog Coalition. Our mission is to restore some common sense and fiscal discipline to our Nation's government.

Again, Mr. Speaker, if you have any comments, questions or concerns to raise with us, I would encourage you to e-mail us at BlueDog@mail.house.gov.

I do not raise these issues to simply beat up the Republicans. They are doing a pretty good job of that on their own these days. Public opinion polls indicate that. There is an all-time low approval rating with their leadership in this House and the Senate, with the White House and the Supreme Court.

But I raise these issues to set the stage for the Blue Dog 12-point reform plan. We have a 12-point plan for curing our Nation's addiction to deficit spending.

Number one, require a balanced budget. Forty-nine States require a balanced budget. I know at the Ross home in Prescott, Arkansas, my wife requires us to have a balanced budget. I do not believe it is asking too much of our Nation to have a balanced budget.

Number two, do not let Congress buy on credit. Every time a Member of Congress comes down here and wants to introduce legislation to fund a new program, they should have to show us which program they are going to cut to fund that new program.

Put a lid on spending. This Republican Congress just from 2001 to 2003, their government spending soared by 16 percent. We want to put strict spending caps to slow the growth of runaway government programs.

Number four, require agencies to put their fiscal houses in order. According to the Government Accounting Office, 16 of 23 major Federal agencies cannot issue a simple audit of their books. Worse, the Federal Government cannot account for $24.5 billion it spent back in 2003. This is the kind of leadership this Republican Congress has given America. Government auditors should be doing a better job of tracking taxpayer dollars. We want to restore accountability to our government.

Number five, make Congress tell taxpayers how much they are spending. Many spending bills slide through Congress on a voice vote with no debate, and many Members vote on bills without knowing their true cost. The Blue Dog Coalition proposes that any bills calling for more than $50 million in new spending must be put to a roll call vote.

Set aside a rainy day fund. That is common sense. We all know we are going to be faced with unexpected happenings and disasters.

Do not hide votes to raise the debt limit. We should have a separate standalone vote when this Republican Congress proposes raising the debt limit instead of hiding it in another bill.

Justify spending for pet projects.

And ensure that Congress reads the bills it is voting on. Now we cannot do that, but think about this, over the past few years, some of the largest spending bills in American history have been voted on after only a few hours of consideration. For example, the Medicare prescription drug bill, remember that one, now estimated to cost $720 billion or more over the next 10 years, went to a vote barely a day after the final version of the 500-plus-page bill was made available to Members of Congress.

As members of the Blue Dog Coalition, we propose that Members of Congress should be given a minimum of 3 days to have the final text of legislation made available to them before there is a vote.

Require honest cost estimates for every bill that Congress votes on.

Make sure new bills fit the budget. That is why we have a budget.

Finally, make Congress do a better job of keeping tabs on government programs. Again, getting back to the word ''accountability.''

So, Mr. Speaker, I am not here tonight to simply lay blame on this Republican leadership for the largest deficit ever in our Nation's history. I am here to offer up a plan, the Blue Dog Coalition's 12-point reform plan, for curing our Nation's addiction to deficit spending.

OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for the remaining time before midnight as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, I want to take these few short moments and bring a little more positive perspective, a brighter outlook, and hopefully a little more unifying message than we have just heard and, frankly, than we often hear in the United States House Chamber, especially by some of my good friends from the other side of the aisle.

We call this the Official Truth Squad. I thank the leadership and the conference for allowing me to come and share a few words tonight.

The Official Truth Squad grew out of a frustration on the part of the freshmen class of the Republican Conference. We all were elected in 2004, 24 strong, now 26 of us here in the United States House of Representatives. After a relatively few number of months, we grew frustrated with the fact that there was a lot of misinformation and a lot of distortion and a lot of frankly

deception that was going on here. And so what we wanted to do was to put together a group of folks that would come to the House floor and try as best we could to provide some truth, some facts to the situations that we address here in the United States House of Representatives.

We have just gotten back, Mr. Speaker, from a week at home, a district work period, over the Memorial Day week. I heard from constituent after constituent about two big issues. One was illegal immigration, obviously the largest issue we have to deal with as a Nation right now. But the second one in meeting after meeting after meeting with constituent after constituent all across my district on the north side of Atlanta was people asking why on earth is Congress so divided. Why is it so partisan? Why do you have the kind of sniping that goes on? And I am loathe to answer that question because it is so difficult to understand why there are many in this Chamber who are not interested in working positively or productively together. It just boggles my mind.

These are not Democrat problems or Republican problems, Mr. Speaker; these are American problems. And American problems deserve a united Congress working together.

So what you have just heard in the last 15 minutes is an individual who will tell you that, quote, ''this is a Republican Congress problem.'' Well, Mr. Speaker, we do better if we work together. The fact is that it is extremely difficult to get anything moving forward positively in Congress without the support of many different folks. And so we work better when we work together.

What you hear so often is what I call the politics of division. The politics of division is so destructive, they do a disservice to every single one of us in this Nation.

I tried to put some words to the consequences of the politics of division, and I think I have found a quote. I have shared it with you before, Mr. Speaker, and it comes from the Reverend William Boetcker, who was a philosopher and leader around the time of the late 19th century and early 20th century. He described what he said was a social philosophy and he attributed it to Abraham Lincoln. Nobody can actually determine whether President Lincoln actually said these words, but Reverend Boetcker talked about them, and I think they crystallize and capture my concern, my suspicion about what the consequences are of this politics of division that is so destructive.

□ 2350

He said, ''You cannot bring about prosperity by discouraging thrift. You cannot strengthen the weak by weakening the strong. You can't help the wage earner by pulling down the wage payer, you cannot encourage the brotherhood of man by encouraging class hatred, and you cannot help the poor by destroying the rich.

Now, Mr. Speaker, that kind of crystallizes, I think, what is a unifying American philosophy. It is a philosophy that would serve us extremely well here in the United States House of Representatives.

How often do you hear people just castigate out individuals who are more wealthy than others, destroying the rich in an effort to build up the poor. It doesn't work that way, Mr. Speaker. It doesn't work that way. Our system never has. Our system never has done that.

And so the Official Truth Squad tries to bring some credibility and truth to these discussions. We have adopted a motto which is a quote from a wonderful United States Senator, Daniel Patrick Moynihan from the State of New York. And this quote, I think, makes it so that everybody has to be held accountable. And what Senator Moynihan said is that everyone is entitled to their opinion. And they are, and opinions are here in the countless number. Everyone's entitled to their opinion, but they're not entitled to their own facts. Everyone's entitled to their opinion, but they are not entitled to their own facts, which is why it is so, frankly, troubling, Mr. Speaker, that the Blue Dog group gets up here night after night, week after week and talks about how they want to be fiscally responsible.

You know, we used to say that folks who were politicians that said one thing at home and did something different in Washington weren't being responsive to their constituents. Well, the Blue Dogs have perfected the art of saying one thing in Washington and doing another thing in Washington. And we will use some facts, Mr. Speaker. Here are some facts. You want to talk about facts? During the fiscal year 2006 budget, this was the plan of the Blue Dogs and the Democrats. Instead of being responsible about spending, they offered programs that would have spent 21.5 more billion dollars. You didn't hear that from folks on the other side of the aisle. That is the truth, Mr. Speaker. That is the truth.

How many in new taxes? $54 billion in new taxes. Talk to me now about what the truth is and what is being proposed and what is being said in Washington and what is being voted on in Washington and what is being said back home.

How many mandatory savings? The Republican conference, all on their own, in a very difficult way, because we got no cooperation from folks who will tell you one thing at home, in fact, they will tell you one thing, that same thing in Washington, but they will do exactly the opposite. We gained $40 billion this savings with the Deficit Reduction Act.

Earlier this year, how much mandatory savings on the part of the other side? Zero. Zero, Mr. Speaker. That is the truth. That is a fact. That is not opinion. That is a fact.

The bills that they brought forward, the Blue Dogs, my good colleague just before me, talked about wanting a balanced budget. We have given them an opportunity to vote on a balanced budget. In fact, we did so just 3 or 4 weeks ago here on the floor of the House of Representatives. Not a single one of those 37 Blue Dogs voted in favor of that balanced budget. Not one.

They talk about making certain that you pay as you go, that you only pay for programs that you have the money for. We have offered that on the floor of the House, Mr. Speaker. We do not get the support of the Blue Dogs.

They talk about having a rainy day fund. Doesn't it make wonderful sense to have a rainy day fund because we know year after year after year we will have emergencies like Katrina or other emergencies. There is an average of $20 billion annually where there are emergencies that need Federal money during the course of any given year on average. $20 billion.

So what does the Republican Congress propose that we are being accused of doing? In fact, what we do propose is a rainy day fund in the budget that we just adopted for fiscal year 2007. How many Members of the Blue Dog, how many of those 37 Blue Dogs voted in favor of that rainy day fund? Mr. Speaker, not one. Not one. Same number that we got when we talk about the mandatory savings. Zero. Not one of them support it.

I want to talk about a little positive information about this economy because you won't, you may not hear about it on the nightly news. You may not read about it in your newspapers. You certainly won't hear about it from some folks who want to make certain that they practice this politics of division and this politics of deception.

Did you see the new job figures, Mr. Speaker, last month, the month of May? 75,000 new jobs created. And this economy, over the past 12 months has created 1.9 million new jobs. 1.9 million new jobs. More than 5.3 million new jobs since August of 2003.

The unemployment rate has fallen to 4.6 percent, lower than the average of the 60s, 70s, 80s and 90s.

Mr. Speaker, a picture oftentimes says it so much better than any of us can, so let me see if I can show you the picture of that kind of job growth that we have seen over the past 3 years. Here it is on a graph. Here we are in January 2002 with unemployment up at about 5.7 to 8 percent. Here is the job growth at that time. And then on the bottom, we have the number of months going by. We haven't even gotten to this month. But earlier this year, what has happened to the unemployment rate? It has gone down, Mr. Speaker. What's happened to the job growth? It has gone up significantly. Again, 5.3 million new jobs since August of 2003.

So the curious individual, the individual who wanted to solve problems and work positively and productively on behalf of the American people would say well, what happened when this seemed to change, when unemployment

rates began to go down, when the job growth began to go up? What happened? What occurred there?

Well, lo and behold, Mr. Speaker, you know what happened. We had tax decreases, appropriate tax decreases, responsible tax decreases. By making certain that Americans got to keep more of their own money, and when you allow Americans to keep more of their own money, what happens? They spend it and they save it in wise ways and then the economy flourishes. So because of the tax policies of this Congress, of this Congress, and this administration, we have seen increasing job growth and decreasing unemployment.

What else about the economy is going on? Revised reports show the fastest real gross domestic product growth in over 2½ years in the first quarter. Real GDP growth grew at an annual rate of 5.3 percent in the first quarter. Productivity increased at an annual rate of 3.7 percent in the first quarter. Hourly compensation, real hourly compensation rose at a 3.2 annual percentage rate in the first quarter. Personal income increased at an annual rate of 6.7 percent in April. Since January of 2001, real after tax income has risen by 12.9 percent. Why, Mr. Speaker? Because of tax policies, appropriate responsible tax policies put in place by this Congress, this administration, this leadership. And oftentimes, in spite of what you hear at home, and in spite of what you hear by my friends on the other side of the aisle, oftentimes, more often than not, frankly, without a single individual helping on that side of the aisle.

In fact, they come down and they say these tax decreases, the tax reductions will destroy the economy, will throw people out on the streets. But, Mr. Speaker, you know what happens. What happens is that unemployment goes down, job growth goes up, and in fact, sometimes they will even say that at 1 minute and then they will vote for the same thing that they just said was awful, just said was awful just a moment before that.

Mr. Speaker, truth is so doggone important in the public discourse. Remember, you can have your own opinions, but you are not welcome to your own facts. You have got to talk about facts. And that is why the Official Truth Squad takes the opportunity as often as possible to come down here and talk about facts, talk about facts with the American people because the politics of division again, does a disservice to every single American.

Mr. Speaker, we live in a glorious Nation, a wonderful Nation, a Nation that is still seen by men and women around the world as a beacon of liberty and a repository of hope. I am proud to serve in the United States House of Representatives and to have the opportunity to share a positive, productive perspective and vision with my colleagues, and I hope that we can be joined by more and more colleagues on both sides of the aisle as we work to solve the incredible challenges that we have before us as a Nation. Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today.

Mr. DAVIS of Alabama (at the request of Ms. PELOSI) for today on account of primary elections.

Ms. HARMAN (at the request of Ms. PELOSI) for today on account of official business.

Mr. REYES (at the request of Ms. PELOSI) for today on account of a family illness.

Ms. SCHAKOWSKY (at the request of Ms. PELOSI) for today.

Mr. UDALL of New Mexico (at the request of Ms. PELOSI) for today on account of official business in the district.

Ms. WASSERMAN SCHULTZ (at the request of Ms. PELOSI) for today.

Ms. WATERS (at the request of Ms. PELOSI) for today.

Ms. WOOLSEY (at the request of Ms. PELOSI) for today.

Mrs. BONO (at the request of Mr. BOEHNER) for the week of June 6 on account of her son's graduation from high school.

Mr. GIBBONS (at the request of Mr. BOEHNER) for today and the balance of the week on account of attending his son's high school graduation.

Mr. KENNEDY of Minnesota (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mrs. MILLER of Michigan (at the request of Mr. BOEHNER) for today and the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ROSS) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today.

Mr. ENGLISH of Pennsylvania, for 5 minutes, June 7.

Mr. HUNTER, for 5 minutes, today.

Mr. MCHENRY, for 5 minutes, today and June 7, 8, and 9.

Mr. BURTON of Indiana, for 5 minutes, today and June 7, 8, and 9.

Mr. BLUNT, for 5 minutes, June 13.

Ms. FOXX, for 5 minutes, today and June 7 and 8.

Mr. GOHMERT, for 5 minutes, today.

Mr. PAUL, for 5 minutes, June 7, 8, and 9.

Mr. JONES of North Carolina, for 5 minutes, June 12 and 13.

Mr. SODREL, for 5 minutes, June 7.

Mr. ISSA, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2784. An act 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; to the Committee on Financial Services.

S. 3322. An act to build operational readiness in civilian agencies, and for other purposes; to the Committee on International Relations.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1953. An act 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'', and for other purposes.

H.R. 3829. An act to designate the Department of Veterans Affairs Medical Center in Muskogee, Oklahoma, as the Jack C. Montgomery Department of Veterans Affairs Medical Center.

H.R. 5401. An act to amend section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act to make certain clarifying and technical amendments.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1235. An act to amend title 38, United States Code, to improve and extend housing, insurance, outreach, and benefits programs provided under the laws administered by the Secretary of Veterans Affairs, to improve and extend employment programs for veterans under laws administered by the Secretary of Labor, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on May 25, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 5037. To amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

ADJOURNMENT

Mr. PRICE of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Wednesday, June 7, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7767. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106-246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

7768. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General for the period October 1, 2005 through March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Armed Services.

7769. A letter from the General Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7770. A letter from the General Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7771. A letter from the General Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7772. A letter from the General Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7773. A letter from the General Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7774. A letter from the General Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7775. A letter from the General Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7776. A letter from the General Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

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7778. A letter from the General Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7779. A letter from the General Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7780. A letter from the General Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7781. A letter from the General Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7782. A letter from the General Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7783. A letter from the General Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7784. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 06-32, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on International Relations.

7785. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-386, ''My Sister's Place, Inc. Grant Authority Temporary Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7786. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-387, ''Disclosure of Mental Retardation and Developmental Disabilities Fatality Review Committee and Mental Retardation and Developmental Disabilities Incident Management and Investigations Unit Information and Records Temporary Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7787. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-385, ''National Guard Operations Coordination Temporary Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7788. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-383, ''Tobacco Settlement Trust Fund and Tobacco Settlement Financing Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7789. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-382, ''Closing of a Portion of S Street, S.E., a Portion of 13th Street, S.E., and Public Alleys in Squares 5600 and 5601, S.O. 04-11912, Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7790. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-381, ''Organ and Tissue Donor Registry Establishment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7791. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-384, ''Closing of Public Streets and Alleys in Squares 702, 703, 704, 705, and 706 and in U.S. Reservation 247, S.O. 05-6318, Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7792. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7793. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7794. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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7804. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7805. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7806. A letter from the Deputy CHCO/Director, OHCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7807. A letter from the Deputy CHCO/Director, HCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7808. A letter from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7809. A letter from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7810. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7811. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7812. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7813. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7814. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7815. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7816. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7817. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7818. A letter from the Assistant Director, Executive & Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7819. A letter from the Assistant Director, Executive & Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7820. A letter from the Assistant Director, Executive & Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7821. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7822. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7823. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7824. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7825. A letter from the Associate Legal Counsel, Equal Employment Opportunity Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7826. A letter from the Executive Secretary/Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7827. A letter from the Director, Regulatory Management Division, Office of Executive Secretariat, Department of Homeland Security, transmitting the Department's final rule — Eligibility of Arriving Aliens in Removal Proceedings to Apply for Adjustment of Status and Jurisdiction to Adjudicate Applications for Adjustment of Status [CIS No. 2387-06] [DHS Docket No. USCIS-2006-0010] (RIN: 1615-AB50) received May 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7828. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Wishkah River, WA [CGD13-05-040] (RIN: 1625-AA09) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7829. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Maryland Swim for Life, Chester River, Chestertown, MD [CGD05-06-006] (RIN: 1625-AA08) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7830. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, between Sandy Point and Kent Island, MD [CGD05-06-003] (RIN: 1625-AA87) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7831. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Delaware River, Delaware City, DE [CGD05-06-035] (RIN: 1625-AA08) received May 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7832. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Chesapeake Bay; Correction [CGD05-05-130] (RIN: 1625-AA08) received May 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7833. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Martin Lagoon, Middle River, MD [CGD05-06-031] (RIN: 1625-AA08) received May 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7834. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Upper Mississippi River, Iowa and Illinois [CGD08-06-018] (RIN: 1625-AA09) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7835. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Upper Mississippi River, Iowa and Illinois [CGD08-06-007] (RIN: 1625-AA09) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7836. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Lake Washington Ship Canal, WA [CGD13-06-014] (RIN: 1625-AA09) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7837. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Back Bay of Biloxi, Biloxi, MS [CGD08-06-015] (RIN: 1625-AA09) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7838. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Southern Branch of the Elizabeth River, Chesapeake, VA [CGD05-06-041] (RIN: 1625-AA09) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7839. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Potomac River, between Maryland and Virginia [CGD05-06-040] (RIN: 1625-AA09) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7840. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Townsend Gut, Booth Bay and Southport, ME [CGD01-06-019] (RIN: 1625-AA09) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7841. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Single Entry for Unassembled or Disassembled Entities Imported on Multiple Conveyences [CBP Dec. 06-11] (RIN: 1505-AB34) received May 30, 3006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on May 26, 2006]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4411. A bill to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling; and for other purposes; with an amendment (Rept. 109–412 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4127. A bill to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach; with an amendment (Rept. 109–453 Pt. 2). Ordered to be printed.

[Pursuant to the order of the House on May 25, 2006 the following report was filed on June 1, 2006]

Mr. LEWIS of California: Committee on Appropriations. H.R. 5521. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–485). Referred to the Committee of the Whole House on the State of the Union.

[The following reports were filed on June 2, 2006]

Mr. OXLEY: Committee on Financial Services. H.R. 4127. A bill to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach; with amendments (Rept. 109–453 Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 3997. A bill to amend the Fair Credit Reporting Act to provide for secure financial data, and for other purposes; with amendments (Rept. 109–454, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on May 25, 2006 the following report was filed on June 5, 2006]

Mr. KOLBE: Committee on Appropriations. H.R. 5522. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–486). Referred to the Committee of the Whole House on the State of the Union.

[Filed on June 6, 2006]

Mr. BARTON of Texas: Committee on Energy and Commerce. Supplemental report on H.R. 5252. A bill to promote the deployment of broadband networks and services (Rept. 109–470 Pt. 2).

Mr. BISHOP of Utah: Committee on Rules. House Resolution 849. Resolution providing for consideration of the bill (H.R. 5521) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–487). Referred to the House Calendar.

Mr. LEWIS of California: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2007 (Rept. 109–488). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 5126. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes; with an amendment (Rept. 109–489). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[The following action occurred on May 26, 2006]

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce discharged from further consideration H.R. 1071. Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on May 26, 2006]

H.R. 921. Referral to the Committee on Education and the Workforce extended for a period ending not later than June 30, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LINDER (for himself and Mr. FORBES):

H.R. 5523. A bill to align the immigration laws of the United States with the Mexican General Population Act; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD (for himself, Mr. EVANS, Mr. FILNER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Ms. HERSETH, Mr. STRICKLAND, Ms. HOOLEY, Mr. REYES, Mr. UDALL of New Mexico, and Mr. SALAZAR):

H.R. 5524. A bill to amend title 38, United States Code, to improve health care for veterans in rural areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LANTOS (for himself, Mr. TOM DAVIS of Virginia, Mr. MCGOVERN, Mr. SHAYS, and Mr. GRAVES):

H.R. 5525. A bill to amend title 5, United States Code, to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard continues to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would receive as a Federal employee if no interruption in employment had occurred; to the Committee on Government Reform.

By Mr. BARTLETT of Maryland (for himself and Mr. GINGREY):

H.R. 5526. A bill to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos; to the Committee on Energy and Commerce.

By Mr. NEY (for himself, Ms. WATERS, Mr. GERLACH, and Mr. FRANK of Massachusetts):

H.R. 5527. A bill to extend the authority of the Secretary of Housing and Urban Development to restructure mortgages and rental assistance for certain assisted multifamily housing; to the Committee on Financial Services.

By Mr. CANNON:

H.R. 5528. A bill to amend title 28, United States Code, to limit Federal court jurisdiction over State laws restricting pornography, and for other purposes; to the Committee on the Judiciary.

By Mr. ENGLISH of Pennsylvania (for himself and Ms. HART):

H.R. 5529. A bill to amend United States trade laws to address more effectively import crises, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey:

H.R. 5530. A bill to lengthen Daylight Savings Time; to the Committee on Energy and Commerce.

By Mr. ISRAEL:

H.R. 5531. A bill to amend the Energy Policy Act of 1992 to require the Federal Government to acquire not fewer than 50,000 plug-in hybrid electric vehicles; to the Committee on Government Reform.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. FRANKS of Arizona, Mr. ISSA, and Mr. AKIN):

H.R. 5532. A bill to amend title 28, United States Code, to provide for reassignment of certain Federal cases upon request of a party; to the Committee on the Judiciary.

By Mr. ROGERS of Michigan (for himself, Ms. ESHOO, Mr. HOEKSTRA, and Mr. MCHUGH):

H.R. 5533. A bill to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROGERS of Michigan (for himself and Mr. FOSSELLA):

H.R. 5534. A bill to establish a grant program whereby moneys collected from violations of the corporate average fuel economy program are used to expand infrastructure necessary to increase the availability of alternative fuels; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER:

H.R. 5535. A bill to amend title 18, United States Code, to exclude foreign governmental entities from suing under the treble damages portion of its civil RICO provisions; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself and Mr. MCHUGH):

H.R. 5536. A bill to implement the Western Hemisphere Travel Initiative and other registered traveler programs of the Department of Homeland Security; to the Committee on Homeland Security, and in addition to the Committees on International Relations, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MUSGRAVE (for herself, Mr. MCINTYRE, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER, Mr. BACHUS, Mr. BARTLETT of Maryland, Mr. BARRETT of South Carolina, Mr. BARTON of Texas, Mr. BEAUPREZ, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BOOZMAN, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. CANNON, Mr. CANTOR, Mr. CARTER, Mr. CHABOT, Mr. CHOCOLA, Mr. COLE of Oklahoma, Mr. CONAWAY, Mrs. CUBIN, Mr. CULBERSON, Mr. DAVIS of Tennessee, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Kentucky, Mr. DEAL of Georgia, Mr. DOOLITTLE, Mrs. DRAKE, Mr. DUNCAN, Mrs. EMERSON, Mr. EVERETT, Mr. FEENEY, Mr. FORBES, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr.

GINGREY, Mr. GOODE, Mr. GOODLATTE, Mr. GUTKNECHT, Mr. HALL, Ms. HARRIS, Mr. HAYES, Mr. HAYWORTH, Mr. HERGER, Mr. HOEKSTRA, Mr. HUNTER, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. KUHL of New York, Mr. LEWIS of Kentucky, Mr. LUCAS, Mr. MANZULLO, Mr. MARCHANT, Mr. MCCOTTER, Mr. MCHENRY, Mr. MCKEON, Miss MCMORRIS, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. MURPHY, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NORWOOD, Mr. NUSSLE, Mr. OXLEY, Mr. PEARCE, Mr. PENCE, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. RADANOVICH, Mr. ROGERS of Alabama, Mr. RYUN of Kansas, Mr. SESSIONS, Mr. SHADEGG, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SODREL, Mr. SOUDER, Mr. STEARNS, Mr. SULLIVAN, Mr. TANCREDO, Mr. TAYLOR of Mississippi, Mr. TIAHRT, Mr. WAMP, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. WICKER, and Mr. WILSON of South Carolina):

H.J. Res. 88. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Mr. TOM DAVIS of Virginia (for himself, Mr. WAXMAN, Mr. SOUDER, Mr. CUMMINGS, Mrs. MYRICK, Mr. COBLE, Mrs. DRAKE, Mr. VAN HOLLEN, Mr. SANDERS, Mr. OWENS, Mr. LATOURETTE, Mr. DAVIS of Illinois, Mr. ISSA, Mr. MICA, Mr. RUPPERSBERGER, Ms. LINDA T. SÁNCHEZ of California, Ms. NORTON, Mr. BURTON of Indiana, Mrs. MALONEY, Mr. SHAYS, Mr. TURNER, Mr. LYNCH, Mr. MURPHY, Mr. WESTMORELAND, Mr. KUCINICH, Mr. PRICE of North Carolina, Mr. FORTUÑO, Mr. NEY, Mrs. SCHMIDT, Mr. PICKERING, Mr. CARTER, Ms. WATSON, Mr. CANNON, Mr. TOWNS, Mr. SCOTT of Virginia, Mr. CLAY, Mrs. MILLER of Michigan, Mr. MARCHANT, Mr. OSBORNE, Mr. GINGREY, Mrs. BIGGERT, Mr. SHUSTER, Mr. MILLER of Florida, Mr. WOLF, Mr. MORAN of Virginia, Mrs. BLACKBURN, Mr. GUTKNECHT, Mr. LARSEN of Washington, Mr. SHERWOOD, Mr. BOOZMAN, Ms. ROS-LEHTINEN, Mr. CAPUANO, Mr. BILIRAKIS, and Ms. CORRINE BROWN of Florida):

H. Con. Res. 422. Concurrent resolution supporting the goals and ideals of the Vigil for Lost Promise day; to the Committee on Government Reform. considered and agreed to.

By Mr. SENSENBRENNER:

H. Con. Res. 423. Concurrent resolution authorizing the printing as a House document of ''A History, Committee on the Judiciary, United States House of Representatives, 1813-2006''; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PETRI introduced a bill (H.R. 5537) to authorize and request the President to award the Medal of Honor to James Megellas, of Colleyville, Texas, for acts of valor on January 28, 1945, during the Battle of the Bulge in World War II; which was referred to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Ms. CORRINE BROWN of Florida, Mr. TOM DAVIS of Virginia, and Mr. ALEXANDER.
H.R. 311: Mr. PETERSON of Minnesota.
H.R. 378: Mr. JACKSON of Illinois.
H.R. 503: Ms. JACKSON-LEE of Texas and Mr. BLUMENAUER.
H.R. 517: Mr. BOSWELL.
H.R. 521: Mr. FITZPATRICK of Pennsylvania.
H.R. 550: Mr. RUSH and Mr. ORTIZ.
H.R. 558: Mr. ALEXANDER, Mrs. DAVIS of California, and Mr. BOOZMAN.
H.R. 615: Mr. OWENS and Mr. BOUCHER.
H.R. 752: Mr. STRICKLAND.
H.R. 763: Mr. HIGGINS.
H.R. 791: Mr. POMEROY.
H.R. 857: Mr. MARIO DIAZ-BALART of Florida.
H.R. 874: Mr. DANIEL E. LUNGREN of California.
H.R. 886: Mr. KIND.
H.R. 899: Mrs. MALONEY.
H.R. 997: Mr. FORTENBERRY and Mr. EVERETT.
H.R. 998: Mr. JINDAL, Mr. MICHAUD, and Mr. BARROW.
H.R. 1227: Mr. JINDAL.
H.R. 1248: Mr. SESSIONS.
H.R. 1298: Ms. KILPATRICK of Michigan and Mr. HALL.
H.R. 1376: Mr. FITZPATRICK of Pennsylvania.
H.R. 1384: Mr. SCHWARZ of Michigan, Mr. JENKINS, Mr. CANNON, Mr. CANTOR, Mr. ALEXANDER, Mr. EVERETT, and Mr. ENGLISH of Pennsylvania.
H.R. 1424: Mr. HINCHEY.
H.R. 1425: Mr. BISHOP of Georgia and Mr. OLVER.
H.R. 1447: Mr. BOUCHER.
H.R. 1494: Mr. MCCOTTER.
H.R. 1507: Ms. DEGETTE.
H.R. 1517: Mr. THORNBERRY.
H.R. 1554: Mr. MARKEY.
H.R. 1574: Mr. BAIRD.
H.R. 1634: Mr. RENZI, Mr. BLUMENAUER, and Mr. GUTKNECHT.
H.R. 1671: Mr. HIGGINS, Mr. ADERHOLT, Mr. REYES, Mr. GRAVES, Mr. VISCLOSKY, and Mr. ROGERS of Alabama.
H.R. 1687: Mr. AL GREEN of Texas, Mr. LEVIN, and Mr. MICHAUD.
H.R. 1902: Mr. ALLEN.
H.R. 2034: Mr. DAVIS of Kentucky.
H.R. 2037: Mr. DAVIS of Kentucky.
H.R. 2048: Mr. WAMP and Mr. JACKSON of Illinois.
H.R. 2052: Mr. STARK.
H.R. 2053: Mr. STARK.
H.R. 2072: Mr. BRADY of Pennsylvania.
H.R. 2131: Mr. ALEXANDER.
H.R. 2178: Ms. WATSON and Ms. SLAUGHTER.
H.R. 2237: Mr. JACKSON of Illinois.
H.R. 2429: Mrs. NAPOLITANO.
H.R. 2617: Mr. MOORE of Kansas.
H.R. 2730: Mr. DAVIS of Kentucky, Mr. GONZALEZ, Mr. ROSS, and Mr. KIRK.
H.R. 2793: Mr. JACKSON of Illinois.
H.R. 3198: Mr. BERMAN.
H.R. 3427: Mr. FITZPATRICK of Pennsylvania, Mr. ISRAEL, Mr. RANGEL, Mr. LARSON of Connecticut, Mr. SERRANO, Mr. BLUMENAUER, Mr. WEINER, Mr. TOWNS, and Mr. PAYNE.
H.R. 3476: Mr. JACKSON of Illinois.
H.R. 3584: Mr. JACKSON of Illinois.
H.R. 3601: Mr. LYNCH.
H.R. 3762: Mr. ENGLISH of Pennsylvania.
H.R. 3861: Mr. PAYNE.
H.R. 3883: Mr. MANZULLO.
H.R. 3928: Mr. BROWN of Ohio.
H.R. 3957: Ms. PRYCE of Ohio and Ms. HART.
H.R. 3968: Mr. MCDERMOTT.
H.R. 4025: Mr. BURTON of Indiana and Mr. DINGELL.
H.R. 4033: Mr. BURTON of Indiana, Mrs. DRAKE, Ms. PRYCE of Ohio, Mr. SABO, Mr. MORAN of Kansas, Mr. KANJORSKI, Mr. NEY, Mr. DEFAZIO, Mr. SERRANO, Mr. DUNCAN, Mr. GARRETT of New Jersey, Mr. PRICE of North Carolina, Mrs. CAPITO, Mr. KENNEDY of Rhode Island, and Mr. BERMAN.
H.R. 4042: Mr. PAUL.
H.R. 4059: Mr. TIERNEY.
H.R. 4098: Mr. STUPAK.
H.R. 4188: Mr. ALLEN and Mr. ROTHMAN.
H.R. 4197: Mr. CAPUANO.
H.R. 4222: Mr. BLUMENAUER and Ms. SLAUGHTER.
H.R. 4259: Mr. EMANUEL.
H.R. 4315: Mr. MELANCON and Mrs. MILLER of Michigan.
H.R. 4341: Mr. MANZULLO and Mr. RYUN of Kansas.
H.R. 4347: Mr. LYNCH.
H.R. 4357: Ms. JACKSON-LEE of Texas.
H.R. 4384: Mr. EHLERS and Ms. JACKSON-LEE of Texas.
H.R. 4424: Mr. PETERSON of Minnesota and Ms. MCCOLLUM of Minnesota.
H.R. 4434: Ms. MCCOLLUM of Minnesota.
H.R. 4435: Ms. MCCOLLUM of Minnesota.
H.R. 4479: Mr. JACKSON of Illinois.
H.R. 4517: Mr. BISHOP of Georgia and Mr. PASCRELL.
H.R. 4547: Mr. JENKINS, Mr. DOOLITTLE, Mr. CANTOR, and Mrs. DRAKE.
H.R. 4596: Mr. MEEHAN and Ms. MCCOLLUM of Minnesota.
H.R. 4597: Mr. BLUMENAUER.
H.R. 4695: Mr. FRANK of Massachusetts.
H.R. 4747: Mr. RAHALL, Ms. MOORE of Wisconsin, Mr. ETHERIDGE, Mr. MICHAUD, Ms. NORTON, Mr. BOSWELL, Mr. PAYNE, Ms. DEGETTE, Mr. EMANUEL, Mr. MCCOTTER, and Mr. MARKEY.
H.R. 4755: Mrs. BIGGERT and Mr. JACKSON of Illinois.
H.R. 4859: Mr. ISSA and Mr. PAYNE.
H.R. 4873: Mr. KENNEDY of Rhode Island.
H.R. 4894: Mr. BRADLEY of New Hampshire, Mr. CALVERT, and Mr. ENGLISH of Pennsylvania.
H.R. 4901: Mr. CASE.
H.R. 4903: Mr. TOWNS, Ms. JACKSON-LEE of Texas, Mr. RUSH, Mr. OLVER, and Mr. STRICKLAND.
H.R. 4949: Ms. WOOLSEY, Mr. PLATTS, and Mr. ALEXANDER.
H.R. 4974: Mr. NEUGEBAUER, Mr. ORTIZ, Mr. CULBERSON, Mr. GOHMERT, Mr. MANZULLO, and Mr. MORAN of Virginia.
H.R. 4980: Mrs. EMERSON and Mr. MCHUGH.
H.R. 5005: Mr. MATHESON, Mr. SHADEGG, Mr. SCHWARZ of Michigan, Mr. BARROW, Mr. CANTOR, Mr. JENKINS, Mr. BOREN, and Mr. TANCREDO.
H.R. 5013: MR. EDWARDS, Mr. BOREN, Mr. JENKINS, Mr. CANNON, Mr. BARRETT of South Carolina, and Ms. HARRIS.
H.R. 5022: Mr. BARROW, Mr. MEEKS of New York, and Mr. MORAN of Virginia.
H.R. 5023: Mr. PALLONE, Ms. SCHAKOWSKY, and Mr. EMANUEL.
H.R. 5050: Mr. ANDREWS and Mr. DAVIS of Kentucky.
H.R. 5056: Mrs. BLACKBURN and Mr. ENGLISH of Pennsylvania.
H.R. 5106: Mr. AL GREEN of Texas and Ms. LINDA T. SÁNCHEZ of California.
H.R. 5121: Mr. BURGESS, Mr. LUCAS, Mr. BRADY of Pennsylvania, Mr. SCOTT of Georgia, and Mr. CAPUANO.
H.R. 5126: Mr. MURPHY.
H.R. 5136: Mr. SALAZAR and Mr. BISHOP of Georgia.
H.R. 5150: Ms. ESHOO, Mr. BACA, Mr. BROWN of Ohio, Mr. NADLER, Mr. DEFAZIO, and Mr. REYES.
H.R. 5159: Mr. SPRATT, Mr. GARRETT of New Jersey, Mr. BOSWELL, Ms. BORDALLO, Mr.

BOUSTANY, Mr. PALLONE, Mr. JONES of North Carolina, Mr. HIGGINS, Mr. PASCRELL, Mr. REYES, Mr. RAHALL, Mr. ROGERS of Alabama, Mr. DAVIS of Tennessee, Mr. WELDON of Pennsylvania, and Mr. SWEENEY.

H.R. 5185: Mrs. DAVIS of California, Ms. WOOLSEY, and Mr. SANDERS.

H.R. 5188: Mr. WEXLER.

H.R. 5189: Mr. HINOJOSA and Mr. BISHOP of Georgia.

H.R. 5201: Mr. REHBERG, Mr. BROWN of South Carolina, Mr. MARKEY, Ms. PRYCE of Ohio, Mr. EHLERS, Mr. KUCINICH, Mr. HAYWORTH, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. LANTOS, Mr. TOM DAVIS of Virginia, Mrs. NAPOLITANO, Ms. HARMAN, Mr. FARR, Mr. ACKERMAN, Mr. ISRAEL, Mr. ETHERIDGE, Mr. WEXLER, Mr. ENGLISH of Pennsylvania, and Mr. BOOZMAN.

H.R. 5216: Mr. JACKSON of Illinois.

H.R. 5219: Mr. MILLER of Florida and Mr. KING of Iowa.

H.R. 5225: Mr. PAYNE, Mr. GRIJALVA, Mr. CLAY, and Mr. BRADY of Pennsylvania.

H.R. 5230: Mr. MICA, Ms. HARRIS, Mr. SULLIVAN, and Mr. FORTUÑO.

H.R. 5238: Mr. BRADY of Pennsylvania, Mr. MOORE of Kansas, and Mr. MOLLOHAN.

H.R. 5247: Ms. BERKLEY and Mr. MCINTYRE.

H.R. 5249: Mr. RAMSTAD and Mr. BLUNT.

H.R. 5254: Mr. REICHERT.

H.R. 5262: Mr. MARCHANT.

H.R. 5273: Ms. ROYBAL-ALLARD, Mr. HONDA, Mr. HINCHEY, and Ms. WOOLSEY.

H.R. 5278: Mr. FOLEY and Mr. JEFFERSON.

H.R. 5310: Mr. TURNER.

H.R. 5319: Ms. GRANGER.

H.R. 5321: Mr. MCNULTY.

H.R. 5330: Mr. BACA.

H.R. 5348: Mr. RUSH, Mr. DAVIS of Alabama, Mr. NEAL of Massachusetts, Mr. WEXLER, Mr. CARDIN, and Mr. REYES.

H.R. 5356: Mr. AL GREEN of Texas and Ms. JACKSON-LEE of Texas.

H.R. 5357: Mr. AL GREEN of Texas and Ms. JACKSON-LEE of Texas.

H.R. 5358: Ms. JACKSON-LEE of Texas.

H.R. 5365: Ms. MATSUI, Mr. FORD, Ms. JACKSON-LEE of Texas, and Mr. MARSHALL.

H.R. 5367: Ms. SCHAKOWSKY and Ms. MATSUI.

H.R. 5371: Mr. DAVIS of Illinois, Mr. MARKEY, and Mr. JACKSON of Illinois.

H.R. 5388: Mr. SANDERS.

H.R. 5396: Mr. WILSON of South Carolina.

H.R. 5400: Mr. EHLERS.

H.R. 5425: Mr. HENSARLING.

H.R. 5432: Mr. MCCOTTER.

H.R. 5444: Mr. MCINTYRE, Mr. KUHL of New York, Mr. JONES of North Carolina, and Mr. YOUNG of Florida.

H.R. 5449: Mr. LOBIONDO, Mrs. KELLY, Mr. ISSA, Mr. MCHUGH, Mr. POMBO, Mr. CASE, Mr. ABERCROMBIE, Mr. SHUSTER, Mrs. CAPITO, Mr. WELDON of Pennsylvania, Ms. JACKSON-LEE of Texas, Mr. TIBERI, Mr. CONYERS, Ms. HARMAN, Mr. FITZPATRICK of Pennsylvania, Mr. ROTHMAN, Mrs. MCCARTHY, Mr. MORAN of Virginia, Mr. BERMAN, Mr. SHERMAN, Mr. SHAYS, Ms. KILPATRICK of Michigan, Mr. GERLACH, Mr. JOHNSON of Illinois, and Mr. DOGGETT.

H.R. 5452: Mrs. CHRISTENSEN, Mr. BURTON of Indiana, and Mr. WILSON of South Carolina.

H.R. 5455: Mr. MOLLOHAN, Mr. BERMAN, Mr. MCDERMOTT, Mr. MCINTYRE, Mr. LARSEN of Washington, Mr. SCHIFF, and Mr. CHANDLER.

H.R. 5463: Mr. CULBERSON.

H.R. 5464: Mr. PLATTS, Mr. GREEN of Wisconsin, and Mr. FEENEY.

H.R. 5465: Mr. MCNULTY, Mr. PAYNE, and Mr. JEFFERSON.

H.R. 5466: Mr. WYNN, Mr. RUPPERSBERGER, Mr. CARDIN, Mr. CUMMINGS, and Mr. VAN HOLLEN.

H.R. 5499: Mr. BASS, Mr. HINOJOSA, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, and Mr. BURTON of Indiana.

H.R. 5509: Mr. HERGER.

H.R. 5520: Mr. PEARCE and Ms. PRYCE of Ohio.

H.J. Res. 39: Mr. CANNON, Mr. HAYWORTH, and Mr. BOUSTANY.

H.J. Res. 58: Mr. DEAL of Georgia.

H.J. Res. 86: Mr. CARDIN, Mr. BLUMENAUER, Mr. DELAHUNT, and Ms. PELOSI.

H. Con. Res. 137: Mrs. KELLY.

H. Con. Res. 154: Mrs. NAPOLITANO.

H. Con. Res. 197: Mr. FATTAH.

H. Con. Res. 340: Mr. BLUMENAUER, Mr. PORTER, Mr. PAYNE, and Mr. GOODE.

H. Con. Res. 348: Ms. MCKINNEY and Mr. BLUMENAUER.

H. Con. Res. 368: Mr. PAYNE.

H. Con. Res. 380: Mrs. TAUSCHER and Mrs. MCCARTHY.

H. Con. Res. 409: Mr. EMANUEL and Ms. DELAURO.

H. Con. Res. 419: Mr. KUHL of New York, Mr. SERRANO, Mr. MCHUGH, and Mrs. LOWEY.

H. Res. 20: Mr. MCCAUL of Texas.

H. Res. 222: Mr. MOORE of Kansas.

H. Res. 316: Mrs. DAVIS of California.

H. Res. 318: Mr. BISHOP of Georgia, Mr. DAVIS of Kentucky, and Mr. HAYES.

H. Res. 526: Mr. MURPHY.

H. Res. 566: Mr. HINOJOSA and Mr. REICHERT.

H. Res. 603: Mr. SCHIFF and Mr. MARIO DIAZ-BALART of Florida.

H. Res. 760: Ms. JACKSON-LEE of Texas, Ms. CORRINE BROWN of Florida, and Mr. SHAYS.

H. Res. 773: Mr. FOSSELLA.

H. Res. 776: Mr. DANIEL E. LUNGREN of California, Mr. OTTER, Mr. MCCOTTER, and Mr. PEARCE.

H. Res. 800: Mr. BURTON of Indiana, Mr. BOUCHER, Mr. CROWLEY, and Mr. CANNON.

H. Res. 825: Mrs. CAPPS and Mr. RUPPERSBERGER.

H. Res. 828: Mr. REHBERG.

H. Res. 838: Mr. BONNER and Mr. KILDEE.

H. Res. 844: Ms. ROS-LEHTINEN, Mr. RANGEL, and Ms. WATERS.

H. Res. 846: Ms. BALDWIN, Mr. CONYERS, Mr. MCGOVERN, and Mr. PAYNE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4341. Mr. BOUCHER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5521

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 1: Page 44, insert after line 18 the following:

SEC. 211. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:45 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:

Eternal Spirit, You see our thoughts from a distance. You look not merely on our exteriors but also at our interiors. You see our desire to please You and to honor You with our lives. You know our remorse for neglected duties, missed opportunities, and selfish pursuits.

You are aware that we need strength for today and hope for tomorrow.

Today, meet the needs of our lawmakers as they confront the challenges of our time. Give them faith to trust that Your sovereign providence will prevail in the unfolding events of our world. Remind them that they are never alone, for You will never forsake them.

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.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, this morning we have set aside some debate time in executive session for the consideration of Renee Bumb to be U.S. district judge for New Jersey. Following those statements, we will vote at around 10:20 a.m. on the confirmation of that nomination.

Immediately after the vote, we will resume debate on the motion to proceed to the Marriage Protection Amendment. We reserved blocks of time throughout the session for Members to come to the Senate to give their remarks on the marriage amendment.

The Senate will recess, as usual on Tuesdays, from 12:30 to 2:15 for our weekly policy luncheons.

I remind our colleagues, I filed a cloture motion on the motion to proceed to the Marriage Protection Amendment. That vote will occur on Wednesday. Later today, we will alert all Members as to the precise timing of that cloture vote on the marriage amendment which, as I indicated, will occur Wednesday.

EXECUTIVE SESSION

NOMINATION OF RENEE MARIE BUMB TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session for consideration of Executive Calendar No. 626, which the clerk will report.

The bill clerk read the nomination of Renee Marie Bumb, of New Jersey, to be U.S. District Judge for the District of New Jersey.

The PRESIDENT pro tempore. Under the previous order, the time until 10:20 a.m. shall be equally divided between the two managers or their designees.

Mr. MCCONNELL. Mr. President, before I suggest the absence of a quorum, will the time run during the quorum call?

The PRESIDENT pro tempore. It will be equally divided.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I rise to express my pleasure and support for the confirmation of Ms. Renee Bumb to the U.S. District Court of New Jersey.

Ms. Bumb is one of four accomplished individuals from New Jersey who have been nominated to vacancies on the district court.

Just before we left for the Memorial Day recess, the Senate unanimously confirmed Judge Susan Wigenton for the district court. Judge Wigenton has been a Federal magistrate judge since 1997. She also worked at a law firm, served as a public defender in Asbury Park, NJ. She has been a first-rate magistrate judge. She will be an excellent district court judge. She served the public well. We are pleased to have her join the bench in New Jersey.

Now we discuss today's nominee, Renee Bumb. She is exceptionally well qualified and will be an excellent addition to the court. She is currently attorney in charge of the Camden—our southernmost city—U.S. Attorney's Office. She is a gifted prosecutor and has handled cases ranging from drug trafficking to white-collar crime.

For 6 years, Miss Bumb has supervised all of the attorneys in the Camden U.S. Attorney's Office. At the same time, she has tried cases herself, especially those dealing with public corruption.

Ms. Bumb is from south Jersey. We are pleased she will be sitting as a Federal judge in Camden. There have been

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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openings there for some time. The people of south Jersey deserve judges who understand that area of the State and the unique communities therein. Ms. Bumb fits that bill.

When people look at tiny New Jersey on the map, they envision a small State but they are wrong. While we are relatively small geographically, we have the 10th largest population in the country. New Jersey is the most densely populated State in the country. While physical distance between north and south Jersey is not significant, there are differences between the two areas politically, economically, and culturally. The Federal Government needs to respect these distinctions.

Thus, we have Renee Bumb, who is a judge from South Jersey. She will dispense justice with the unique character her community brings—not having the large cities, and with the population density much less than the north. They also lack some of the services immediately available in the northern part of our State. Ms. Bumb will represent the Federal Government and represent the Judiciary extremely well.

At the same time, we have two other excellent nominees for vacancies on the U.S. District Court for New Jersey. One is Noel Hillman, another is Peter Sheridan. These nominees have been approved by the Judiciary Committee. They are ready to go. We should not delay the confirmation of these nominations past this week.

I offer thanks to Chairman SPECTER and Ranking Member LEAHY for moving these nominees so efficiently through the process. I am confident these four individuals will serve the people of New Jersey extremely well on the Federal bench. They will bring distinction to the court. We urge their quick confirmation in the Senate.

I yield the floor.

The PRESIDENT pro tempore. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise today in support of the nomination of Renee Bumb to be a U.S. district judge for the District of New Jersey. I appreciate the opportunity to speak about this outstanding individual that the White House has selected to serve on the Federal bench.

I take a moment to share with our colleagues a few of her accomplishments. Ms. Bumb is a graduate of Ohio State University and the University of Chicago Graduate School of International Relations. She attended my own alma mater, Rutgers University School of Law in Newark, where she served as editor in chief of the law review and has been a loyal New Jerseyan ever since.

Ms. Bumb's reputation in the southern New Jersey legal community is both well known and exceptional. As assistant U.S. attorney, Ms. Bumb has been known for many efforts and is a staunch anticorruption prosecutor. She is best known for her prosecution of the former Camden City mayor. She has twice received the Director's Award, the highest award given to an assistant U.S. attorney presented by the U.S. Attorney General. Ms. Bumb is currently the attorney in charge of the U.S. Attorney's Office in Camden, NJ.

The American Bar Association has rated Ms. Bumb as well qualified for the position to which she has been nominated. It is a view I share as well.

I would also like to talk about the package of four nominees for district judge of New Jersey that Ms. Bumb is a part of. It is a package that is balanced in every sense of the word, from geographic to gender perspectives, as well as to quality. I should note that Ms. Bumb is not the first nominee of that package to be confirmed by the Senate. The day before the Memorial Day district work period began, the Senate confirmed Susan Wigenton to be a district court judge. Judge Wigenton graduated from Norfolk State University and the Marshall-Wythe School of Law from the College of William and Mary. She has spent the last 8 years doing an exceptional job as a U.S. magistrate judge for the district of New Jersey, and she will do an exceptional job in the district court.

I look forward to working with Senator LAUTENBERG, the chair and ranking member of the Judiciary Committee, and the leadership in bringing the nominations of the other two nominees, Noel Hillman and Peter Sheridan, to the Senate floor for confirmation votes. This entire four-nominee package is one that every New Jerseyan can and should be proud of.

There truly is no higher calling than the calling of public service. That is why I am pleased to see people of this quality who are willing to serve our Nation in the administration of justice. The confirmation of a judge to a lifetime appointment is a vital responsibility given to this body by the Constitution and one I take very seriously. I join my colleague, Senator LAUTENBERG, in support of Ms. Bumb and her confirmation. I look forward to her continued service to our State and Nation. I am confident she will put our shared Rutgers education to good use.

I urge my colleagues to support the nomination of Renee M. Bumb to serve on the U.S. District Court for the District of New Jersey.

Mr. LEAHY. Mr. President, as we resume consideration of judicial nominations today, it is worth taking stock of the mileposts we have passed and those we are working toward. Chairman SPECTER has now chaired the Judiciary Committee for 17 months. I congratulate him on that. The committee has been extremely active, and we have achieved a good deal working together.

We reported a bill to provide compensation to asbestos victims and began its consideration in the Senate. Just recently, we joined together to introduce a new version of our legislation, to note the passing of our friend Judge Becker and to recommit ourselves to finishing this bipartisan task to provide fair compensation to asbestos victims and reduce the litigation burden that asbestos cases have imposed on our civil justice system.

We worked together to report a comprehensive immigration reform bill and continued to work with Senators KENNEDY, MCCAIN, HAGEL, MARTINEZ, and others in a bipartisan coalition that culminated in Senate passage of S. 2611 late last month. We look forward to help from the President to enact that measure later this year.

We worked together to revive and reauthorize the expiring provisions of the USA PATRIOT Act. I supported the Judiciary Committee and Senate bill. When our bill was hijacked, I appreciated Chairman SPECTER's efforts to restore some balance and his efforts to work with those of us seeking improvements. Sadly, the final product insisted upon by the Bush-Cheney administration and House Republicans was not one I could support.

We are working together now in a bipartisan, bicameral partnership to reauthorize the expiring provisions of the Voting Rights Act. We need to complete hearings on our bill without further delay, and I hope that we can report our bipartisan bill by mid-June so that these important provisions, including those in section 203 providing voting access for language minorities, can be reauthorized this year.

We worked together to report privacy legislation to the Senate last November. Senate action on our bill is overdue. The recent theft of millions of veterans' personal information and the growing problem of identification theft remind us how important these issues are for so many Americans.

We have also worked together on competitiveness issues including the NOPEC legislation to clarify that our antitrust laws should be applied to the OPEC cartel, our broader bill on windfall oil company profits, and our bill to end the antitrust exemption for the insurance industry.

We have made progress on several issues, but our work is far from over. There are only 13 weeks left in this legislative session of the Senate and we still have much that needs to get done. The Republican-controlled House and Senate have yet to enact a Federal budget and are in violation of the statutory deadline of April 15. We have yet to pass a single appropriations bill, and we are required by law to pass 13. We have yet to reconcile and enact the emergency supplemental appropriations bill that has been pending for months and that includes funding for Iraq and Katrina victims and other matters. We have yet to reconcile and enact lobbying reform and ethics legislation. We have yet to deal with the skyrocketing cost of gasoline. We have yet to reconcile and enact a bipartisan and comprehensive immigration reform bill. We need to enact stronger privacy protection legislation, especially in the wake of the theft of information on more than 26 million veterans. We have yet to enact stem cell

research legislation. We need to reauthorize the Voting Rights Act. We have yet to enact patent reform legislation. And I hope that we will take up, pass and enact our asbestos compensation legislation and my measure to speed lifesaving medicine to those in desperate need.

I have urged that we exercise effective oversight of the executive branch, and I have supported Chairman SPECTER's efforts to get to the bottom of the NSA's unprecedented program of domestic spying on Americans without warrants. We need to make more progress on this important front and to restore accountability and check and balances in our Government.

One of the most important checks and balances to unprecedented overreaching by the Bush-Cheney executive branch is an independent judiciary. With respect to judicial nominations, we worked together in connection with the nominations of Chief Justice Roberts, whom I came to support, and Justice Alito, whom I did not. I have sought to expedite consideration of qualified, consensus nominees and urged the President to work with us to make selections that unite all Americans.

Today we will proceed to confirm another lifetime appointment to the Federal courts in New Jersey. With the support of the New Jersey Senators, we were able to confirm Judge Susan Davis Wigenton just before the last recess. Her nomination, as well as the nomination of Renee Marie Bumb that we are considering today, were reported favorably by the Judiciary Committee to the Senate more than a month ago.

Rather than proceed to those nominations promptly, the Republican leadership of the Senate delayed their consideration while proceeding over time with circuit court nominations. I was cooperative in proceeding to the confirmation of Judge Milan Smith to the Ninth Circuit. His confirmation demonstrated, again, that we can work together. I was pleased for his brother, the Senator from Oregon, and believe that he will be a fine judge.

Regrettably, the Senate Republican leadership chose not to move to any of the four district court nominations from New Jersey, or the two nominations to district courts in Michigan that their home State Democratic Senators have reached out to support. Instead, they forced debate on another controversial nomination, that of a White House insider selected for a lifetime position on the DC Circuit as a reward for his loyalty to President Bush. I did not support confirmation of Brett Kavanaugh. That was the fight that the Republican leader had promised the narrow special interest groups of the rightwing of his party.

The President and Senate Republican leadership continue to pick fights over judicial nominations rather than focus on filing vacancies. Judicial vacancies have now grown to more than 50 from the lowest vacancy rate in decades. More than half these vacancies are without a nominee. The Congressional Research Service has recently released a study showing that this President has been the slowest in decades to nominate and the Republican Senate among the slowest to act. If they would concentrate on the needs of the courts, our Federal justice system and the needs of the American people, we would be much further along.

Still, we have passed a milestone. When the Senate votes today to confirm Renee Bumb as a district court judge, the Republican-controlled Senate will have this year confirmed 17 judicial nominations. That was the total number of judges confirmed in the 1996 congressional session, when Republicans controlled the Senate and stalled the nominations of President Clinton. In the 1996 session, however, Republicans would not confirm a single appellate court judge. All 17 confirmations were district court nominees. That is the only session I can remember in which the Senate has simply refused to consider a single appellate court nomination. That was part of their pocket filibuster strategy to stall and maintain vacancies so that a Republican President could pack the courts and tilt them decidedly to the right. In the important DC Circuit, the confirmation of Brett Kavanaugh was the culmination the Republicans' decade-long attempt to pack the DC Circuit that began with the stalling of Merrick Garland's nomination in 1996 and continued with the blocking of President Clinton's other well-qualified nominees, Elena Kagan and Allen Snyder.

Of course, with the confirmation today, we will tie that record of 17 confirmations for the year. It is June, and we have a few more weeks in which to make progress. There remain four more district court nominees on the calendar whose consideration could be scheduled for debate and vote but are being delayed—not by Democratic opposition—but by Republican control. There is also another circuit court nominee on the calendar who was reported with Democratic support from the Judiciary Committee and whose confirmation could be scheduled for debate and vote. Successful consideration of those five additional nominees will bring the Senate's total judicial confirmations to 22, thereby matching the total achieved all last year.

But the road ahead is likely to be rocky. In the runup to the Kavanaugh nomination debate, we saw that the Senate Republican leadership is apparently heeding the advice of The Wall Street Journal editorial page, which wrote, ''[a] filibuster fight would be exactly the sort of political battle Republicans need to energize conservative voters after their recent months of despond.'' Rich Lowery, editor of the conservative National Review, listed a fight over judges as one of the ways President Bush could revive his political fortunes, writing that he should, ''[p]ush for the confirmation of his circuit judges that are pending. Talk about them by name. The G.O.P. wins judiciary fights.''

Republican Senators are relishing picking fights over controversial judicial nominees. Senator THUNE has said, ''A good fight on judges does nothing but energize our base . . . . Right now our folks are feeling a little flat.'' Senator CORNYN has said, ''I think this is excellent timing. From a political standpoint, when we talk about judges, we win.'' On May 8, 2006, The New York Times reported: ''Republicans are itching for a good election-year fight. Now they are about to get one: a reprise of last year's Senate showdown over judges.'' The Washington Post reported on May 10: ''Republicans had revived debate on Kavanaugh and another Bush appellate nominee, Terrence Boyle, in hopes of changing the pre-election subject from Iraq, high gasoline prices and bribery scandals.''

We should not stand idly by as Republicans choose to use lifetime federal judgeships for partisan political advantage. In a May 11, 2006, editorial The Tennessean wrote:

> ''[T]he nation should look with complete dismay at the blatantly political angle on nominations being advocated by Senate Republicans now. . . . Republicans are girding for a fight on judicial nominees for no reason other than to be girding for a fight. They have admitted as much in public comments. . . . In other words, picking a public fight over judicial nominees is, in their minds, the right thing to do because it's the politically right thing to do. . . . Now, Republicans are advocating a brawl for openly political purposes. The appointment of judges deserves far more respect than to be an admitted election-year ploy. . . . It should be beneath the Senate to have such a serious matter subjected to nothing but a tool for political gain.''

On May 3, 2006, The New York Times wrote in an editorial: ''The Republicans have long used judicial nominations as a way of placating the far right of their party, and it appears that with President Bush sinking in the polls, they now want to offer up some new appeals court judges to their conservative base.''

Consider the President's nomination of Judge Terrence Boyle to the Fourth Circuit. We have learned from recent news reports that, as a sitting U.S. district judge and while a circuit court nominee, Judge Boyle ruled on multiple cases involving corporations in which he held investments. In at least one instance, he is alleged to have bought General Electric stock while presiding over a lawsuit in which General Electric was accused of illegally denying disability benefits to a longtime employee. Two months later, he ruled in favor of GE and denied the employee's claim for long term and pension disability benefits. Whether it turns out that Judge Boyle broke Federal law or canons of judicial ethics, these types of conflicts of interest have no place on the Federal bench. Certainly, they should not be rewarded

with a promotion to the Fourth Circuit. Certainly, they should be investigated.

The President should heed the call of North Carolina Police Benevolent Association, the North Carolina Troopers' Association, the Police Benevolent Associations from South Carolina and Virginia, the National Association of Police Organizations, the Professional Fire Fighters and Paramedics of North Carolina, as well as the advice of Senator John Edwards, and withdraw his ill-advised nomination of Judge Terrence Boyle. Law enforcement from North Carolina and law enforcement from across the country oppose the nomination. Civil rights groups oppose the nomination. Those knowledgeable and respectful of judicial ethics oppose this nomination. This nomination has been pending on the calendar in the Republican-controlled Senate since June of last year when it was forced out of the Committee on a party-line vote. It should be withdrawn.

Also on the calendar is the nomination of William Myers to the Ninth Circuit. This is another administration insider and lobbyist whose record has made him extremely controversial. I opposed this nomination when it was considered by the Judiciary Committee in March 2005. He was a nominee who the so-called Gang of 14 expressly listed as someone for whom they made no commitment to vote for cloture, and with good reason. His anti-environmental record is reason enough to oppose his confirmation. His lack of independence is another. If anyone sought to proceed to this nomination, there would be a need to explore his connections with the lobbying scandals associated with the Interior Department and Jack Abramoff. This nomination should also be withdrawn.

A few months ago, the President withdrew the nomination of Judge James Payne to the Court of Appeals for the 10th Circuit after information became public about that nominee's rulings in a number of cases in which he appears, like Judge Boyle, to have had conflicts of interest. Those conflicts were pointed out not by the administration's screening process or by the ABA but by journalists.

Judge Payne joins a long list of nominations by this President that have been withdrawn. Among the more well known are Bernard Kerik to head the Department of Homeland Security and Harriet Miers to the Supreme Court. It was, as I recall, reporting in a national magazine that doomed the Kerik nomination. It was opposition within the President's own party that doomed the Miers nomination.

During the last few months, President Bush also withdrew the nominations of Judge Henry Saad to the Court of Appeals for the Sixth Circuit and Judge Daniel P. Ryan to the Eastern District of Michigan after his ABA rating was downgraded.

It is not as if we have not been victimized before by the White House's poor vetting of important nominations. If the White House had its way, we would already have confirmed Claude Allen to the Fourth Circuit. He is the Bush administration insider who recently resigned his position as a top domestic policy adviser to the President. Ultimately, we learned why he resigned when he was arrested for fraudulent conduct over an extended period of time. Had we Democrats not objected to the White House attempt to shift a circuit judgeship from Maryland to Virginia, someone now the subject of a criminal prosecution for the equivalent of stealing from retail stores would be a sitting judge on the Fourth Circuit confirmed with a Republican rubberstamp.

Yet another controversial pending nomination is that of Norman Randy Smith to the Ninth Circuit. This nomination is another occasion on which this President is seeking to steal a circuit court seat from one State and reassign it to another one, one with Republican Senators. That is wrong. I support Senators FEINSTEIN and BOXER in their opposition to this tactic. I have suggested a way to resolve two difficult situations if the President were to renominate Mr. SMITH to fill the Idaho vacancy on the Ninth Circuit, instead of a vacancy for a California seat. Regrettably, the White House has not followed up on my suggestion.

A complicit Republican-controlled Senate remains all too eager to act as a rubberstamp for the Bush-Cheney administration. The nomination of Kavanaugh was one of the few to be downgraded by the ABA upon further review. Until the Republican-controlled Senate proceeded to confirm this White House insider, I cannot recall anyone being confirmed after such a development. Another first, and another problematic confirmation that ill serves the American people.

Another troubling nomination is that of William James Haynes to the Fourth Circuit, which has been pending in the Republican-controlled Senate without action for 3 years. Mr. Haynes is the general counsel at the Defense Department and was deeply involved developing the torture policies, detention and interrogation policies, military tribunals, and other controversial aspects of the manner in which this administration has proceeded unilaterally to make mistakes and exceed its legal authority. Concerns about the Haynes nomination may not be confined to Democratic Senators, according to recent press reports.

I trust that the Senate will not repeat the mistake it made before. It was only after Jay Bybee was confirmed to a lifetime appointment to the Ninth Circuit that we learned of his involvement with the infamous Bybee memo seeking to justify torture and degrading treatment. I had asked him what he had worked on while head of the Department of Justice's Office of Legal Counsel, but he had refused to respond. This former Defense Department and Justice Department insider now sits on the Ninth Circuit for life.

Finally, there is the more recent nomination of Michael Wallace to a vacancy on the Fifth Circuit. Mr. Wallace received the first ABA rating of unanimously ''not qualified'' that I have seen for a circuit court nominee since President Reagan. Yet that is one of the controversial nominations we can expect the Republican Senate to target for action given their track record.

Working together we could do better. I made the point when in the 17 months I chaired the Judiciary Committee we proceeded to confirm 100 judicial nominees of President Bush. I urge the White House to work with us. I hope that the Republican-controlled Senate will stop rubberstamping this President's nominees and stop using controversial judicial nominations to score partisan political points. Our courts are too important. The rights and liberties of the American people are too important. The courts are the only check and balance left to protect the American people and provide some oversight of the actions of this President.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The hour of 10:20 having arrived, the vote is to occur on the nomination.

Mr. SANTORUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. SANTORUM. I thank the Chair.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Renee Marie Bumb, of New Jersey, to be a United States District Judge for the District of New Jersey?

On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Tennessee (Mr. FRIST), the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), and the Senator from Missouri (Mr. TALENT).

Further, if present and voting, the Senator from Tennessee (Mr. FRIST) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Maryland (Mr. SARBANES), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 89, nays 0, as follows:

[Rollcall Vote No. 162 Ex.]

YEAS—89

Akaka	Dole	McCain
Alexander	Dorgan	McConnell
Allard	Durbin	Menendez
Allen	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Graham	Nelson (NE)
Bond	Grassley	Obama
Boxer	Gregg	Pryor
Brownback	Harkin	Reed
Bunning	Hutchison	Reid
Burr	Inhofe	Roberts
Byrd	Inouye	Salazar
Cantwell	Isakson	Santorum
Carper	Jeffords	Sessions
Chafee	Johnson	Shelby
Chambliss	Kennedy	Smith
Clinton	Kerry	Snowe
Coburn	Kohl	Specter
Cochran	Kyl	Stabenow
Coleman	Landrieu	Stevens
Collins	Lautenberg	Sununu
Conrad	Leahy	Thomas
Cornyn	Levin	Thune
Craig	Lieberman	Vitter
Dayton	Lincoln	Voinovich
DeMint	Lott	Warner
DeWine	Lugar	Wyden
Dodd	Martinez	

NOT VOTING—11

Bingaman	Frist	Sarbanes
Burns	Hagel	Schumer
Crapo	Hatch	Talent
Domenici	Rockefeller	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPERIENCING MEMORIAL DAY CELEBRATIONS ON FOREIGN SOILS

Mr. ISAKSON. Mr. President, I would like to call everybody's attention to the special day that today is. Today is the 6th day of June. Sixty-two years ago today on the shores of France and Normandy, Omaha Beach, Sword Beach, American troops and allied forces invaded France, pushed back the German Army, pushed through the Battle of the Bulge, and ultimately into Germany, and today, you and I enjoy freedom and liberty in this country, as Europe enjoys its freedom, and as, in fact, the world enjoys its freedom because of what those brave men and women did.

This past week, I had a unique occasion to travel with the chairman of the Veterans' Affairs Committee, Senator CRAIG from Idaho, and with GEN Jack Nicholson, who is the chairman of the American Battle Monuments Commission. We traveled through Europe and northern Africa paying Memorial Day tributes to the men and women buried on those foreign shores.

I have to tell my colleagues, it was a life-altering experience for me. I am a patriotic American. I love this country more than anything on the face of this Earth. I have teared up more than once at the funeral of a friend who died in the service of this country. But I have never seen the outpouring of love and respect for our country or for our servicemen than I saw in the Netherlands or in Belgium or outside of Paris or at Bellewood outside of Paris or in Tunisia at the American cemetery in northern Africa.

I think it is appropriate for us to memorialize today what those of us who traveled on this trip saw to hopefully inspire other Members of the Senate, and hopefully every American at one point in time in their life, to travel to these marvelous memorials. I have been in elected office for most of the last 30 years. I have done more Memorial Day ceremonies than one would want to count. They have all been beautiful, they have all been meaningful, but, quite frankly, they usually aren't very well attended because Americans more often than not take Memorial Day as a 3-day vacation or a 3-day weekend. But I would like to tell you what the people of Margraten in the Netherlands take Memorial Day as.

When we went to the American cemetery in the Netherlands and saw the over 6,000 graves of the American men and women who died in liberating the Netherlands, we were moved. We were more moved by the fact that every one of those graves is adopted by a citizen of the Netherlands who cares for that grave, leaves flowers at that grave, and attends the ceremonies on Memorial Day, the American Memorial Day, which we conduct. On that day in the Netherlands there were over 7,000 citizens—7,000 Dutch—who came to pay tribute to the men and women of the United States of America who died on their soil so they could be free. The royal Dutch Air Force did a missing man fly-over formation, and the senior men's choir of Holland sang ''God Bless America.'' It was a moving scene unlike anything I have personally seen. It renewed, for me, the faith and pride I have in all that is good about the United States of America.

Following that visit, we went to Normandy. We saw the monument the French had erected to the Rangers who stormed the Normandy cliffs and moved in and rooted out the Germans. We went to Omaha Beach and saw firsthand where the American troops came across, where the Canadian troops came across, where the British troops came across. We saw where in one day 2,500 men of America died on the beaches of Normandy so that all of us today can live in freedom and in hope and in peace.

I commend Chairman CRAIG for making this delegation. We found out we were the first delegation that anyone could remember to ever do what we did. Not only do I hope we are not the last, I hope it is an annual occasion where Members of the Senate go and pay their respects to the brave Americans who died in the great wars of Europe, World War I and World War II; for without them, we would not enjoy what we do today, nor would the world enjoy the peace and the freedom and the liberty that it treasures and it enjoys.

So on this day of June 6, 2006, 62 years after 2,500 Americans died and tens of thousands of Americans pursued the German Army in France, I know what I will do tonight when I say my prayers. I will say a special prayer for those folks I never knew but without whom I never could have lived the life that I have, and I will say thanks. I will repeat the pledge I made to myself on the cemetery of Normandy. I said: Before I die, I am going to see to it that my children and my grandchildren get to visit this scene and have this experience because only through the preservation of the memory of what those men fought and died for will we as Americans ever be able to continue to make the commitments we have around the world to preserve liberty, preserve democracy, and protect the people of the world's right to determine their own future and their own peace and their own liberty.

So, Mr. President, on this day, June 6, 2006, I thank God for the men and women of the U.S. military, for the leadership of the 20th century, and pray that all of us will have the courage they had to continue to preserve the liberty we all treasure and enjoy.

I yield the floor.

MARRIAGE PROTECTION AMENDMENT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S.J. Res. 1, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of S.J. Res. 1, proposing an amendment to the Constitution of the United States relating to marriage.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Colorado.

Mr. ALLARD. Mr. President, I ask unanimous consent that the time today from 6 to 6:30 be under the control of the majority and from 6:30 to 7 o'clock be under the control of the minority.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I ask that LARRY CRAIG be added as a cosponsor to S.J. Res. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, we are now talking about S.J. Res. 1, the Protection of Marriage Amendment. We

have an allocation of time that has been set out for the Republican side. Later on there will be an allocation, I understand, of the Democrats' time.

I will allocate myself 20 minutes. Would the Presiding Officer notify me when I have used 17 minutes of that?

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. ALLARD. Mr. President, respect for the democratic process compels this Congress to protect traditional marriage in the face of a coordinated effort to redefine marriage through the courts.

Marriage, the union between a man and a woman, has been the foundation of every civilization in human history. It is incorporated into the fabric of our culture and civic life. It is the platform on which children, families, and communities are nurtured.

Unfortunately, the U.S. Constitution is being amended to reflect a new definition of marriage, not by democratically elected Members of Congress but by unaccountable and unelected judges.

As a result, I introduced S.J. Res. 1, an amendment to the Constitution that simply defines marriage as the ''union of a man and a woman,'' while leaving State legislatures the freedom to address the question of civil unions.

Democracy and representative government are at the core of this debate. In 2004 and 2005, voters in 14 Sates overwhelmingly passed constitutional amendments protecting marriage. Today, 19 States have constitutional amendments protecting marriage and another 26 have statutes designed to protect traditional marriage. The will of the people is clear.

Unfortunately, dissatisfied with the outcome of the democratic process, activists have intensified their campaign to circumvent the democratic process and redefine marriage through the courts. Currently nine States face lawsuits challenging traditional marriage laws. Among these lawsuits are challenges to State constitutional amendments passed by an overwhelming majority of voters.

Recent decisions by activist judges not only fail to respect the traditional definition of marriage, they also highlight a lack of respect for the democratic process. The courts are driving a redefinition of marriage contrary to democratic principles.

The process to amend the U.S. Constitution is the most democratic in the world, requiring two-thirds of Congress and three-fourths of the States to ratify. It is a process the American people can trust.

If we fail to define marriage, the courts will not hesitate to do it for us.

My amendment reflects my belief that the institution of marriage is too precious to surrender to the whims of a handful of unelected, activist judges.

The will of the people should prevail.

Marriage is the foundation of every civilization in human history. As I said before, the definition of marriage crosses all bounds of race, religion, culture, political party, ideology and ethnicity. Marriage is not a partisan issue. Marriage is embraced and intuitively understood to be a union between a man and a woman by Republicans, Democrats, and Independents alike.

As an expression of this cultural value, the definition of marriage is incorporated into the very fabric of civic policy. It is the root from which families and communities are grown. Marriage is the one bond on which all other bonds are built.

Marriage is not some controversial ideology being forced upon an unwilling populace by the government, it is in fact the opposite. Marriage is the ideal held by the people and the government has long reflected this. The broadly embraced union of a woman and a man is understood to be the ideal union from which people live and children best blossom and thrive.

As we have heard in hours of testimony, in eight hearings, in numerous Senate committees over the last several years, marriage is a pretty good thing. A good marriage facilitates a more stable community, allows kids to grow up with fewer difficulties, increases the lifespan and quality of life of those involved, reduces the likelihood of incidences of chemical abuse and violent crime, and contributes to the overall health of the family. It is no wonder so many single adults long to be married, to raise kids, and to have families.

Today there are numerous efforts to redefine marriage to be something that it isn't. When it comes to same-gender couples there is a problem of definition. Two women or two men simply do not meet the criteria for marriage as it has been defined for thousands of years. Marriage is, as it always has been, a union between a man and a woman.

I believe the Framers of the Constitution felt that this would never be an issue—and if they had it would have been included in the U.S. Constitution. Like the vast majority of Americans, it would have never occurred to me that the definition of marriage, or marriage itself, would be the source of controversy. Not too long ago it would have been wholly inconceivable that this definition—this institution that is marriage—would be challenged, redefined or attacked. But we are here today because it is.

As a result of this coordinated campaign to redefine marriage through the courts, we stand here today, compelled by respect for the democratic process, to publicly debate an amendment to the U.S. Constitution. Again, this amendment simply reads:

> Marriage in the United States shall consist only of the union of a man and a woman.
>
> Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

The first sentence is straightforward: It defines marriage as an institution solely between one man and one woman—just as it has been defined for thousands of years in hundreds of cultures around the world.

The second sentence simply ensures that the people or their elected representatives, not judges, can decide whether to confer the legal incidents of marriage on people. Citizens remain free to act through their legislatures to bestow whatever benefits to same-sex couples that they choose. It is aimed squarely at the problem of judicial activism.

Just as important as what it does do, is what it does not do. I have said it time and time again and I say here again today for the record: The amendment does not seek to prohibit, in any way, the lawful, democratic creation of civil unions or domestic partnerships. It does not prohibit private employers from offering benefits to same-sex couples. It denies no existing rights.

What our amendment does is to define and protect traditional marriage at the highest level, the U.S. Constitution. Importantly, the consideration of this amendment in the Senate represents the discussion of marriage in America in a democratic body of elected officials. I am not willing to surrender this issue to the courts.

I also believe it is important to make clear that on the question of federalism and States' rights I stand where I always have. While an indisputable definition of marriage will be a part of our Constitution, all other questions will be left to the States.

Contrary to assertions of those who believe my amendment infringes on the rights of the States, my amendment actually protects States' rights. Forty-five States have spoken with laws or constitutional amendments designed to protect traditional marriage. Unfortunately, same-sex advocates have, through the courts, systematically and successfully trampled on laws democratically enacted in the States. If marriage is redefined for anybody, it is redefined for everybody. My amendment takes the issue out of the hands of a handful of activist judges and puts it squarely back in the hands of the people.

Now is the time for Congress to fulfill its responsibility and send a constitutional amendment to the States for ratification.

Marrige, the union between a man and a woman, has been the foundation of every civilization in human history. This debate is not about politics or discrimination, it is about marriage and democracy.

Unfortunately, the U.S. Constitution is being amended to reflect a new definition of marriage—not by democratically elected Members of Congress but by unaccountable and unelected judges. If we fail to define marriage, the courts will not hesitate to do it for us.

I, for one, believe that the institution of marriage and the principles of democracy are too precious to surrender to the whims of a handful of unelected, activist judges.

Mr. President, I have behind me a number of charts I would like to go over for Members of the Senate. This is what the amendment is all about:

Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the Constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

In this very simple-to-understand chart form I have laid out for Members of the Senate exactly what happens when it is sent to the States and what it does to the courts. The State and Federal courts, what can they impose? They cannot redefine marriage. The courts cannot go ahead and redefine civil unions or domestic partnerships. The courts cannot grant rights or benefits of marriage. But it doesn't affect in any way employee benefits offered by private businesses.

Then we go down and look at the legislatures. What can they do? They can't redefine marriage. But they can deal with the creation of civil unions or domestic partnerships—that is left up to the State legislatures, granting the rights or benefits of marriage. Again, that is left up to the State legislatures. Again, through the States, we don't mandate anything that affects private businesses.

The next chart I would like to show to my colleagues in the Senate is how America is weighing in on the issue of marriage. We have a map of the United States here that clearly outlines those States where amendments have passed—in the dark green. If we look at those results from within the States, the State that passed with the least majority was Oregon with 57 percent, and the largest majority—it looks like it was in Mississippi: 86 percent. But the average margin of where States have enacted the constitutional amendment is greater than 70 percent.

Then we see that marriage amendments are expected in 2006 in a number of States throughout the country. The percentage of the voters who support the idea of the definition of marriage is a large percentage, a large margin.

Now I would like to go to our next chart to outline what the States have done to protect traditional marriage through statutory and constitutional defense of marriage acts. The blue lines show how the States have acted on the definition of marriage as it was allowed to occur through the defense of marriage acts. Obviously, we all recall that in the Senate we passed the Defense of Marriage Act by a large percentage and it passed the House by a large percentage. And it also passed in many States with a large percentage, with 45 States ending up passing the Defense of Marriage Act. The problem with the Defense of Marriage Act is it will not hold up against State challenges. Those court cases that have been brought forward could have an adverse impact on what a large majority of State legislatures have said and what a large majority of houses have said.

The red reflects what has happened in regard to a constitutional amendment. We have 19 States that have passed those constitutional amendments and a number of amendments are pending before the States.

Now let me look at the following chart, and this is the number of States in which marriage laws have been challenged in court. Between 1992 and 1994, we had 5 cases that were challenged in court, and as these cases have accumulated through the years, now, in 2006, we have 22 cases that have been challenged. So we have a significant threat from the courts. This is an important issue to the American people, it is an important issue to the Congress, and it is something that should be addressed.

I believe that the institution of marriage and the principles of democracy are simply too precious to surrender to the whims of a handful of unelected activist judges. I urge my colleagues to join me in supporting the Marriage Protection Amendment.

I now yield the floor.

The PRESIDING OFFICER. The Senator has used 15 minutes.

The Senator from Kansas.

Mr. BROWNBACK. I believe under a previous agreement I am recognized for a period up to 20 minutes; is that correct?

The PRESIDING OFFICER. There is no agreement. The majority controls the 45 minutes remaining until the hour of 12 o'clock. The Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the Chair. I ask if you would let me know when I have used 15 minutes of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I thank my colleague from Colorado, Senator ALLARD, for his carrying of this amendment. When the issue first surfaced a couple of years ago, Senator ALLARD was the first one to put forward a constitutional amendment on the issue of marriage, a very simple one to define the union of marriage as a man and a woman.

The issue has taken many twists and turns since that time. The institution itself has been weakened over a number of years, and this is an effort to help it, help strengthen that institution and to have the definition of this institution done by legislative bodies and not by courts.

This is a very simple amendment. It is hard for me to understand why anybody would oppose it when 45 of 50 States have defined marriage as the union of a man and a woman, and this simply says that if States want to define it differently, they have to go through the legislative process and not the courts, so that the Court can't force it. It must be done by a legislative body. And if some States decide to do that, then that is provided for in this amendment. So the five States that have done something different are provided for in the amendment. Yet the basics of it say marriage is the union of a man and a woman, as it has been as an institution for thousands of years.

So I thank my friend from Colorado for carrying this. It is a difficult topic. I would never have dreamed in my life, in coming to the Senate, that this would be a difficult topic, one that would be debated. When I came into the Senate in 1996, this was not discussed at all in the campaigns. It was not discussed in the campaign in 1998. It has only been of a recent vintage that this has come forward. Yet it has come forward because of the importance of the topic.

I want to discuss two points. This issue is going to be defined by the courts or the legislative bodies, period. We seek to have it defined by legislative bodies. We think that is the appropriate thing when you are dealing with such a fundamental institution of society as marriage. It should be defined by the people and the legislative bodies and not the courts. The situation in Europe, as it evolved, went through the court process. Therefore, we seek for these changes, if they are to be made, to go through the legislative body. I believe that marriage is such a foundational institution it should be defined as the union of a man and woman, and I will cover that in my discussion.

No. 2, this is important on how we raise the next generation in the United States. That is why we have favored the institution of traditional marriage, the union of a man and a woman, because we know in all the social data in all societies at all times that the best place to raise children is in the union of a man and a woman and in that sacred institution is the best place to raise your next generation, with that bonding together for life and children raised in that setting.

That is something for which we have got social data, but also we know that in our hearts. We know, sitting here right now, that, yes, that is the best place. I know that. I know that in my own heart. Yet I want to take us through what has happened to this weakened institution of marriage, what has happened then to our next generation. Here I am using the Moynihan principle. Senator Moynihan, who was in this body, since deceased, had a basic principle that he looked at. One of the key things we should look at is how we raise the next generation. It is something that any legislative body should be most concerned about because it affects what you are going to do in the future. It affects what the country is going to be in the future. And so we should maximize and look with great intensity at how you are impacting that next generation. I have to say, with the weakening of the institution of marriage over the past 30 to 40 years, with this redefining of marriage, which would define marriage out of existence, which is what we have seen in other countries, you are going

to harm your next generations and succeeding generations that you raise.

I want to back that up. I am going to go through a series of charts to paint the picture of what has happened to marriage in America today and why we would encourage the institution of marriage as the union of a man and a woman.

This doesn't need explanation. You can see where we are. With a 4-percent rate of out-of-wedlock births in 1930, we are at about a third of the children in the United States today born to unmarried women.

That is not to say you cannot raise great children in this setting because you can. A number of women struggle heroically to raise children, and good children, in this setting, as they can do. As I will show in these charts, it becomes far more difficult, and that is why institutions such as this and across the States, across the country, favor traditional marriage because you get more adults per child involved in that child's life and they are bonded together. They are thick. The blood is thick. They care for each other and they work to raise this child as my wife and I are working together to raise our children. It is tough. It is tough raising children. You need more adults per child, and you need adults who are committed for life so that that child does not have to worry about what is going to happen tomorrow or what is going to happen in the future. They know there are two parents who love that child unconditionally and are committed to that child unconditionally and they are going to work for that child and that is why we favor the institution of marriage. Yet you can see we are getting fewer and fewer children raised in that type of situation.

Now, then I mentioned, well, OK, you can raise good children in a single-parent household. Yes, you can. But the situation becomes more difficult. Developmental problems are less common in two-parent families. Lower half of class academically, as you can see in the green, is not as high in two-parent families; developmental delays, 10 percent. You are looking at, again, almost double the situation, and you are looking at double the problems with emotional behavior problems, single-parent versus two-parent families. That doesn't mean that you don't have problems in two-parent families. You do. It is just your numbers go down. So when you are looking at this in a macrosituation, as a Government, you are saying we want more children in these two-parent households.

The next chart shows that nearly 80 percent of all children suffering long-term poverty come from broken or never married families. This is something I want to develop a little further as well. We have a Brookings scholar, Ron Haskin, who testified at a hearing I hosted about welfare reform and the need to encourage marriage for those who are receiving welfare. And he says this:

> There are only two ways known to man and to God to reduce poverty. No. 1 is work and No. 2 is marriage.

Here's what I want to show is if people will get married and stay married the number of children suffering in long-term poverty goes down substantially, if you will do that. And I want to develop this a little bit further.

Children in poverty—this is in the year 2000. You can see, if a child has been a child of a first marriage, less than 12 percent in poverty. You can see, if a child is in a situation where the mom has never married, 67 percent of your children in poverty come in that situation. Again, that is not casting aspersions on anybody. It is simply saying these are the facts of what happened.

Now, it is a bit of a sidebar, but it points to the policy impact of harming marriage. In other words, if we take policies that are harmful to marriage, it hurts children and it hurts marriage. If we take this policy move of defining marriage out of existence, saying it can be any two or more people who care for each other, it will fundamentally hurt your institution of marriage by a policy move.

Now, I want to reflect a policy move we did in welfare. In welfare, basically, we said—it is a very busy chart—we said to people if you get married, we are going to cut your welfare support. If you get married, we are going to cut your welfare support. What this shows are the various welfare programs in the country and it is those when you are going from $20,000 income per year, very low, to $40,000, which is where you get if two people get married, and I will develop this further, you fall off into the abyss as far as support you get from child care development funds, women and infant children, Federal housing, food stamps, all these things, you fall off the cliff to the point that you have an effective tax rate, if you get married and your income gets to $40,000 by being married, an 88-percent maximum tax rate for you getting married in the welfare system. Therefore, it is no wonder that the people who get married are much more in the upper income and much less in the lower income.

This is a stark chart that should scare us all. This is income levels to percentage unmarried. And you can see at the lower income level, you are up as high as 70 percent not married, not getting married. Our public policies say, if you get married, we are going to throw you off welfare, and so fewer people get married. And it has an impact.

I want to show this final one quite quickly. This is the effective tax rate, maximum highest tax rate of you getting married on welfare and it is 88 percent, the impact of divorce on income of families with children. Again, I want to hit this pretty fast. When families separate, it drives income down, hurts children generally, although not in all situations, but I am painting the macropicture.

Now, what has happened to our children in this society since, say, 1960. The number of children—I showed an earlier chart—about a third are born out of wedlock. In the 1940s, it was about 4 percent. You can look at 1960, the number of children, either born out of wedlock or in previous years the parents were divorced, in 1960, we are up to 16, 17 percent, and today you are looking at over half. In America today, about half of the children under age 18 will spend a significant portion of their life in a single-parent household. Again, you can raise good children in that setting, but the numbers start moving against you.

OK. What does that have to do with same-sex marriage. The issue is we are looking at the policy choice of why we define marriage as the union between a man and a woman or any sort of grouping. The experience in other countries has been, when you redefine marriage broadly and you broaden it and say it can be any type of relationship between two or more people, you get fewer marriages and you hurt your children. That has been the situation.

I will go to several other countries that have redefined marriage, defined marriage out of existence. In the Netherlands, since proposals for same-sex marriage began to be debated, the out-of-wedlock birthrate has soared. It was a fairly stable country in out-of-wedlock births and was at low rate.

We will show in the next chart the same-sex marriage union, and the discussion, said to society: It really does not matter. The marriage institution is not a sacred institution; it is just whatever we define it to be. That tradition is tradition. We are going to go a different way.

What happened to out-of-wedlock birthrates? You can see the situation in the Netherlands, which is particularly important because it was one of the lowest out-of-wedlock birthrate countries in Europe for a number of years, shows that until 1980, below 5 percent of the population was born out of wedlock. When we get the court cases which we have in the United States today saying marriage should be redefined, we see the impact, as well as a Supreme Court case that rules against marriage being the union of a man and a woman. Then we get symbolic marriage registration, registered partnership, same-sex unions, and now we are up to 35 percent as seen in this skyrocketing chart.

One can say, that is the way it is, this number puts children in more disadvantaged situations, which is where our concerns should be, as to how you raise that next generation.

I will show another chart. We not only know this in the Netherlands but we know from Scandinavian countries, the Nordic countries that redefined marriage, experiences in Scandinavia and the Netherlands make it clear that same-sex marriage could widen the separation between marriage and parenthood here in the United States.

We know in some Nordic countries, you have counties now where 80 percent of the first-born children are born out of wedlock, and two-thirds of the second children are born out of wedlock. That has a significant impact, I argue, a devastating impact, on how that next generation is raised, given the difficulty of raising children in that one-parent union.

So if we redefine marriage, and define it downward, far less heterosexual marriages will be the broad policy impact of doing this. That has been the experience in other countries. You get more children raised in a sub-optimal atmosphere and you will have more difficulties with that next generation of children. This is important. This is critical.

I hear my colleagues complain, important issues? I remind my colleagues we spent 2 weeks before break on immigration, which is a critical topic, and we will take up the budget this next week, another a critical topic, yet I don't think one can look at an institutional question more profound, more important and active than what is taking place right now on the issue of marriage.

Marriage is a foundational institution. If we get more of it, we will have more stronger, healthier children, raised in better situations for the future of the country. If we get less of it, such as what this policy decision would do if we do not define marriage as a union of a man and a woman, we will have more problems on a trajectory we are already headed on. The institution of marriage has been weakened in the United States.

The institution of marriage has been weakened over the past 40 years. But the answer is not to kill it. The answer is to strengthen it. And it takes steps like the commonsense approach Senator ALLARD from Colorado is putting forward, defining marriage as a union between a man and a woman, saying only State legislatures, not the courts, can redefine it another way.

That should please everyone. Yet, I am afraid many of my colleagues on the other side of the aisle are going the opposite and claiming some sort of hyperbole about this being bigotry. It is not. It is people deeply concerned about the future of the country and the future of the next generation, concerned that they will say it is just politics. It is not. You have 45 of 50 States that have defined marriage as a union of a man and a woman and have spent significant resources to define and support the institution of marriage because of its importance to the society and to the Republic. This is a key, important debate.

I am delighted the leadership is calling this up. I hope my colleagues on the other side of the aisle will support it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator has used 17 minutes.

The Senator from Colorado.

Mr. ALLARD. Mr. President, I compliment the Senator from Kansas for his tremendous effort and work on this very important issue. I know he has held hours upon hours of committee hearings and meetings to investigate with social scientists the impact of marriage on American lives and how it impacts the family.

I, for one, greatly appreciate the Senator's effort and support. He truly has been a partner in this effort to protect marriage. I appreciate his hard work. I recognize that in a public way.

I ask unanimous consent to have printed in the RECORD an article published by the Heritage Foundation, written by Mr. Ed Meese, titled ''Marriage Amendment Protects Federalism,'' and a Statement of Administration Policy on the Senate Joint Resolution on the Marriage Protection Amendment, and a letter I have received from Mitt Romney, Governor of the Commonwealth of Massachusetts, in which he made a couple of statements that I will share with my colleagues.

First, he states in this letter:

> Americans are tolerant, generous, and kind people. We all oppose bigotry and disparagement, and we all wish to avoid hurtful disregard of the feelings of others. But the debate over same-sex marriage is not a debate over tolerance. It is a debate about the purpose of the institution of marriage.

It goes further to talk of his experiences as Governor for the State of Massachusetts. He says:

> . . . We are beginning to see the effects of the new legal logic in Massachusetts just two years into our state's social experiment. For instance, our birth certificate is being challenged: Same sex couples want the terms ''Mother'' and ''Father'' replaced with ''Parent A'' and ''Parent B.''

If the Senate will allow me to put this in context, I think the significance of his message is that marriage is being minimalized. When we minimize marriage, we minimize its significance to society. As a result of that, our children will suffer.

I thank the President for his support. I also thank Governor Mitt Romney for his support.

I ask unanimous consent these be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARRIAGE AMENDMENT PROTECTS FEDERALISM

(By Edwin Meese III)

July 12, 2004.—In our system of law, the powers of government are divided between the federal and state governments. The framers rightly left marriage policy, as so many other things, with the states.

Yet the fundamental definition of marriage is no mere policy issue. We're talking about the very integrity and meaning of one of the primary elements of civil society.

Nor is this a matter for state-by-state experimentation. Society isn't harmed when high-tax states live side by side with low-tax states. The market adjusts to the inconsistency. Not so with marriage. A highly integrated society such as ours—with questions of property ownership, tax and economic liability, inheritance, and child custody crossing state lines—requires a uniform definition of marriage.

In a free society, certain fundamental questions must be addressed and settled for the good of that society. States can't impair the obligation of contracts, or coin their own money, or experiment with forms of non-republican government. We learned the hard way that the nation could not endure half slave and half free.

If marriage is a fundamental social institution, then it's fundamental for all of society. As such, it is not only reasonable but obligatory that it be preferred and defended in the law and, if necessary, protected in the U.S. Constitution.

This doesn't mean that marriage must be completely nationalized or should become the regulatory responsibility of the federal government. Policy decisions concerning questions such as degrees of consanguinity, the age of consent, and the rules of divorce should remain with the states.

The wisdom of extending certain benefits that stop well short of marriage—that don't undermine the distinctive status of marriage—are policy questions that should be the responsibility of state legislatures.

But we must protect the integrity of the institution as such by defining the societal boundaries and determining the limits beyond which no part of society can go.

A constitutional amendment that defines marriage would protect the states' capacity to regulate marriage by sustaining it as an institution. In order to guard the states' liberty to determine marriage policy in accord with the principles of federalism, society as a whole must prevent the institution itself from being redefined out of existence or abolished altogether.

STATEMENT OF ADMINISTRATION POLICY

S.J. RES. 1—MARRIAGE PROTECTION AMENDMENT

(Senator Allard (R) Colorado and 31 cosponsors)

The Administration strongly supports Senate passage of the Marriage Protection Amendment. Recent court decisions remind us that when activist judges insist on redefining the fundamental institution of marriage for their States or potentially for the entire country, the only alternative left to make the people's voice heard is an amendment to the Constitution. Without a constitutional amendment, judges and local officials could continue to attempt to redefine marriage. The Administration believes that the future of marriage in America should be decided through the democratic constitutional amendment process, rather than by the court orders of a few. The Administration urges both houses to pass the Marriage Protection Amendment and submit it to the States for ratification.

THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE DEPARTMENT, STATE HOUSE,

Boston, MA, June 2, 2006.

Senator WAYNE ALLARD,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR: Next week, you will vote on a proposed amendment to the United States Constitution protecting the institution of marriage. As Governor of the state most directly affected by this amendment, I hope my perspectives will encourage you to vote ''yes.''

Americans are tolerant, generous, and kind people. We all oppose bigotry and disparagement, and we all wish to avoid hurtful disregard of the feelings of others. But the debate over same sex marriage is not a debate over tolerance. It is a debate about the purpose of the institution of marriage.

Attaching the word marriage to the association of same-sex individuals mistakenly presumes that marriage is principally a matter of adult benefits and adult rights. In fact, marriage is principally about the nurturing and development of children. And the successful development of children is critical to the preservation and success of our nation.

Our society, like all known civilizations in recorded history, has favored the union of a man and a woman with the special designation and benefits of marriage. In this respect, it has elevated the relationship of a legally bound man and woman over other relationships. This recognizes that the ideal setting for nurturing and developing children is a home where there is a mother and a father.

In order to protect the institution of marriage, we must prevent it from being redefined by judges like those here in Massachusetts who think that marriage is an ''evolving paradigm,'' and that the traditional definition is ''rooted in persistent prejudices'' and amounts to ''invidious discrimination.''

Although the full impact of same-sex marriage may not be measured for decades or generations, we are beginning to see the effects of the new legal logic in Massachusetts just two years into our state's social experiment. For instance, our birth certificate is being challenged: same-sex couples want the terms ''Mother'' and ''Father'' replaced with ''Parent A'' and ''Parent B.''

In our schools, children are being instructed that there is no difference between same-sex marriage and traditional marriage. Recently, parents of a second grader in one public school complained when they were not notified that their son's teacher would read a fairy tale about same-sex marriage to the class. In the story, a prince chooses to marry another prince, instead of a princess. The parents asked for the opportunity to opt their child out of hearing such stories. In response, the school superintendent insisted on ''teaching children about the world they live in, and in Massachusetts same sex marriage is legal.'' Once a society establishes that it is legally indifferent between traditional marriage and same-sex marriage, how can one preserve any practice which favors the union of a man and a woman?

Some argue that our principles of federalism and local control require us to leave the issue of same sex marriage to the states—which means, as a practical matter, to state courts. Such an argument denies the realities of modern life and would create a chaotic patchwork of inconsistent laws throughout the country. Marriage is not just an activity or practice which is confined to the border of anyone state. It is a status that is carried from state to state. Because of this, and because Americans conduct their financial and legal lives in a united country bound by interstate institutions, a national definition of marriage is necessary.

Your vote on this amendment should not be guided by a concern for adult rights. This matter goes to the development and well-being of children. I hope that you will make your vote heard on their behalf.

Best regards,

MITT ROMNEY,
Governor.

Mr. ALLARD. I yield to the Senator from Pennsylvania, who has been a strong leader and who has put in a large amount of effort in trying to protect the institution of marriage.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank and congratulate the Senator from Colorado for his terrific work on this issue, as well as the Senator from Kansas, Mr. BROWNBACK, for his great work in the committee in moving this constitutional amendment forward.

This is a very difficult debate for a lot of people. It is very hard, sort of sad in some respects, that we are here talking about the issue of marriage, that talking about marriage is somehow a difficult debate. But it is for a lot of people. I know in many meetings of our colleagues when the issue of marriage comes up, heads drop. It is an issue that people feel uncomfortable talking about, something that maybe in some respects they feel like, Why is this even an issue?

That is a good question. Why is it an issue? I will talk about that in a minute.

There is a foundational question I would like to talk about that up until a couple of days ago I was not planning to talk about, which is, Why are we doing this now? This is the big buzz in the media. Oh, this is being brought up for political purposes; and this is all about politics and has nothing to do with the substance of the matter, and the media—which loves to pawn off issues and give spin to issues—has adopted this approach.

As Senator ALLARD would affirm, we have been considering now for several months what the best timing would be to bring this legislation up. We had a very forceful voice being heard from the American public. In fact, there is a chart of all the States that approved constitutional amendments in the last election of 2004. We are now up to 19 States in the country that have spoken; the people have spoken in those States.

There was a lot of momentum coming out of the 2004 election, so when we reconvened in 2005 we thought maybe this was a good time to bring it up, now that we have just had an election. We thought, in looking at this, it would be better if we had more court activity between the election and when we bring this amendment up. That, really, the issue is, as we have heard repeatedly in the Senate, we are trying to bring about a decision on marriage in this country through a democratic process.

I can't think of anything more democratic involving more people than a constitutional amendment. It takes two-thirds of this House, two-thirds of the other House and three- quarters of the States; 38 States have to ratify this amendment. Talk about a public debate where there is huge public input across America. The constitutional amendment is the way to do it. It is the most democratic way of making a decision on anything in this country.

We thought it would be a good juxtaposition to see further court erosion, further decisions made by courts to erode the public's will on the issue of marriage. I say the ''public's will'' only because we have 19 States and many others that have said what there really is with respect to marriage. So we are debating, almost month to month, and we have had conversations, Is this the right time?

We had a Nebraska decision which has been talked about where a Federal court overturned the State constitutional amendment in the State of Nebraska. There was a case in Washington State. Washington State is an interesting State because, unlike Massachusetts, there is no residency requirement for marriage. Any couple from anywhere in the country can go to Washington and get married if the Supreme Court of Washington were to overturn their statute. Washington so far has not issued their opinion. They have had the case for 15 months and for some reason or another they have not decided to decide. We were waiting, trying to see if this was an appropriate time.

Last year we decided that we were not going to wait around for courts and we set this date for the first of June. That is why we are here today—not for any political reason. If it was purely politics, we would be debating this in September. We are debating it in June because we thought we would have 3 or 4 days as opposed to being compressed to 1 day in September. So we are here to give this the proper attention this vitally important issue deserves.

The other question that I did want to talk about is, How did we get here, not why are we doing it now, but how did this issue come about? There were a couple of States that were playing around with this issue for a while—Vermont and Hawaii. But the issue really got jump-started with the court decision—not surprisingly, a big court decision—the court decision that occurred in Washington with the United States Supreme Court is the Lawrence v. Texas case.

Lawrence v. Texas opened the floodgates for a variety of different litigation going across this country using, now, a constitutional right established by the United States Supreme Court in Lawrence. It was a seminal decision, there is no question about it.

We have a classic example of the U.S. Court forcing its will on establishing a right and then giving other courts the right or the ability to then project its power on to the people, to make decisions and force decisions, force legislation, as in the case of Massachusetts, onto the people.

I want to talk about that decision because I think it is important, but I want to talk about the decision before that. Just a few years ago, 15 years before Lawrence v. Texas was decided, a similar case was decided, Bowers v. Hardwick. I want to take a look at Justice White who wrote for the majority in Bowers, saying sodomy laws were constitutional, that moral laws passed by the States dealing with sexuality were, in fact, constitutional. There was no constitutional right that barred States and the public from regulating in this area. He said:

The right pressed upon us here [this is what the litigants in the Bowers case were

arguing] has no similar support in the text of the Constitution, it does not qualify for recognition under the prevailing principles for construing the 14th amendment. Its limits are also difficult to discern . . .

This limit of consensual sexual activity being a constitutional right which was made by the litigants, saying we have the right as individual adults under the Constitution to any kind of sexual behavior that we desire and the State cannot limit us.

He said:

Its limits were difficult to discern . . . And if respondent's submission is limited to the voluntary sexual conduct between consenting adults, it would be difficult, except by fiat, to limit the claimed right to homosexual conduct while leaving exposed to prosecution adultery, incest, and other sexual crimes even though they are committed in the home. We are unwilling start down that road.

What the Court said here was that if you open up the standard, the legal standard, if you change it for a constitutionally protected activity from that activity within marriage to that activity between consenting adults—and that was the decision here, change the standard from a Constitution that protects the marital union from State intrusion to consenting adults with respect to homosexual activity—in this case, the Court said: No, we can't go there. Because only by fiat could we then limit other activity beyond that.

Let's fast forward to shortly before the Lawrence v. Texas decision.

If . . . you have the right to consensual sex within your home, then you have the right to bigamy, you have the right to polygamy, you have the right to incest, you have the right to adultery. You have the right to do anything.

That comment has been reprinted probably 100,000 times in the last few years as an outrageous comment made by a U.S. Senator. It was the same comment that was made by Justice White in the majority opinion.

Let's fast forward a few months after that, Justice Scalia in the dissenting opinion in the Lawrence v. Texas case:

State laws against bigamy, same-sex marriage, adult incest, prostitution, masturbation, adultery, fornication, bestiality, and obscenity are likewise sustainable only in light of Bowers' validation of laws based on moral choices. Every single one of these laws is called into question by today's decision; the Court makes no effort to cabin the scope of its decision to exclude them from its holding.

What he is saying is that now that road which Justice White and the Court back in 1986 refused to go down, this Court in Lawrence v. Texas had headed us down that road.

Justice Scalia went on to say:

Today's opinion dismantles the structure of constitutional law that has permitted a distinction to be made between heterosexual and homosexual unions, insofar as formal recognition in marriage is concerned. If moral disapprobation of homosexual conduct is ''no legitimate state interest'' for purposes of proscribing that conduct; and if, as the Court coos (casting aside all pretense of neutrality), ''[w]hen sexuality finds overt expression in intimate conduct with another person, the conduct can be but one element in a personal bond that is more enduring,'' what justification could there possibly be for denying the benefits of marriage to homosexual couples exercising ''[t]he liberty protected by the Constitution.'' Surely not the encouragement of procreation, since the sterile and the elderly are allowed to marry. The case ''does not involve'' the issue of homosexual marriage only if one—

And they are quoting the majority opinion again because the majority opinion said this doesn't deal with marriage, Scalia says this case does not involve the issue of homosexual marriage—

entertains the belief that principle and logic have nothing to do with the decisions of this Court.

The fact is, principle and logic have everything to do with judicial decisions. That is the problem with them. That is why they are different from legislative decisions. You see, when a court makes a judicial decision, they do so based on a judicial foundation that has a logical and rational basis to it and logical consequences. The logical consequence to the Lawrence v. Texas case is the next case, not a Supreme Court case before the U.S. Supreme Court but before involving Massachusetts.

What Massachusetts did was the logical thing from Lawrence v. Texas. In fact, they cite Lawrence v. Texas 5 times in the main opinion and 11 times in the combined majority opinions. It is the basis upon which they build their decision. Because unlike the majority opinion in Lawrence v. Texas which says this has nothing to do with marriage, it had everything to do with marriage.

The interesting thing about the Lawrence v. Texas decision—and this goes even more to judicial activism—they could have decided the Lawrence v. Texas decision for the plaintiffs in that decision. They could have found that statute unconstitutional. And in fact, had they done so—and in fact, they did in part of their opinion; they found it unconstitutional under equal protection grounds—had they limited their opinion to that, I would have agreed with the decision. I think the Texas statute probably was unconstitutional under equal protection grounds. And so when they started the decision out and they said: This is unconstitutional because of equal protection, I said that is right.

Here is what the court did and, unfortunately, what courts increasingly do. While we are here, we are going to establish a new constitutional right. While we are here, since we have the opportunity, since this case is before us, we are going to be activist jurists, and we are going to create a whole new body of law that will have huge ripples throughout society. So they did. They didn't have to, but they did. We are now debating this amendment because of it. They have this ripple effect which we are seeing throughout courts throughout the country, Federal as well as State.

Here in the Goodrich decision, it says:

It is clear from the quote below that the Goodrich decision was considered the ''logical next step.''

Our concern is with the Massachusetts Constitution as a charter of governance for every person properly within its reach. ''Our obligation is to define the liberty of all, not a mandate of our own moral code.''

There they were quoting Lawrence v. Texas. It went on to note that the Lawrence case ''specifically affirmed that the core concept of common human dignity protected by the Fourteenth Amendment to the United States Constitution precludes government intrusion into the deeply personal realms of consensual adult expressions of intimacy and one's choice of an intimate partner. The Court also reaffirmed the central role that decisions whether to marry or have children bear in shaping one's identity.''

The ''logical next step,'' so the Goodrich decision is very much in conformity with the Lawrence v. Texas decision. That is why we are here. We are here because of judicial activism.

Our plea to the Members of the Senate is to allow the people to make the decision with respect to this foundational institution of our country—the traditional family, marriage—that courts who just happen to be deciding a case that didn't need them to decide it this way or use this logic or rationale, that courts just can't decide that they want to involve themselves into legislative affairs and send shock waves throughout our culture without the public having a right to say something, without the public having a right to put their stamp of approval on what is moral and just.

Some have said that the States can handle this. Some have said this is a federalist issue; We should not have Federal legislation on this; This is usurping States rights.

I don't know what involves the States more than having every State legislature in the country debate this issue. That is not usurping States rights; that is placing in the hands of the States the decision as to whether to move forward. Thirty-eight of the fifty States have to affirm this constitutional amendment. This is not an easy thing to do. That is why we don't have very many amendments to the Constitution. But it is a purely democratic process, just like the debate in the Senate. I think we should give the States, the people, the right to make this decision before a group of unelected judges, following the lead of the U.S. Supreme Court, do it for us.

First and foremost, this constitutional amendment is about democracy. It is about the people expressing their will on potentially the greatest moral issue of our time, and that is the integrity of the traditional family. That is issue No. 1.

Issue No. 2 is an important one, also. I heard the Senator from Kansas talk about this eloquently, so I won't spend

a lot of time. He did as good a job as any on the issue. That is the impact of the deconstruction of marriage on society. I heard the Senator from Kansas say that marriage is already in trouble in America. There is certainly little to argue that that is not true. It is true, marriage is in trouble. But I agree with him by saying just because something is in trouble doesn't mean you need to get rid of it altogether. Without question, once you change marriage from an institution whose societal purpose is focused on having children, being an institution that is the best place to rear future generations of society, once you change marriage from being principally about children, although not exclusively, certainly, but principally about children, to exclusively about adults, then you change marriage forever.

We did that in part 30-plus years ago with no-fault divorce laws. When they came into place, they said children will be helped by this. There will be fewer unhappy homes. I don't think there is a whole lot of evidence out there that would suggest children have been helped by the rapid increase in divorce. I know the Senator from Kansas had some charts up of how children in two-parent families don't end up in poverty as much, do better in school. I don't know of a social indicator out there that doesn't suggest that being in a married home is not more beneficial for children. That is certainly not to say that children raised in single-parent homes can't and don't do well. Most do. But the point is, society should be advocating for what is best for children and should set a standard for what is best.

We know what is best. We know it intrinsically, but we have supporting evidence as to what is best for children—less substance abuse, less abuse or neglect, less criminal activity, less early sexual activity, fewer out-of-wedlock births, fewer behavioral problems. It goes on and on. We know marriage is inherently good for children.

We also know that when we destroy marriage, when we deconstruct marriage, bad things happen. We saw that with no-fault divorce. More people got divorced. We changed the definition of marriage, and we say marriage is no longer about children, no longer about the next generation. Marriage is simply the affirmation of affection of two adults. Or, as Justices Scalia and White suggested, why limit it there. Why not, as we see in cases now being filed all over the country, why not three adults, four adults, five adults? What is the difference from the standpoint of a rationale? If marriage is not about one man and one woman for the purpose of a relationship of which to have children and continue society, if it is about two women and two men or two women and three men, why not whatever arrangement? If gender does not matter anymore, why does number matter? What is the significance? What is the logical argument to draw the line here? As Justice White said, it would be by fiat to draw the line.

So we have a situation where without question, marriage would be undermined by this deconstruction. In fact, we see it. I have an article by Stanley Kurtz on what is going on in Europe, in countries that have, in fact, changed the definition of marriage. Those countries are now seeing dramatic declines in the number of marriages, not increases in the numbers of same-sex marriages but declines in the number of heterosexual marriages and dramatic and steady increases in the number of children being born out of wedlock.

I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, the final point I want to make—and I will try to come back to the floor when I have more time—is regarding the impact of this movement in the country by the courts on religious freedom. There was an article written, which was on the front cover of the Weekly Standard, called ''Banned in Boston,'' where Maggie Gallagher talks about Catholic Charities in Boston having to get out of the adoption business because they will not consent, under their Catholic orthodox faith, to place children into same-sex couple homes. It is against the Catholic faith to do so. There is a very clear message from Rome that this is not proper behavior. They were refused their license, and now one of the longest standing adoption agencies in Massachusetts no longer places children for adoption. Why? Because all around faith, all around churches and parachurch organizations, and missionary organizations is, whether we like it or not, the Government.

When the Government comes down with things that are contrary to that faith group there will be friction.

In fact, Mark Stern, who is a lawyer for the American Jewish Committee, is quoted as saying:

> It is going to be a train wreck, a very dangerous train wreck.

So not only will this new right that the court has established in the follow-on—the right of same-sex marriage—going to cause problems with democracy and problems with marriage, it is going to create huge problems for our faith-based organizations. It is something that we need to address. Thank you.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANTORUM. 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. REID. 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. REID. Mr. President, I just returned from my State of Nevada. For example, I did an event that received a lot of attention dealing with gas prices. Gas prices are so significant. Nevada has the third highest gas prices in all the country. Unfortunately, we have been in second place on occasion. It is not unusual to drive by a service station in Nevada and see the three different prices and the bottom one is $3.40. The average price last week was $3.19 a gallon.

What are we doing on the Senate floor today? No matter how a person feels about the marriage amendment, everyone knows it is not going to pass. It is not going to come close to passing. We voted on this a short time ago and got 48 votes. It takes 67 votes for a constitutional amendment to begin the process. This is not what the American people want to talk about. All you have to do is listen to the conservative talk shows, the liberal talk shows, read the newspapers, the liberal columnists, the conservative columnists. With rare exception, they say we are wasting the taxpayers' time doing this.

We have a war in Iraq going on. Are we having a discussion on the war in Iraq, where yesterday 80 Iraqis were killed, 7 having their heads cut off and put in a marketplace in baskets? Are we talking about that? We have soldiers valiantly fighting every day over there, Mr. President. We have been struggling to get a supplemental appropriations bill completed. They need our help.

In Nevada, like every other State in the Union, we have hundreds of thousands of people who have no health insurance. The State of Nevada leads the country in uninsured. The prescription drug bill was passed dealing with Medicare. It has been a nightmare for seniors and a gift for HMOs, pharmaceuticals, and insurance companies. When I was in college, I studied, among other things, political science. I don't know why, but it stuck in my mind.

A professor named Harmon Judd said: Let me explain this Federal system. What it means is, you have a central whole divided among self-governing parts. That was his definition. What are those self-governing parts? The 50 States; originally Thirteen Colonies, now 50 States. They are doing a pretty good job. Almost 50 States have either passed laws or constitutional amendments dealing with marriage. Over the top of that, we have the Defense of Marriage Act, which has been attacked numerous times by people trying to knock it out. It has been upheld by Federal courts three times, which basically says—not basically—it says a State does not have to give full faith and credit to another State's marriage laws. It is up to the State to determine what the marriage law is. That is what federalism is all about, as set forth, among other places, in the Defense of Marriage Act.

We really need to focus on stem cell research. There are hundreds of thousands of people crying for our help. They believe, as does the scientific community, that dread diseases can be moderated and cured—things such as Parkinson's disease, Alzheimer's, Lou Gehrig's, and diabetes. But we are not talking about that today.

Price gouging: Senator CANTWELL had 57 or 58 votes a short time ago on a price-gouging amendment. We could not break the logjam we had. We could not get enough support from the majority.

I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 1735, the Energy Emergency Consumer Protection Act, and that the Senate proceed to its immediate consideration.

Before there is a response as to whether this would be granted, I suggest to those within the sound of my voice that this is a price-gouging amendment. I was told it was 57 votes in the Senate. I ask unanimous consent that request be granted.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Reserving the right to object, and I will object, this issue is going to come up in front of the body on the overall energy situation. The Republican leadership is working on that, as well as on a stem cell compromise, as well as on the supplemental bill, which will be considered and brought forth in due order. This is not agreed to by the Republican leadership to come up; therefore, I do object.

Mr. REID. Reclaiming my time, in due consideration, Mr. President, everything around here with the majority is due consideration. We are going to do an energy bill after we finish gay marriage, estate tax, flag burning—things that are important to people but are way down the list of priorities of the people at home in Nevada. How about an energy bill or stem cells? We have been waiting more than a year to do something on stem cells—more than a year.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Through the Chair, I ask if the Senator from Nevada is aware that the Gallup organization, which does polling across America, did a poll of 1,000 Americans in April which asked them the following question: What do you think is the most important problem facing America today?

I would like to ask the Senator from Nevada if he knows where the issue of gay marriage came in on this poll of Americans about the most important issues facing America today?

Mr. REID. I really don't know.

Mr. DURBIN. I will alert the Senator from Nevada that it tied for 33rd in the list of priorities for America today.

I ask the Senator from Nevada, since the Republican majority controls the Senate, they set the agenda for things that we debate and vote on; do they not?

Mr. REID. That is right.

Mr. DURBIN. Am I correct that Senator FRIST and the Republican majority have decided that instead of the war in Iraq where we continue to lose servicemen, instead of the energy crisis which forced the price of gasoline to record-high levels causing hardship to families and individuals resulting in laying off workers across America, instead of dealing with health care where over 46 million Americans have no health insurance whatsoever and many have health insurance that is totally inadequate, instead of dealing with the cost of higher education where working families are struggling to get their kids through school and children who are accepted at the best schools and universities face a mountain of debt, instead of dealing with those issues which rank in the top 10, is it true that the Republican majority has decided we need to focus this entire week in the Senate on No. 33, issues involving gay marriage?

Mr. REID. I respond to my friend that I am stunned. I am stunned that it has taken weeks, weeks, weeks, and weeks to even be able to deal with money for our troops, the supplemental appropriations bill. I am in a quandary. I am so grateful that I represent the people of Nevada in the Senate. But I want to do things that I can talk to the folks at home about that have relevance to their everyday lives, such as gas prices, sending their kids to school. Many academically talented children are not able to go to school because their parents are not rich.

Mr. DURBIN. If the Senator will yield for an additional question, they say debate on the floor of the Senate is about the ''M'' word, about marriage. It strikes me that it is not about the preservation of marriage, it is about the preservation of the ''majority,'' the Republican majority. That is the ''M'' word behind this debate.

I ask the Senator from Nevada, if this issue is not creating a national problem or crisis, if it ranks so low among the American people, 33rd on the list of the important things facing America, why, I ask the Senator from Nevada, has the Republican majority ignored all the issues that people care about and count on us to do something about? Why are they ignoring all these issues and moving to this issue of gay marriage and proposing a constitutional amendment?

Mr. REID. Mr. President, the chairman of the Judiciary Committee on the floor yesterday said this issue dealing with marriage is a solution in search of a problem. It is being done, I believe, to divert, distort, and confuse Americans as to what the real problems are. Do anything possible, but don't talk about gas prices because if we talk about gas prices, we would have to bring out on the floor that the most oil-friendly Presidency in the history of this country is now at 1600 Pennsylvania Avenue. The President made his fortune in oil. Vice President CHENEY is still making his fortune in oil. He made it with Halliburton. Secretary of State Condoleezza Rice was on the board of directors of Chevron. They liked her so much they named a tanker after her. The Secretary of Commerce made his fortune in oil. We could go on and on.

If we talk about the issues affecting the American people, then maybe what we would do is Senator MARIA CANTWELL's price-gouging bill. Exxon made $34 billion in net profit last year, which is the most money a corporation has ever made in the history of America. So, no, the majority doesn't want to talk about these issues, about the tax credit for sending kids to college.

Mr. DURBIN. If the Senator from Nevada will further yield for a question, I ask the Senator, is it not true that the resolution before us would require 67 votes in order to be approved by the Senate?

Mr. REID. That is true.

Mr. DURBIN. And the last time we considered this measure, some 48 Senators voted for it? It fell far short of what it needed.

Mr. REID. Nineteen short.

Mr. DURBIN. So I ask the Senator from Nevada, does he reasonably believe now there are 67 votes or near 67 votes for this resolution?

Mr. REID. Mr. President, the distinguished Senator from Illinois knows, as I know, that there isn't a person in the Senate who thinks this has any chance of passing—no chance of passing. It will get 48, 50, 51 votes. I don't know how many votes it will get. If it were a straight up-or-down vote on an amendment, it would get less than that because some Republicans have said: This is a procedural vote, I am going to vote to allow it to go forward, but if it were here, I probably wouldn't vote for it. So you probably have in the Senate 41 or 42 sound votes for this.

Mr. DURBIN. If I can ask the Senator from Nevada, how much time do we have? If we take a week and spend it on a gay marriage amendment, and then a week and spend it on a flag amendment, and then another week and spend it on, let's say, repealing the estate tax on the wealthiest people in America, don't we have a lot of time left before the election to consider issues such as the war in Iraq, energy costs, health insurance for all American families, the cost of education, and the appropriations bills? How much time do we have if we take 3 weeks?

Mr. REID. Approximately 45 legislative days, that is all.

Mr. DURBIN. Before the election.

Mr. REID. That is right.

Mr. DURBIN. I ask the Senator from Nevada, he says we have 45 days, and we are going to spend 3 or 4 days this week on an amendment that doesn't have any chance, that ranks 33rd in a Gallup poll when it comes to the interests of the American people—I return to the same basic question: Why? Why are we doing this? Why aren't we focusing on issues that count if we have so little time?

Mr. REID. One of the Democratic Senators spoke with the majority leader. The majority leader said these things need to come up every year or two. That is the reason.

Mr. DURBIN. I ask the Senator from Nevada, it is a shame—I ask him, does he think that perhaps if this should come up every year, even though it doesn't have a chance of passing, whether or not we should consider bringing up every year an effort to make health care more affordable for the American people, whether we ought to consider every year dealing with the war in Iraq that continues to claim American lives, whether we ought to be passing new ethics laws to reform the lobbying system in Washington? I ask the Senator from Nevada, if we are going to have an annual occurrence, if these are, in fact, perennial issues, aren't there some that should be as a matter of course called before the Senate?

Mr. REID. Maybe—I think it has been about a year; I have lost track of the time—maybe what we are going to be coming up with after these, maybe we will have the Schiavo matter come up again. What does the Senator think of that?

Mr. DURBIN. I say to the Senator from Nevada, asking this question, isn't it true the last time the Republican leadership got in trouble in the House, when the majority leader, TOM DELAY, was in his difficulty, that someone brought up the issue of intervening in the tragedy of Terry Schiavo in Florida, injecting the Federal courts into the hospital room when this poor family had spent 15 years, when this young woman was on life support, that all the courts having decided that the family could make the decision, the most intimate personal decision, the Republican leaders in the House and Senate said: No, we are going to have the Federal court step in and make the decision, take the power away from the doctor and the families?

Isn't it interesting, I ask the Senator from Nevada, that when they were facing all this grief over TOM DELAY and ethical questions, they raised the Terry Schiavo issue, and now we find them raising the gay marriage issue because the polls are so low and the election draws near?

Mr. REID. We know, I say to my friend, what can be done in this body if we get a nudge from the President, a little bipartisanship. Look what we did, I say to my friend. We spent several weeks on the Senate floor on a bipartisan basis passing a comprehensive immigration reform bill. Why were we able to do that? Because the President decided to get involved in it. He decided it was time to do comprehensive immigration reform, and I complimented him on that.

Isn't that the way we should be legislating around here, I say to my friend, the distinguished Senator from Illinois? Shouldn't we be working in conjunction with the White House on these issues, bills that we can pass, something that has some meaning, having the President lead a charge on health care reform, not little specks of things here? How about doing something here to lessen our dependence on foreign oil. We use in America 21 million barrels of oil a day—21 million barrels of oil every day, every day, 66 percent of it is from foreign sources. We have less than 3 percent, counting what is in Alaska, for the United States. We can't drill our way out of our problems. I say to my friend from Illinois, maybe that is what it is all about.

Mr. DURBIN. If I might ask through the Chair the Senator from Nevada, the Democratic leader, did we not attend the State of the Union Address just a few months ago when the President said America was addicted to oil? It was the lead in all the stories the next day: America is addicted to oil. Then we saw the gasoline prices skyrocket causing all these hardships.

I ask the Senator from Nevada: Have we received a proposal from this White House, from this administration since that famous State of the Union Address suggesting how we can change America's energy policies to make us less dependent on foreign oil, to protect American consumers and businesses, to punish profiteering, to promote the kind of energy innovation which will lead to conservation, efficiency, less pollution, and less dependence on foreign oil? Have we heard that kind of leadership from the White House to contrast with what the President called for that we spend this week on a constitutional amendment which has no chance of passing?

Mr. REID. It is a matter of priorities, I say to my friend, a matter of priorities, what is important to this administration. Obviously, it is not gas prices. Obviously, it is not college tax deduction. Obviously, it is not this debt.

I say to my friend, even in our conversation this morning, we haven't talked about the stagnant debt. And remember, in the last 3 years of the Clinton administration, the national debt was paid down by half a trillion dollars approximately. What do we have here? Red ink as far as you can see. Have we heard anything from the President to lower this debt?

Mr. DURBIN. I ask the Senator from Nevada the following question: Is it not true that 5 years ago—6 years now, almost 6 years now when President Bush came to office—that as the Clinton administration left, we had a surplus in the Federal Treasury, that we were taking the surplus revenue collected in America, paying down the long-term debt of Social Security so that it would be strong for years to come? Is it not also true that when President Clinton left office, the entire national debt accumulated over the history of the United States was about $5.7 trillion or $5.8 trillion, and that today the national debt is bumping up against $9 trillion, and in the 6 years since President Bush has been in office, there has been a dramatic increase in this national debt?

Is it not also true that this President, despite a war which saps away $2 billion or more every week, he has called for tax cuts on the wealthiest people in America and continues to call for those tax cuts, despite this deficit? And I ask the Senator from Nevada, is that what fiscal conservatism is all about?

Mr. REID. My only correction of the distinguished Senator is it is $2.5 billion a week the war is costing us, about $10 billion a month. I mentioned, I say to my friend, the definition I got in college about a central hole divided into self-governing parts of the States. I always thought the Republican majority, as it is now, believed in States rights. That is what federalism is all about.

Where in this debate, that shouldn't be taking place on the floor right now, is there any inkling of States rights? None. Forty-five States have already, through statute or constitutional amendment, as in Nevada—Nevada amended its constitution on this issue. But where are my friends, my Republican friends? Where are they on this issue of States rights? This isn't the first time we have brought up issues that have been defeated, defeated, defeated.

Medical malpractice is something the State of Nevada took on on its own, set their own rules. The Governor called a special session of the legislature. We now have rules in the State of Nevada dealing with medical malpractice.

That is not good enough for this Republican majority. We have voted, I believe, three times on a national law dealing with medical malpractice—take the States out of the picture.

So I ask my friend, he being involved in Government in one way or another most of his adult life, does he remember the Republicans at one time standing for States rights?

Mr. DURBIN. In query of the Senator from Nevada, I ask him, I thought I understood the basic difference between Democrats and Republicans, that the so-called Republican conservative philosophy was for fiscal conservatism, avoiding debt. Now we have the largest debt in the history of the United States and getting worse without any effort by the Republicans to deal with it.

Traditionally, the Republicans argue the Government is best that governs least and gives power to the local units of government closest to the people. Now we have with this amendment an attempt to amend the Constitution and to preempt the power of the States to establish standards for marriage.

I ask the Senator from Nevada: Did we not honor States rights with the passage of the Defense of Marriage Act which said that no State shall be compelled to recognize gay marriage if any State should enact such a law, as Massachusetts has?

I ask the Senator from Nevada: Isn't the Defense of Marriage Act consistent

with States rights, and isn't the proposed constitutional amendment an assault on the rights of States to establish the standards for marriage which they have throughout our history?

Mr. REID. And I remind my friend, the Defense of Marriage Act passed when we had a Democratic President and a Democratic majority in the House and the Senate. I am quite sure that is right, at least in the Senate; I don't know about the House. We passed it because it was the right thing to do—States rights.

The other point I suggest is that it is a wrong-placed priority doing this resolution and nothing with homeland security. Just last week, the Secretary of Homeland Security decided that New York, for example, would lose $200 million. States all around the country will have less money to protect themselves. I would think that is worth a debate on the Senate floor. Does the Senator from Illinois agree with that—homeland security?

Mr. DURBIN. I respond to the Senator from Nevada and ask a question. I ask the Senator: If someone were to step back at this moment and say the Senate is debating a constitutional amendment, which everyone concedes will not pass, we are going to spend the whole week on it, and this issue ranks 33rd on the list of priorities of the American people, the States are already dealing with it directly, they have spoken to this through a variety of constitutional amendments and referenda in each and every State, virtually every State, I ask the Senator from Nevada, does that lead to the conclusion the cynicism the American people feel toward Congress and the leadership, the Republican leadership, in this Senate has been verified by the agenda we are dealing with this week?

Mr. REID. Our time has expired, and I say yes.

Mr. DURBIN. I yield the floor.

Mr. WARNER. Mr. President, I wonder if I might ask if we could extend the time over here for a few minutes, maybe 5 minutes, to make a brief statement on this issue.

Mr. REID. The recess would be delayed for 5 minutes? Is that the request?

Mr. WARNER. Yes.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the distinguished leader.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I rise today with respect to S.J. Res. 1.

When considering proposed amendments to the United States Constitution, I first look back to history. In the summer of 1787, 55 individuals gathered in Philadelphia to write our Constitution. It was a very hot summer, and it was a long and arduous debate, many drafts back and forth, but careful consideration was given. Finally, in mid September, it was over. The Constitution they produced was a monumental achievement. But the Framers did not know at that time what a great achievement they had made, one that would enable the United States, today, these 200-plus years later, to become the oldest continuously surviving Republic form of government on Earth today.

Article V of the U.S. Constitution lays out the process for amending this magnificent document. In their wisdom, our Founding Fathers purposefully made the task immensely formidable. Of both Houses of Congress, two-thirds have to vote in favor of passing a proposed amendment. Subsequently, three-fourths of the states have to ratify that amendment over a period of time.

History documents that there have been many attempts to amend the U.S. Constitution. According to one study—since 1789, over 10,000 amendments to the Constitution have been proposed in Congress, but only 27 have ever been ratified.

With this historical framework in mind, I have reviewed S.J. Res 1—the Marriage Protection Amendment.

Mr. President, I ask unanimous consent that a document referred to as the ''box chart'' be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. The proposed constitutional amendment is simply two sentences. The first sentence reads that marriage in the United States shall only consist of the union of a man and a woman. This is a concept which I have consistently voted in support of—beginning with the Defense of Marriage Act in 1996, and basically on this same constitutional amendment 2 years ago. The time-honored, deeply rooted tradition of marriage between a man and a woman ought to be protected, and I support that.

But the second sentence of the proposed amendment gives me great concern. It states that neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman. It gives me concern because I don't think the second sentence speaks with the clarity to which the American people are entitled. Any number of calls are coming into my office, as they are to other Members, and clearly the callers are focusing on the first sentence. When you try to explain the second sentence, they don't understand it.

My colleagues who are supportive of this proposed constitutional amendment have stated that it is their intent that this second sentence will leave to the several States the decision of whether to recognize relationships other than marriage, such as civil unions or domestic partnerships. But if that is the case, why not simply state that in plain English that is understandable for the millions upon millions of Americans who are interested in this amendment? It is amazing to me that a little more than 2 weeks ago, this Senate overwhelmingly approved an amendment to make English the national language of the United States. Yet today we debate an amendment to the U.S. Constitution—one of the most grave responsibilities incumbent upon Members of Congress—America's founding document—and the second sentence of that proposed amendment fails in many ways to speak with the clarity of the English language to which our public is entitled.

Some who have spoken in support of this proposed amendment have employed a box chart on the floor of the Senate, and I have asked unanimous consent to include that in the RECORD in an effort to demonstrate that the resolution would protect marriage but permit States to recognize relationships other than marriage. If this is the case, why not simply say so? Why not simply say that the power to recognize or to prohibit relationships other than marriage shall be reserved to the several States? Or why not simply drop the second sentence altogether if it is confusing? Either option would clearly allow the 50 States to work their will on the issues of civil unions or domestic partnerships. I believe it is extremely important that we leave to the States that responsibility.

If we wrote the second sentence plainly, we wouldn't need a box chart to sit here on the floor and try to decipher it.

My own State, the Commonwealth of Virginia, is trying to work its own will on these issues right now. With the lack of clarity in this proposed federal amendment, I have to wonder whether the proposed federal amendment respects the right of the several States to act in this area.

As the second sentence of this proposed amendment is written now, the intent of the amendment simply isn't clear. What if a State legislature wanted to pass a State constitutional amendment to allow domestic partnerships? As I read this proposed amendment, it would likely preclude a State legislature from so acting. This type of unnecessary confusion will undoubtedly lead to considerable litigation if this proposed amendment is accepted in its current form.

That, it seems to me, is not the duty of the Congress of the United States, to write something that just calls upon the courts to try to determine what was the intent of the Congress. Then we have to go to the box charts. Well, to me, the box charts speak in plain English language, and that is why I am hopeful that the framers of this amendment will perhaps consider amending it.

Therein rests the concern I have with S.J. Res. 1. I unequivocally support the first sentence; I support protecting marriage as the union between a man and a woman. I am concerned, however,

that the second sentence of this proposed constitutional amendment is unnecessarily vague and could well trample on the rights of the several States of our great Republic.

I yield the floor.

EXHIBIT 1

MARRIAGE PROTECTION AMENDMENT

S.J. RES. 1

Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

	Redefinition of Marriage	Creation of "Civil Unions" or "Domestic Partnerships"	Granting the Rights or Benefits of Marriage	Employee Benefits Offered by Private Businesses
State or federal courts can impose?	Sentence 1 prohibits.	Sentence 2 prohibits.	Sentence 2 prohibits.	Unaffected.
Legislature can make change?	Sentence 1 prohibits.	Decision of State Legislature.	Decision of Legislature.	Unaffected.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m. today.

Whereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

MARRIAGE PROTECTION AMENDMENT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the time is divided equally until 2:30.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am proud to be an original cosponsor of S.J. Res. 1, the Marriage Protection Amendment.

I have heard people say that perhaps this issue should be left to the States. As a general rule, you will not find anyone who is a stronger supporter of States rights than I am. But this is a national issue the definition of marriage is and has been a national issue.

A May 22 Gallup Poll shows that a solid majority of Americans—58 percent—are opposed to granting gay marriages the same legal rights as traditional marriages. Additionally, same-sex couples are traveling across State lines to get married; as they do so, they will become entangled in the legal systems of other States, due to the full faith and credit clause of the U.S. Constitution. A State-by-State approach to gay marriage will be a logistical and legal mess that will force the Federal courts to intervene and require all states to recognize same-sex marriages. This is the only possible outcome.

The definition of marriage must be addressed, and it must be addressed now. The homosexual marriage lobby, as well as the polygamist lobby, shares the goal of essentially breaking down all State-regulated marriage requirements to just one: consent. In doing so, they are paving the way for legal protection of such repugnant practices as: homosexual marriage, unrestricted sexual conduct between adults and children, group marriage, incest, and bestiality. Using this philosophy, activist lawyers and judges are working quickly, State-by-State, through the courts to force same-sex marriage and other practices, such as polygamy, on our country.

In 1878, Reynolds v. United States, which upheld the constitutionality of Congress's antipolygamy laws, recognized that the one-man, one-woman family structure is a crucial foundational element of the American democratic society, and thus there is a compelling governmental interest in its preservation.

The eroding of State common-law marriage requirements comes with a price—If we can remove the opposite-sex requirement today, then what would keep us from removing the one-at-a-time requirement, or legal-age requirement tomorrow? In June of 2003, the U.S. Supreme Court signaled its likely support for same-sex marriage and Federal jurisdiction over the issue when it struck down a sodomy ban in Lawrence v. Texas.

The majority opinion extended the reach of due process and the 14th amendment of the U.S. Constitution to protect:

> . . . personal decisions relating to marriage, procreation, contraception, family relationships, child rearing, and education,'' and then declared that ''[p]ersons in a homosexual relationship may seek autonomy for these purposes, just as heterosexual persons do.

In his dissent to Lawrence v. Texas, Justice Scalia pointedly cautioned:

> This reasoning leaves on pretty shaky grounds state laws limiting marriage to opposite-sex couples . . .

Additionally, there is a case pending in the Tenth Circuit where the petitioners are using the homosexual marriage lobby's success in Lawrence v. Texas to bolster their claim to a ''right'' to polygamous conduct and marriage.

Not only are Federal courts ruling in favor of such marriages, State courts are, too. In 2004, the Massachusetts Supreme Court ruled that same-sex couples could marry. The State's high court ruling clearly ignored tradition—even its own State legislature.

Massachusetts Governor Mitt Romney, in his testimony on June 22, 2004, before the Senate Judiciary Committee, stated:

> We need an amendment that restores and protects our societal definition of marriage, [and] blocks judges from changing that definition.

Not only has the Massachusetts court ruling affected that State, it has and will continue to open the floodgate of similar decisions by other State courts across the country.

Lawsuits are now pending in nine States, including my State of Oklahoma, asking the courts to declare that traditional marriage laws are unconstitutional. Same-sex couples from at least 46 States have received marriage licenses in Massachusetts, California, and Oregon and have returned to their home States. Many of these couples are now suing to overturn their home State's marriage laws. Unfortunately, using the equal protection and due process clauses in the U.S. Constitution, State and Federal courts have begun to strike down both the Federal and State Defense Of Marriage Act, DOMA, laws, which define marriage as between a man and a woman. The judicial branch is making this a Federal issue by stripping the power from the people's elected legislatures and forcing recognition of same-sex marriages.

Today, 45 States, such as Oklahoma, have statutory and/or constitutional protection for traditional marriage. On average, State constitutional amendments have passed with more than 71 percent of the vote, including with 76 percent in Oklahoma.

In societies where marriage has been redefined, potential parents become less likely to marry and out-of-wedlock births increase. According to Stanley Kurtz's 2004 article in the Weekly Standard, a majority of children in Sweden and Norway are born out of wedlock. Kurtz says:

> Sixty percent of first-born children in Denmark have unmarried parents—not coincidentally, these countries have had something close to full gay marriage for a decade or more.

Just last month, May, in a National Review Online article, Stanley Kurtz again addresses the issue saying:

> Europe's most influential sociologists are saying much the same things: Same-sex marriage doesn't reinforce marriage; instead, it upends marriage, and helps build acceptance for a host of other mutually reinforcing changes (like single parenting, parental cohabitation, and multi-partner unions) that only serve to weaken marriage.

In fact, liberal German sociologists, Ulrich Beck and Elisabeth Beck-Gernsheim, have openly and honestly expressed their eagerness to expand the welfare state and destroy the traditional family.

As Kurtz puts it, they want ''the government to subsidize the new, 'experimental' forms of family that emerge in the aftermath of the traditional family's collapse.''

When this issue was on the floor 2 years ago, many of my conservative colleagues made statements and observations that sufficiently framed this debate.

Senator ALLARD, the sponsor of this amendment, believes our Founding Fathers never envisioned that we would be changing the very structure of marriage and that we would be changing this core structure of society when he said:

> We are in danger of losing a several-thousand-year-old tradition, one that has been vital to the survival of civilization itself.

As my colleague from Kansas, Senator BROWNBACK, said: a small group of activists and judicial elite ''do not have a right to redefine marriage and impose a radical social experiment on our entire society.''

And my colleague from Alabama, Senator SESSIONS, said: ''If there are not families to raise . . . . children, who will raise them? Who will do that responsibility? It will fall on the State.'' This, to me, is one of the most troubling outcomes of the whole gay marriage debate—that the State will assume the parenting role of raising and financially supporting children.

Even Senator REID restated his personal view just yesterday, which he also expressed in 2004, when he said:

> I'm personally opposed to same-sex marriage. I think a marriage should be between a man and woman.

So when 70 percent of the voters in Nevada amended their State constitution to restrict marriage to a man and a woman, and when they further amended it in 2002 with a State defense of marriage provision, with Senator REID's full support, some of us are confused now that Senator REID thinks restricting marriage to a man and a woman is ''writ[ing] discrimination into the Constitution.''

I would also like to point out that several prominent, respected religious voices in our country have spoken out against the idea of gay marriage and in support of the traditional definition.

According to ''Focus on the Family,'' headed by Dr. James Dobson, family is the fundamental building block of all human civilizations.

Chuck Colson, a man who most people in this body know quite well, was the founder of Prison Fellowship. He has this to say about the prospect of gay marriage:

> The redefiners of marriage are working tirelessly. Their agenda is to tear down traditional marriage and make it meaningless by removing its distinctives.

The Reverend Billy Graham's son, Franklin Graham, acknowledged that:

> There is a real movement for same-sex marriage. We could lose marriage in this country the way that we know it.

Finally, Dr. Jay Alan Sekulow, chief counsel for the American Center for Law and Justice, who has argued numerous cases before the Supreme Court recognizes that ''for centuries marriage has been defined as a union between one man and one woman.''

That is really what this is all about—marriage is between a man and a woman.

Civil authority did not create marriage. Marriage predates the state.

Civil authority chose to recognize it as the preferred union between a man and a woman, because it is reproductive in nature and propagates the survival of civilization itself.

We can dance around it and try to cater to certain groups, but I find something that has served me well for a number of years when something like this comes up, and that is to go back to the Law, go back to the Scriptures.

In Genesis 2:18, 21–24, God said:

> It is not good that man should be alone; I will make him a helper comparable to him. . . . and the Lord God caused a deep sleep to fall on Adam, and he slept; and He took one of his ribs, and closed up the flesh in its place. Then the rib which the Lord God had taken from man He made into a woman, and He brought her to the man.
>
> And Adam said, ''This is now bone of my bones and flesh of my flesh. She shall be called woman, because she was taken out of man.'' Therefore a man shall leave his father and mother and be joined to his wife, and they shall become one flesh. . . .

In Matthew 19:4–6, Jesus said:

> Have you not read that He who made them at the beginning made them male and female, and for this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh? So then, they are no longer two but one flesh

The reason I read these two Scriptures is because they were quoted at a very significant event that took place over 47 years ago. It was when my wife and I were married.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I start off with a question. The question is, Why are we spending time on the floor of the Senate discussing this issue at this time? Is there anyone here unaware of the fact that Americans are bleeding in Iraq and Afghanistan? Why aren't we talking about that war?

Mr. INHOFE. Mr. President, the Senator asked a question. I will be glad to respond to that question.

Mr. LAUTENBERG. I will not at this point accept a question. I want to make my remarks just as the Senator from Oklahoma had a chance to make his remarks. Perhaps when we are finished I will be able to accommodate the Senator.

Why are we not focused on soaring gasoline prices and the toll it takes on family budgets? People who plan their lives in my area, New Jersey—a very crowded area—have had to buy their houses some distance from their jobs because they couldn't afford the housing. They calculated the fact they would have to drive an hour each way—not unusual—10 hours a week behind the wheel of the car. Now, with gas prices as they are, the advantage they had by buying a home at a distance is evaporating in front of them. Why aren't we talking about that?

Why aren't we talking about 46 million Americans without health insurance, every one of them worried about whether the next sickness is going to deprive them of their job, deprive them of their ability to feed and clothe their children and take care of them? Why aren't we talking about those things?

Why aren't we talking about extending stem cell research? I don't know whether other Senators have had the same experience that I have. Families come in with children who are sick with juvenile diabetes. If you ask those children what they want out of life, they say: I want to stop having to stick my finger all the time with a needle. I want to be able to do things just like other children.

I had a group of families with children with diabetes. I seated them around a table. By the way, the faces on these children are so beautiful. In their expressions they say: We would love you if you can help us. That is what they say. That is how I respond.

I am a professional grandfather. I have 10 grandchildren, the oldest of whom is 12 and the youngest of whom is 2. What do I want? My whole life is focused on what I can do for those kids as they grow and develop. When I look at those children, I ask the parents: Why are their faces so beautiful? They say: Because they are faces of want and need in a child, expressing that in that kind of face.

It tells you something about what we ought to be talking about and not spending our time on depriving somebody of an option that they are free to choose in this life. Why aren't we debating a measure to make sure the Government is ready for the next Katrina? They are worried about levees in California. They are worried about levees in other low-land States where they have some exposure. We are not talking about that. Who can forget the picture of the people on the roofs of their houses begging for someone to do something to save them? No, we are not talking about that. We do not want to talk about that.

Why aren't we preparing for a possible bird flu epidemic? We know that is a very serious topic.

Forget those topics, we are told. President Bush and the Republican leadership want Congress to drop everything to debate gay marriage. I have lots of visitors in my offices in New Jersey and here. Not one of them came to talk to me about gay marriage. They came to talk to me about health insurance. They came to talk to me about their pensions disappearing. They talk to me about their inability to afford their children's education when they want to prepare for a career. They talk about the burden of gas prices. That is what they want us to do something about. They are not discussing gay marriage. They are not in there discussing opening up the Constitution to amendment.

If we pass this amendment, history will record for the first time ever that we wrote discrimination into the United States Constitution. Think about that, the first time we have ever put discrimination against anyone in our Constitution.

In the Bill of Rights, every amendment is written to expand individual rights. That is what our Constitution is about. It is a wonder, the thinking of our forefathers. The Bill of Rights was first signed in New Jersey. If you look at all the amendments to the Constitution, only once did we restrict rights. That was Prohibition. And it did not take long to repeal that. The American people were not going to obey the law.

They violated it in every way. Why create laws that cannot mean anything to people?

President Bush held an event on Monday night with supporters of this amendment. At that event, the President did something totally irresponsible. It is hard to believe a President of the United States said what he said. He rallied his right-wing audience against our Nation's court system.

Now, we talk here about separation of powers and how important it is that the three legs of Government are able to exercise their obligations. The President went so far as to say that the American courts are ''imposing their arbitrary will on the people.'' How about when the Court imposed its arbitrary will on the election of a President? What was said then? To suddenly say that the courts have no jurisdiction of their own, free of criticism from the President of the United States, is the President saying our courts do not follow the law? Could people quote the President to justify ignoring a court decision, just to score political points with a narrow interest group?

The President chooses to undermine our Nation's system of courts and laws. It is a dangerous form of political pandering.

This constitutional amendment would not just ban same-sex marriages. It also threatens civil unions, domestic partnership laws, laws passed by States to recognize relationships and conferring legal rights between partners. Is our goal to strip all of these relationships of their dignity?

Once the Federal Government starts regulating marriage, what is next? What is going to stop Congress from acting as the morality police and prohibit people from getting married unless they pledge to have children or unless they pledge to restrict the number of children they have? What is going to stop this body from outlawing divorce?

I don't think the actual motive for this amendment is morality. The motive, as I see in this amendment, is pure raw politics. Republicans have their backs against the wall. So look what the people think of the President of the United States and the job he is doing. They think poorly of him. If they had the right, they would fire him.

When I was running a company, before I was running for the Senate, if I thought so poorly of someone, I would fire him. I would not keep him.

No, this is a salvage operation for the Republican Party. We are debating this amendment now because it is an election year. That is why. Why did we have this debate in 2004 and this year but not in 2005? Let's defer this until 2007. I am willing to do that. We can discuss it in a year, when there is not an election in the offing.

This is simply political gay-bashing. That is the mission, try to ''husband'' the resources you have, the support you have, and pick on a group of people. The backers of this amendment want to drum up hysteria where none currently exists. They want to change the subject away from the issues such as Iraq and gas prices. It is a shameful attempt to divide the American people for political gain.

Today, the 6th of June, is the anniversary of D–Day. On June 6, 1944, Americans from every corner of our country fought to protect our values and our families. Today, we are tarnishing the memory of D–Day by working to amend our Constitution to restrict individual freedoms.

I was wearing a uniform that day. I was overseas. I was not on the combat line, but I knew what I was doing was good for my country. Sixteen million of us served in the military in World War II.

I had visitors just last Thursday night at my office in New Jersey, about 10 people. One person lost their son. This woman was angry. I had spoken to her when his death was announced over a year ago. She was angry. He was a second lieutenant. His assignment that day was to diffuse bombs. She said: My son was trained to man a gun in the artillery. That is what his mission was. He was diffusing a bomb and he lost his life: The country that sent my son overseas is a country that helped my son die.

There was a woman with tears running down her face: Our son has been wounded once; they say he is ready to go back to combat. He has a Purple Heart. I don't want him to go back. Crying bitterly, in front of me.

There was a couple whose son is due for a second tour of duty. People in this unit were lost in the first tour. Why, now, they ask, is he going back to this war that does not do anything for America?

No, we do not want to discuss that in the Senate. That is too serious. That brings home the toll and the anguish that exists with our time in Iraq. We ought to be talking about what we do to get out of there safely and quickly. That is what we ought to do. But, no, we are talking about gay marriage. I can just see the people in arms across this country saying, The first thing I want you to do is make sure there is no gay marriage in this country. The devil with my kids education, the devil with my need for health care, the devil with our ability to be able to afford to live now in the country. Two people working so many jobs, just about keeping their heads above water.

Every Senator in this Senate values the institution of marriage. In my view, the way to honor marriage is to provide families with economic opportunity, good schooling for their children, a clean environment to live in, health care they can afford and funding for medical research that can help fight the diseases that plague children, such as juvenile diabetes, autism, or asthma. There are so many problems we could help prevent.

The amendment before the Senate today is not about protecting marriage. It is about directing people's lives, about making sure you behave in a particular way. Those of us who are talking against this do not necessarily support gay marriage. What we support is freedom, freedom to choose your lifestyle. That is what we are talking about. In State after State they are writing their own laws, what they think is appropriate for the people in their State—not to restrict them but to open their opportunity.

I hope my colleagues will reject this divisive amendment. Let's get on with far more pressing issues facing our Nation that can improve our national health, can improve our national will, can improve our national morale.

Those are the things I would like to do instead of looking and seeing what people really think about all of us in this place, all of us, from the White House, to the Senate, to the House. What do the American people think about the work we are doing? They do not think a heck of a lot of good is coming out of here. Frankly, we give them good cause because what we are paying attention to is what matters least to most Americans. What matters most in these Chambers, unfortunately, at this time is politics and elections. Too bad, America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, first let me praise the Senator from New Jersey and associate myself with his excellent remarks in opposition to this amendment both on marriage and with regard to the obvious point that we should be working on issues affecting the American people.

The Constitution of the United States is a historic guarantee of individual freedom. For over two centuries, it has served as a beacon of hope, an example to people around the world who yearn to be free and to live their lives without Government interference, with their most basic personal decisions.

I, like everyone else in the Senate, took an oath when I joined this body to support and defend the Constitution. I am saddened, therefore, to be once again debating an amendment to our Constitution that is so inconsistent with our Nation's history of expanding and protecting freedom.

There are serious issues facing this Congress. The fight against terrorism, the war in Iraq, health care, high gas prices, relief and recovery after Hurricane Katrina, the economy. These are the issues upon which the American people are demanding that Congress act. But instead, we are spending much of this week debating the poorly thought out, divisive, and politically motivated constitutional amendment that everyone knows has no chance of success in the Senate.

The proposed constitutional amendment before the Senate today, Senate Joint Resolution 1, has no better chance of getting a two-thirds majority

in the Senate than it did in 2004, which was another election year. There are no new court decisions that supporters of the amendment can legitimately argue make it any more imperative now than it was then that such an amendment be passed. Yet the Judiciary Committee was ordered to mark up this amendment to fit a schedule announced by the majority leader months ago.

This is pure politics, an election-year gambit. We should not play politics with the Constitution, nor should we play politics with the lives of gay and lesbian Americans who correctly see this constitutional amendment as an effort to make them permanent second-class citizens.

The amendment we are all debating will not pass, but it still risks stoking fear and divisiveness at a time when we should be trying to unite Americans. Gay and lesbian Americans are our friends, our family members, our neighbors, our colleagues. They should not be used as pawns in a cynical political exercise.

Backers of the amendment say they want to support marriage. But this debate is not really about supporting marriage. We all agree that good and strong marriages should be supported and celebrated. I happen to believe that two adults who love each other and want to make a lifelong commitment to each other, with all of the responsibilities that that entails, should be able to do so, regardless of their sex. I know others strongly disagree.

The debate we are having in the Senate, however, is not about whether States should permit same-sex marriage. The debate is about whether we should amend the Constitution of the United States to define marriage. The answer to that question has to be ''no.'' It is unnecessary and wrong for Congress to legislate for all States, for all time, on a matter that has been traditionally handled by the States and religious institutions since the founding of our Nation. For that reason alone, this amendment should be defeated.

There is no doubt that the proposed Federal marriage amendment would alter the basic principles of federalism that have served our Nation well for over 200 years. The Framers of our Constitution granted limited, enumerated powers to the Federal Government, while reserving the remaining powers of government, including family law, to State governments. Marriage has traditionally been regulated by the States. As Professor Dale Carpenter told the Constitution Subcommittee in its first hearing on this topic nearly three years ago, ''never before have we adopted a constitutional amendment to limit the States' ability to control their own family law.'' That is exactly what this proposed amendment would do. It would permanently restrict the ability of States to define and recognize marriage or any legally sanctioned unions as they see fit.

One of our distinguished former colleagues, Republican Senator Alan Simpson, opposes an amendment to the Constitution on marriage. In an op-ed in the Washington Post, he stated:

> In our system of government, laws affecting family life are under the jurisdiction of the states, not the federal government. This is as it should be. . . . [Our Founders] saw that contentious social issues would be best handled in the legislatures of the states, where debates could be held closest to home. That's why we should let the states decide how best to define and recognize any legally sanctioned unions—marriage or otherwise.

Columnist William Safire has also urged his conservative colleagues to refrain from amending the Constitution in this way. Commentator George Will takes the same position.

I recognize that the current debate on same-sex marriage was hastened by a decision of the highest court in Massachusetts issued in late 2003. That decision, in a case called Goodrich, said that the State must issue marriage licenses to same-sex couples. But the court did not say that other States must do so, nor could it. And it did not say that churches, synagogues, mosques, or other religious institutions must recognize same-sex unions, nor could it. Even Governor Romney of Massachusetts, who testified before the Judiciary Committee in 2004, admitted that the court's decision in no way requires religious institutions to recognize same-sex unions. No religious institution is required to recognize same-sex unions in Massachusetts or elsewhere. That was true before the Goodrich decision, and it remains true today.

Indeed, as time has passed since the Massachusetts court ruling, I think it has become clear that passing a constitutional amendment would be an extreme and unnecessary reaction. States are in the process of addressing the issue of how to define marriage. Voters in several States passed marriage initiatives in the last election. The legislature in Connecticut recently passed a civil union bill and the Governor signed it. In California, a bill passed by the legislature to permit same-sex marriages was vetoed but new protections for domestic partners were signed into law. The States are addressing the issue in different ways, which is how our Federal system generally works. I may agree with some State actions and disagree with others, but it would be a tragic mistake to cut this process off prematurely.

I was particularly struck by reports on what happened recently in the Massachusetts Legislature. The legislature narrowly passed a constitutional amendment in 2004 to prohibit same-sex marriage, but when the amendment returned in 2005, as the Massachusetts Constitution requires in order to put it on the ballot, the legislature rejected it by a vote of 157 to 39. Many supporters of the amendment apparently changed their minds.

So we should think long and hard about pre-empting State legislatures or State initiative processes through a Federal constitutional amendment that freezes in place a single, restrictive definition of marriage.

The supporters of the Federal marriage amendment would have Americans believe that the courts are poised to strike down marriage laws. They suggest that we will soon see courts in States other than Massachusetts requiring those States to recognize same-sex marriages, too. Of course, no such thing has happened in the 2 years since the Goodrich decision went into effect in May 2004. So this is a purely hypothetical issue—hardly a sound basis for amending our Nation's governing charter. And even if another State followed Massachusetts, either by legislative action or a judicial ruling, I believe it would be a grave mistake for Congress to step in.

As Professor Lea Brilmayer testified before the Constitution Subcommittee in 2004, and as remains true today, no court has required a State to recognize a same-sex marriage performed in another State. And as Professor Carpenter testified:

> the Full Faith and Credit Clause has never been understood to mean that every state must recognize every marriage performed in every other state. Each state may refuse to recognize a marriage performed in another state if that marriage would violate the public policy of that state.

In fact, Congress and many States have already taken steps to reaffirm this principle. In 1996, Congress passed the Defense of Marriage Act, a bill I did not support, but that is now the law. Section 2 of DOMA is effectively a reaffirmation of the full faith and credit clause as applied to marriage. It states that no State shall be forced to recognize a same-sex marriage authorized by another State.

In addition, 38 States have passed what have come to be called ''State DOMAs,'' declaring as a matter of public policy that they will not recognize same-sex marriages.

There has not yet been a successful constitutional challenge to the Federal or State DOMAs. In fact, three such challenges have already failed. Of course, it is possible that the situation could change. A case could be brought challenging the Federal DOMA or a State DOMA, and the Supreme Court could strike it down. But do we really want to amend the Constitution simply to prevent the Supreme Court from reaching a particular result in the future? What kind of precedent would such a preemptive strike against the governing document of this Nation set?

Former Representative Bob Barr, the author of the Federal DOMA, strongly opposes amending the Constitution on this issue. He believes that amending the Constitution with publicly contested social policies would ''cheapen the sacrosanct nature of that document.''

He also warned:

> We meddle with the Constitution to our own peril. If we begin to treat the Constitution as our personal sandbox, in which to build and destroy castles as we please, we risk diluting the grandeur of having a Constitution in the first place.

My colleagues, those are the words of the author of the Federal DOMA statute. That is what he said about the wisdom of trying to amend the Constitution in this manner. I have spoken with Mr. Barr about this. He and I disagree about many things. But we agree wholeheartedly that the Constitution is a very special document and that amending it to enact the social policy of the moment would be a grave mistake.

So far I have been discussing the general arguments against a Federal constitutional amendment defining marriage. I think they are compelling. But I also want to take some time today to discuss the specific text we are now considering: S.J. Res. 1, the so-called Marriage Protection Amendment. The amendment states:

> Marriage in the United States shall consist only of the union of a man and a woman.

That is what we have come to refer to as sentence one. The amendment continues in sentence two:

> Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

Before I discuss some of the ambiguities in this language, let me first remind my colleagues that this whole effort has often been portrayed by its proponents as a reaction to so-called ''liberal activist judges'' reinterpreting marriage. Time after time, we are told that judges have made law, in cases like the Supreme Court's decision in Lawrence v. Texas that State sodomy laws are unconstitutional, in the Massachusetts decision in Goodrich, and in the Vermont State court decision that forced the State legislature to adopt a civil unions law. This amendment is needed, we are told, to counteract and correct those missteps and to make sure they don't happen again. Keep that underlying concern in mind as we discuss the ambiguities of this language and who will ultimately decide how they are to be resolved.

A question that is important to many Senators, and to many Americans, as they consider this constitutional amendment is how it will apply to laws passed by State or local governments granting same-sex couples the right to enter into civil unions or domestic partnerships to become eligible for government recognition of their relationships and for certain benefits. One of the witnesses at the last hearing we held in the Subcommittee on the Constitution, Professor Michael Seidman, from Georgetown University Law Center, testified quite convincingly about the ambiguity of the language of this amendment on that question. And so chairman of the subcommittee asked if he had thought about how to draft the amendment to, as he put it, ''hit the mark.''

Professor Seidman responded:

> Part of the problem is I think the people behind the amendment themselves are not in agreement on how to go. . . . So with respect, Senator, I think you guys have to get straight what you want before you tell me how to go about drafting it.

At the last subcommittee hearing on this topic, I asked the witnesses that subcommittee Chairman BROWNBACK had called some specific questions about this issue and then I asked them to respond to written questions about how they believe S.J. Res. 1 would apply to a challenge brought against specific State legislative actions. I have asked these questions of previous witnesses as well, and I have seen statements from many of the supporters of the amendment. I think Professor Seidman is absolutely right. It is simply not clear what the sponsors of this amendment intend.

Let's start with civil unions. Would this amendment outlaw civil unions? Specifically, would the recently passed Connecticut statute that establishes civil unions in that State be unconstitutional under this amendment? The Connecticut statute provides as follows:

> Parties to a civil union shall have all the same benefits, protections and responsibilities under law, whether derived from the general statutes, administrative regulations or court rules, policy, common law or any other source of civil law, as are granted to spouses in a marriage, which is defined as the union of one man and one woman.

Professor Richard Wilkins, from Brigham Young University, whom I understand was consulted in the drafting of the amendment, answered my written question as follows: ''The language quoted from Section 14 of the Connecticut statute would not be unconstitutional under the proposed amendment.'' But Professor Gerard Bradley, from Notre Dame, another drafter of the amendment, testified as follows at our hearing in April:

> The amendment leaves it wide open for legislatures to extend some, many, most, perhaps all but one, I suppose, benefit of marriage to unmarried people, but I would say if it is a marriage in all but name, that is ruled out by the definition of marriage in the first sentence.

And Professor Christopher Wolfe, from Marquette University, another witness from the subcommittee's last hearing, agrees with Professor Bradley. He said the following in answer to my written question:

> I think Connecticut's civil union scheme, which was enacted by the General Assembly without any judicial involvement, would be unconstitutional under the Marriage Protection Amendment, because it effectively authorizes marriage for unions of two men or two women, since the only difference between civil unions and marriage is the name.

Groups supporting the amendment like the Alliance for Marriage and Concerned Women for America seem to think the amendment will permit legislatures to enact civil union legislation. In a radio interview during the Senate's consideration of the amendment in 2004, Bob Knight, the head of that Concerned Women for America, suggested that wasn't such a good thing. He said:

> The second sentence was so convoluted that many legal scholars disagreed about what it actually meant, and its backers assured everyone that it meant States could pass civil unions, which is not the way to protect marriage. Civil unions are gay marriage by another name.

As recently as November 2005, the Web site of the Alliance for Marriage had the following explanation of a chart in which it says that ''quasi-marital schemes'' such as civil unions would be permitted if adopted by a State legislature rather than imposed by court:

> The second sentence ensures that the democratic process at the state level will continue to determine the allocation of the benefits associated with marriage.

Interestingly, this chart no longer appears on the Web site. I won't speculate about why that is, but it does seem like an important question for supporters of this amendment to get their stories straight on. There are States in the country today that authorize civil unions. How would this constitutional amendment affect those laws? We know what the supporters of the amendment intended with respect to the law in Massachusetts, but what about in Vermont, and Connecticut, and California, and New Jersey? What are duly elected State legislatures, in the exercise of their responsibility to enact laws consistent with the values and preferences of their citizens, allowed to do, and what are they prohibited from doing? Don't they deserve to know?

I could go on and on here, but let me mention Professor Scott Fitzgibbon of Boston College Law School, who also testified in support of the amendment at the subcommittee's last hearing. Mr. Fitzgibbon simply declined to answer when I asked him at the hearing whether the amendment would allow a State employer to give benefits to unmarried domestic partners of its employees. And he also refused to answer a followup written question about whether Connecticut's civil union law would be constitutional. But he did say the following at the hearing:

> I am just going to say that the degree of ambiguity . . . isn't such a terrible thing. This isn't part of the tax code. It is proposedly [sic] a part of the United States Constitution and constitutional provisions rightly leave some scope for later determination.

So there you have it, Mr. President. The supporters and drafters of this amendment can't agree on how it would affect civil union laws like the one recently enacted by the democratically elected legislature of the State of Connecticut. And at least one of them says that ambiguity is not such a terrible thing. It is normal for constitutional provisions to leave ''some scope for later determination'' he says.

So who will decide this question, which everyone can anticipate will be raised if this amendment becomes part of the Constitution? Who is responsible in our legal system for making a ''later

determination,'' as Professor Fitzgibbon calls it, of the meaning of a constitutional amendment? You guessed it. It is the courts! Given how this whole exercise of trying to define marriage in the governing document of our country started—outrage over a State court's interpretation of a State constitution and fear of supposedly ''activist judges'' taking it upon themselves to redefine marriage—that is ironic indeed.

Now Professor Wolfe had an interesting suggestion when he answered my written questions concerning the California and New Jersey domestic partner statutes. Last summer, the California Legislature enacted a statute that grants all the same rights to domestic partners as it does to married spouses, except the right to file a joint tax return. All the rights and benefits but one. Under Professor Bradley's interpretation, that's probably okay. Professor Wilkins agrees that California's statute would survive a challenge. The chart that used to be on the Alliance for Marriage's Web site also agrees. I think a few of my colleagues made similar statements yesterday on the floor. But Professor Wolfe isn't so sure. He says in his written response to my question:

> It could be argued that it is unconstitutional under the Marriage Protection Amendment for the same reason that the Connecticut civil union law is unconstitutional, since—even though one provision provides one exception—the general principle of the law (in Sec. 4) defines the domestic partnership as being equivalent to marriage. The single exception could easily be viewed as merely an evasive maneuver to avoid a pure equivalence that would make the statute constitutionally vulnerable.
>
> It could also be argued, however, that there is a difference between this domestic partnership law and marriage (beyond just the name), and therefore domestic partnership is not marriage in everything but name, and therefore it is within the constitutional power of the California legislature to pass. . . . In a close case like this, I think the legislative history would be likely to play a determinative role in the final decision.

He goes on in an answer concerning the New Jersey domestic partnership statute to make his suggestion:

> Of course, it would be desirable to clarify this question, if possible. For example, offering an unambiguous statement of the meaning of the amendment in the legislative history (e.g., the committee report on the amendment, and representations—uncontradicted by other supporters of the amendment—of the amendment's sponsors in floor debate) would be likely to have a substantial impact on how the amendment would be understood by those who have to vote on it, in Congress and in State legislatures.

Well there's a novel idea. Let's have an ''unambiguous statement'' of the meaning of the amendment, uncontradicted by other supporters of the amendment. But Professor Wolfe, a supporter of the amendment, doesn't know what it is. He answered my questions as if they were a law school exam hypothetical. This amendment has been around for nearly 3 years and we still don't have that unambiguous statement. Will we get one in this debate on the floor? I don't know. I do know that some of the most ardent supporters of the amendment in the Senate are strongly opposed to civil unions as well. But will the amendment they wrote to supposedly protect marriage outlaw civil unions and domestic partnerships? It is not clear to me yet, and when we are talking about amending the Constitution of the United States, I think it should be.

The Senate and State legislatures—not to mention the American people—deserve clear and reliable answers to these questions before they are asked to decide whether to amend the Constitution. So I would hope that every Senator who is planning to vote ''yes'' on this amendment today will tell us before we conclude this debate what he or she thinks the amendment means and how it would apply to State statutes already on the books, as well as others that might be passed. Maybe we will get that unambiguous statement we have waited so long for. Then again, maybe we won't.

Even though Professor Wolfe answered my question as if it were a law school exam—saying ''it could be argued on the one hand. . . . But on the other hand''—this is not just an academic exercise. It will have an impact on the lives of millions of Americans.

Mr. President, as you can tell, I am very concerned about the Senate considering this amendment on the floor without any certainty about what it means or how it will be applied. Fortunately, it seems clear that supporters of this amendment don't have the votes to pass it in the Senate. So the lack of clarity has no real world repercussions for now. But it is extremely disappointing that we may vote in the United States Senate on an amendment to the Constitution of the United States with such basic questions unresolved.

The Judiciary Committee should have fully explored these questions. Instead, because of the rigid schedule to bring this matter to the floor, the committee considered the amendment hastily and out of the public eye, without cameras, without microphones, with only a handful of press and no members of the public present. That is no way to treat any important legislative matter, let alone an amendment to the basic governing charter of our country, the Constitution. As a result, the amendment did not receive the kind of searching inquiry and debate that a constitutional amendment should receive. Our hearings in the Subcommittee on the Constitution exposed serious questions about the meaning and effect of the amendment, including the conflicting answers to written questions that I have discussed. Further work in the committee might have shed light on those questions for our colleagues in the Senate who are now faced with having to vote on the amendment. But it seems that politics often trumps reason in this body during an election year. And when the majority leader has promised interest groups supporting this amendment that there will be a floor consideration on a particular day, there is apparently nothing that can stand in the way of that promise being kept. Not even respect for the Constitution of the United States.

We should not write discrimination and prejudice into the Constitution. And we should not prematurely cut off the important debates taking place in States across the country about how to define marriage by putting in place a permanent, restrictive Federal definition of marriage.

As we sit here today, there are Americans across our country out of work, struggling to pay the month's bills, worrying about their lack of health insurance or their ability to put their kids through college. Instead of spending our limited time this session on a proposal that is destined to fail and will only divide Americans from one another, we should be addressing the issues that will make our Nation more secure, our communities stronger, and the future of our families brighter.

I urge my colleagues to oppose this unnecessary, mean-spirited, divisive and poorly thought out constitutional amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I want to take a moment to respond. First of all, the States are trying to handle the issue of marriage. The problem is that the courts are changing those actions. Even worse than that, we have citizens who initiated issues on marriage within the States, and now we have the courts overturning that when those issues have passed by 70 percent or more.

I felt that needed to be clarified.

I think the amendment is very clear, particularly the second sentence, when you know that refers to the courts and we are limiting the powers of the courts. We have not done anything to restrict the power of the legislature, except on the definition of marriage which is between a man and a woman.

This is an important issue, and I think we need to assure that the States will have a key role as far as handling issues related to marriage. That is what this amendment is all about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I stand in strong support of this proposed amendment to the U.S. Constitution to uphold and affirm traditional marriage.

Several years ago, when folks who were focused on the health of marriage and the upbringing of children from around the country gathered to begin to attack this problem, they came to the Congress with the idea of proposing a constitutional amendment. They

went to certain Members of both the House and Senate, Republicans and Democrats. I was in the House at the time, and I was honored that I was one of the four House Republicans—there were eight House Members in all, four Republicans and four Democrats—whom these leaders approached to be original coauthors of this constitutional amendment. I immediately agreed and have been very involved in the debate and the fight ever since then.

I am very happy to bring this work to the Senate with so many other leaders such as Senator ALLARD, who has been leading the effort for some time. This is a very important effort because—it is often said, but it is very true and it is worth repeating—marriage is truly the most fundamental institution in human history. Think about that statement and the significance of it: It is the single most fundamental social institution in human history.

Certainly, we should not rush, as we are at the present time through activist courts, to radically redefine it after thousands and thousands of years of living under the traditional definition.

Mr. President, often in the Senate we get very wrapped up in our debate and our laws and proposals and Government programs. We think so much is changed by that and so much hinges on that. Yet what is so much more important and more fundamental are those enduring—hopefully enduring—social institutions such as marriage, community, church, and faith communities. We need to realize how central those sorts of institutions are and how important they are in terms of influencing behavior in our society—good and bad behavior. When we look at so many of the social ills we try to address in Congress with Government programs and proposals, serious social problems such as drug abuse, teenage pregnancy, and the like, perhaps the single biggest predictor of good results versus bad results is whether kids come from a stable, loving, nurturing, two-parent family, a mother and a father. That doesn't mean you cannot have success raising a child in other environments, such as in a struggling one-parent household. It means that the odds are so much more stacked against you when you move to that other sort of environment.

So I think it is very appropriate and well overdue that we in the Senate focus on nurturing, upholding, preserving, and protecting such a fundamental social institution as traditional marriage. A lot of folks in Washington don't fully understand that. But I can tell you that real people in the real world, certainly including in Louisiana, get it. That is why 2 years ago, in 2004, we passed a State constitutional marriage amendment in Louisiana to uphold traditional marriage. We passed it with 78 percent of the vote. Folks in Louisiana want those values upheld. They don't want them redefined radically by activist courts, particularly people in courts in other States such as Massachusetts. And make no mistake, that is what is happening. That trend would have an impact not just in isolated States such as Massachusetts but throughout the country as marriage is redefined by liberal activist judges and others. So the people in Louisiana and a solid majority of people around the country want us to address this issue nationally through a constitutional amendment once and for all. That is why I strongly support this effort.

I thank the Senator from Colorado and others again for leading this fight in the Senate. I was proud to help lead it in the House when I was there. I am proud to join other allies on the floor of the Senate. Again, rather than focus on all these new Government programs, new little ideas that we run to the floor of the Senate with every day, let's take time to remember and focus on truly significant, enduring social institutions, which are the greatest predictors and factors in terms of encouraging good behavior and success, discouraging bad behavior and failure. This is the way we can have the most impact on those problems we debate endlessly, such as drug abuse, teenage pregnancy, and the like. I urge all of my colleagues to join us in this effort.

I predict that, while we may not reach the two-thirds vote we ultimately need with this vote this week, we will make important progress, we will pick up votes since the last time the Congress voted on this issue in 2004. I am one small example of that progress because my election in 2004 meant that this vote went from a ''no'' vote of my predecessor, John Breaux, to a proud ''yes'' vote of the junior Senator from Louisiana now. I look forward to casting that vote. I urge my colleagues to rally around enduring, positive social institutions that are so essential for the health of families, kids being brought up and, indeed, our society.

With that, I yield back my time.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Utah is recognized.

Mr. HATCH. Mr. President, when I first ran for office to represent my folks out in Utah, I announced my candidacy because of my deep love for my country and my State. My appreciation for both has only deepened over the years. Perhaps the most remarkable characteristic of this country—one that, in my opinion, is distinctly American—is our tolerance, our willingness to accommodate the very beliefs of our fellow citizens. After all, our country's motto is E Pluribus Unum—out of many, one.

But we accept these differences because we share so much else. We sometimes forget it around here, but we agree more than we disagree, or at least that is what I hope for. We all believe in the dignity of the human person. We all believe that men and women were endowed by their Creator with certain inalienable rights, and the Government exists to secure those rights. For us, and for our constituents, this is common sense. The same is not true in many other countries, where these basic ideas are debated by all and rejected by some.

We should remember this heritage of respect when we debate the marriage protection amendment. There are strong feelings on both sides of this issue.

I support this amendment. Marriage and family life are the bedrock of American society—the schoolhouse of American citizenship—and judges should not be altering this fundamental institution.

I understand that some of my colleagues believe we should be debating something that they see as of greater consequence. But for many in this body, and for millions of people throughout the country, including in Utah, no issue is more important. During this debate, we should treat each other fairly, with respect, and with an openness to the good-faith arguments on both sides of this amendment.

There is precedent for this. A few weeks ago, the Senate passed an immigration bill. I voted against it, but I agreed with the sentiments of my colleagues who concluded, after the die was cast, that the Senate had behaved admirably. Tensions ran high, but we had a respectful and serious debate about the issues. We voted amendments up and down. I am not saying I saw any Websters, Clays, or Calhouns on the floor, but our respect for one another's opinions and well-intentioned debate certainly did them proud. This is not to say that I was happy with the final product. Even as a purported compromise, it left so much to be desired that I was compelled to vote against it. Yet, I was encouraged by the process and the respect that we showed for the deeply held opinions of fellow Senators.

Unfortunately, the debate over the marriage amendment seems to be unfolding quite differently. You would not know it from the arguments of the opponents, and you would not know it from the lack of treatment it has received in some news outlets; but this is an important issue to Americans. This might not be a major issue for those who live inside the beltway, but for my neighbors in Salt Lake City, my constituents throughout Utah, and good, decent Americans across the country, this is a critical issue.

This debate is not some sideshow for a small sliver of activist groups. Majorities of Americans across the Nation support the protection of traditional marriage laws. This support is not limited to red or blue American. States in every region of the country have worked in recent years to reaffirm the traditional definition of marriage. Forty-five States have either a State constitutional amendment or a statute that preserves traditional marriage laws. Nineteen States have codified the

definition of marriage in their State constitutions. In 2004, 13 States, including Utah, overwhelmingly passed their own constitutional amendments to preserve traditional marriage. I was proud to join the majority of my fellow citizens in supporting the adoption of Utah's measure to protect traditional marriage. Seven more States will vote on their amendments this year.

Yet, for those opposed to this amendment, these constituent concerns are not worth our time. I disagree. Yesterday the distinguished Democratic leader came to the floor—a dear friend of mine—with a laundry list of issues that we could be addressing instead of this amendment. Along with the Democratic whip, he did so again today. Ultimately, I think we are capable of chewing gum and walking at the same time. In 2 days, we will be taking up floor time to debate a bill to create a race-based government for the State of Hawaii. I will not hold my breath waiting for these same folks to argue then that we should be discussing more pressing issues.

I wish those dismissing the importance of this issue would let us look at their phone logs. I know that in my office our phones have been ringing off the hook. Utah is a pretty conservative State, but I don't doubt that other members from across the country are hearing the same thing. The constituents who support this amendment, and others like it in the States, understand something that the sophisticated proponents of same-sex marriage do not—our marriage laws permeate our entire culture and we need to be wary about letting the judiciary foist some untested and, frankly, unwanted social experiment on an entire Nation.

Unless we allow an the American people to decide this issue themselves through the amendment process, it is only a matter of time before some renegade judges take it upon themselves to decide it for the American people.

Yet, some in this body apparently prefer to put their heads in the sand.

They know that this is an important issue. But they are tied in knots. A few weeks ago, Howard Dean, the Chairman of Democratic National Committee was for traditional marriage before he was against it. One day the Democratic Party was for traditional marriage. The next day, efforts to protect traditional marriage were tantamount to discrimination.

The bottom line is that some liberal interest groups are attempting a redefinition of marriage, and they are out there all alone on this issue. Vast majorities of Americans support traditional marriage. But some of my colleagues on the other side of the aisle are so dependent on these activist groups for support that they sometimes feel they cannot go against them. I think this is why we are having a cloture vote, rather than an up- or-down vote on this amendment. At the end of the day, many of the same people who deny the necessity of this amendment do not want to have a vote it on their record.

So, rather than take on the other side's arguments, they avoid the issues and challenge the motives of those who support this amendment. My friends on the other side of the aisle claim that this amendment is discriminatory. My colleague from Massachusetts, Senator KENNEDY, is a good man. But he is out of line to say as he has that a vote for this amendment is a vote for bigotry pure and simple. Over half of his colleagues will vote for cloture on this amendment. Does he really want to suggest that over half of the United States Senate is a crew of bigots?

This is Dr. Dean's subtle diagnosis. Democrats are committed to fighting this hateful, divisive amendment and to fighting similarly discriminatory ballot initiatives in states across the country. We strongly oppose any attempt to write discrimination into law—whether it be at the local or state levels or in the United States Constitution.

Never—not once in any State—have the people's popularly elected representatives decided to amend traditional marriage laws to include same-sex couples. When given the chance, they affirm traditional marriage. In Vermont, in California, and in Washington there is statutory language preserving the traditional definition. Are the legislators and citizens who supported these laws engaged in discrimination?

Let me give you another example.

When Nevada considered a State constitutional amendment to preserve traditional marriage, a vast majority of the State's citizens supported the measure. For Nevadans, preserving traditional marriage was not a wedge issue. Divisive issues do not gamer 70 percent of the vote, as it did in 2000.

And so it was no surprise that the State's foremost public servant wholeheartedly supported this effort. Nevadans wanted to amend the State's constitution merely to affirm what has always been the law in Nevada and in the other States—that marriage is between one man and one woman.

That was then.

This is now.

Today, the Democratic Leader, who I count as a friend, has jumped on this bandwagon and said that this amendment would write discrimination into the Constitution.

So he supports unequivocally a State constitutional amendment to protect traditional marriage, but he claims that it is discrimination at the national level.

Let me get this straight.

Since the colonies were first settled, traditional marriage has been the norm in this country. It remains so today with the exception of Massachusetts. In recent years the American people have reasserted in State after State their strong desire to maintain traditional marriage laws. So the beliefs of most Americans are discriminatory?

Was it discrimination when members supported their State constitutional amendments to protect traditional marriage?

Was it discrimination when 85 members of this body, including 32 Democrats, voted for DOMA, the Defense of Marriage Act?

Was it discrimination when President Bill Clinton signed it?

Is it discrimination for our religious leaders to support traditional marriage?

The Catholic Church opposes same-sex marriage. Does the Pope believe in discrimination?

Seventeen Catholic Bishops and all eight American Cardinals support this amendment. Do they support discrimination? That is what some of my colleagues are suggesting.

Is every parish priest who refuses to marry a same-sex couple engaged in discrimination?

My church supports traditional marriage. So do many other religions that recognize the importance of marriage between a man and a woman.

I do not think that some of my colleagues opposing this amendment have considered the full ramifications of a Federal court decision commanding same-sex marriage on the States. What happens to the tax status of a church that our courts have determined to be engaged in discriminatory conduct that cuts against the public policy of the State? We have seen a preview with the experience of Catholic Charities in Massachusetts. For decades, this noble organization has provided adoption services for hard-to-place children. Yet the State recently presented this organization with the catch–22 of abandoning the church's traditional teaching on human sexuality or abandoning their religious commitment to works of mercy. This is not a choice our churches and religious citizens should face, but it is, I fear, a choice that they will have to make unless we act.

Our history as a nation is dotted with instances of some outlier, activist judges who ignored their institutional limitations in order to replace their own public policy judgments for those of the American people and their representatives. It is hardly a surprise that some elite judges might underestimate the political and social consequences of their efforts to alter the legal framework of marriage. After all, most of the people that they know may be in favor of such changes.

Well, they are about to find out that there are people outside of their small universe of liberal opinion. If a few renegade judges determine that traditional marriage is unconstitutional, our previous political debates over improper judicial decisions will pale by comparison.

The fact remains that some judges are eager to replace the opinions of the American people with their own. Since the cloture vote on the marriage amendment in the 108th Congress, State trial courts in Washington, New

York, California, and Maryland have struck down traditional marriage laws. The marriage laws of Connecticut have been challenged. The laws in Iowa have been challenged. A lawsuit has been filed in Federal court in Oklahoma that challenges not only a State constitutional amendment to preserve traditional marriage, but also the Federal Defense of Marriage Act. The Supreme Court of New Jersey seems poised to overturn the State's traditional marriage laws. A Federal court in Nebraska already struck down the State's constitutional amendment to protect traditional marriage. Just a few weeks ago, a judge in Georgia invalidated an amendment passed by the State's voters in 2004.

Those who oppose traditional marriage are not playing by the rules. They are not convincing their fellow citizens of the merits of their cause. They are not taking their arguments to the legislatures. Rather, they are taking the easy way out. Just convince a few elite judges that they are on the side of justice, and traditional marriage laws will go the way of the dinosaurs.

According to this amendment's opponents, when well-funded liberal activist groups ask judges to subvert the will of the people in every State, they are not playing politics. When they ask a bare majority of judges to overturn traditional marriage laws and declare them discriminatory, they are merely seeking justice. Yet when the people's elected representatives attempt to preserve traditional marriage in this country, we are playing politics.

We must be respectful of homosexual citizens. They are our fellow citizens. And they, no less than we, are endowed with the rights that Thomas Jefferson elaborated in the Declaration of Independence. But we also live in a democracy. And in democracies the people get to determine social policy, not judges. We should take this opportunity to restore the authority of the people over public policy and their own constitutions. We should remind these judges that the judiciary does not have a method of reasoning superior to the people or their elected representatives. Judges are good at deciding cases. They are good at applying law. But when it comes to moral reasoning, there is nothing in their legal training or in our laws that gives a few activist judges a right to make wholesale social change at the expense of the traditions of the American people.

I support this amendment. It is merely a congressional affirmation of what the vast majority of citizens in Utah and across the country already believe—marriage should be between one man and one woman.

We have a long way to go, but as even this amendment's opponents know, the fact that legislation will not pass is no reason to avoid a debate. Only by debating can you build a consensus. The American people have already arrived at a consensus on this issue. They want to see traditional marriage remain the law of the land. I agree with that sentiment, and so I will be voting for cloture. I urge my colleagues to do the same.

I yield the floor.

Mr. ALLARD. Mr. President, I thank the Senator from Utah for his hard work on this issue. He is a dedicated Senator and an honorable one. We appreciate him taking the time to address the Senate.

Mr. President, I now ask that Senator THUNE be recognized.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I rise today to join the debate and express my strong support for the marriage protection amendment, of which I am a cosponsor. Amending the Constitution of the United States, as many have noted, is serious business and is something we should only undertake when we have a compelling rationale.

This amendment meets that high standard. Nothing is more fundamental, nothing is more important to the fabric of American society than the family. And that is what this debate is really all about.

Every Member of this body, every citizen of this Nation understands, or at least should understand, that the traditional family is the glue that binds our communities, the building block on which our Nation is constructed. It is something that I as a father of two daughters and a husband of 20 years understand and appreciate.

Yet today, this pillar of our society is under attack by some who are pursuing a narrow social agenda designed to destroy the definition of marriage that has existed since the birth of civilization. They are trying to convince us that what virtually all Americans have understood for more than two centuries as self evident, is wrong.

People ask why do we need to do this now? Why is it necessary? As has been noted, despite widespread public disapproval, activist judges are eroding the different State laws that define marriage as a sacred union between a man and a woman.

Currently nine States face lawsuits challenging their marriage laws. California, Maryland, New York, and Washington State trial courts have followed Massachusetts and found State marriage laws unconstitutional. The State supreme courts in New Jersey, Washington State, and New York could decide marriage cases this year.

The only sure way to prevent the courts from redefining marriage is to send to the States a Federal constitutional amendment that affirms marriage and prevents activist judges from hijacking that definition.

There have been those who have come to the floor and said that this really is not an issue the American people care about. Well, I beg to differ, if you look at what has happened in 19 States. Nineteen different States in this country have adopted constitutional amendments, by public vote, defining marriage as a union between a man and a woman.

That very initiative, that very vote will be on the ballot this fall in South Dakota. I predict that we will get a very comfortable margin in favor of that.

In fact, if you look at the average in all of these places around the country, all of the States that have debated this issue and voted on it, the average vote has been 70 percent. Seventy percent of the American people have a different way of deciding what they care about and what is important and that is sometimes different than politicians here in Washington.

Some have said there are more important issues we need to deal with. However, the fact of the matter is if you look at the agenda we have been talking about for the past several weeks right here in the U.S. Senate we have been dealing with those issues.

Yesterday several Democrat Senators expressed their frustration about this debate taking place, a sentiment that has been repeated throughout the course of the day by more of their Democratic colleagues. They say there are more important issues that need to be debated during this time instead of marriage. Putting aside the fact that protecting traditional marriage and families is an important topic, they seem to forget what has been occurring on the Senate floor.

They say we need to focus on health care, an issue that is very important to me and my constituents in South Dakota. However, they forget that when this issue was brought to the floor just a few short weeks ago, they filibustered not one, not two, but three solutions to the health care crisis that faces our country; namely two types of medical liability reform and the Health Insurance Marketplace Modernization and Affordability Act.

They say we need to tackle the high price of gasoline that has affected this entire country, something that again affects profoundly the people I represent in South Dakota. However, they must forget the battle that has been occurring since the early 1990s to open up the Alaska National Wildlife Refuge, or ANWR, to oil exploration. It is something that has been debated consistently and repeatedly here and blocked from consideration. Once developed, ANWR could provide about one million barrels of oil each day for the next 30 years, a good first step toward solving this complicated problem. However, what we have run into is continued filibusters on what is a very commonsense step toward reducing our energy dependence.

They are right, there are many important issues facing Americans throughout this country. However, they are pointing their fingers at the wrong people. If they are so serious about solving America's problems, they should let the Senate vote on these issues, including the Marriage Protection Amendment.

One of the other issues which has been raised throughout the course of this debate is that we should not trivialize the Constitution with this amendment, that somehow marriage does not meet the threshold or the criteria of the liberal elites to warrant discussion as an amendment to the Constitution.

Well, there again, if you look at just the last 20 years here in the U.S. Senate, there have been a whole range of constitutional amendments that have been proposed by our colleagues on the other side. In fact, there are over 100 constitutional amendments that have been proposed right here in the U.S. Senate by our colleagues on the other side.

I was listening earlier to the debate on the floor when the Senator from Illinois, the Democrat whip, and the Senator from Nevada, the Democrat leader, were talking again about how we ought to be talking about other issues. It is interesting to note if you look at some of the constitutional amendments that have been introduced here in the U.S. Senate, both of those particular Members, as well as others of our colleagues on the Democrat side, have cosponsored many of those amendments.

They have cosponsored amendments dealing with physical desecration of the flag, of which I am also a cosponsor, as well as an amendment dealing with the regulation of contributions and expenditures intended to affect elections. There was an amendment proposed by the Senator from Illinois that would abolish the electoral college and provide for the direct popular election of the President and Vice President of the United States. There was a constitutional amendment offered by the Senator from Nevada that proposes repealing the 22nd amendment which establishes Presidential term limitations.

There are always constitutional amendments offered here in the U.S. Senate, and there are always those on both sides of the aisle who have varying levels of interest in those. But the reality is, that is what our Founders gave us. This is the mechanism they gave us whereby we can deal with some of these issues when there are constitutional questions.

What has prompted this debate in the U.S. Senate is the fact that States across this country, and in the Federal Government right here in Washington with the Defense of Marriage Act in 1996, have all taken action on the issue of marriage. Yet, we have courts across the country that are challenging the will of the people in each of those respective decisions and going their own way. They are trying to redefine marriage in a way that is contrary to what I believe is the tradition of this country, not only the tradition of this country, but since the beginning of time.

This is an important issue. It is an important debate. It is a debate that I believe we need to have in this country.

The other thing that has been said by our colleagues on the other side is, Why debate something if you know it is not going to have the votes for passage? Well, we may not get to 67 votes this time around and I was not here in 2004 when the Senator from Colorado brought this amendment to the floor and it was voted on previously, but I am told it got somewhere around 48 votes. I think we will get more votes for it this time.

But the point is, why would we not debate meaningful issues here in the U.S. Senate? That is what we are here for. If we just brought legislation to the floor of the U.S. Senate that we knew we had the votes to pass, we would not be debating very much.

We had a lot of amendments to the immigration bill that we debated in the last couple of weeks that failed by large margins. Yet, I did not see anybody here saying we should not debate them because we know we do not have the votes here to pass it.

The Senator from Illinois was talking about this earlier today saying: We should not be debating this because we know it is not going to pass. The last amendment he offered to the immigration bill, that was debated in the last couple of weeks in the U.S. Senate, got just 34 votes. Well, I think he has a right to debate that in the U.S. Senate, just like I think the people across this country who care passionately about the defense of marriage have the right to do so as well.

The other thing that gets stated a lot in this debate is that we should not in any way erode States rights, that somehow this amendment steps on States rights. That is wrong. Think about it. This is what our Founders gave us. This is the mechanism whereby the people of this country can amend the Constitution.

It requires the active participation of people all across the country, through their elected Representatives here in the U.S. Senate where it takes a two-thirds vote and the House of Representatives where it takes a two-thirds vote. And then it goes to the States. Three-fourths of the States, 38 States, would have to ratify this in order for it to become a part of our Constitution. That is about as much public participation as you could possibly ask for.

Not to mention the fact, as I indicated earlier, that we have already had votes all across the country. Nineteen States have put it on the ballot. Nineteen States, by an average of 70 percent, have affirmed traditional marriage as the union between a man and a woman.

It seems to me the States ultimately are going to decide this issue. If in fact this body and the U.S. House get the two-thirds votes that are necessary to send it to the States, 50 State legislatures are going to be debating this. Thirty-eight of them are going to have to decide if it is the right thing to do before it ultimately becomes part of the Constitution of the United States.

Very simply, the reason for this debate is that people in this country want to know that we care enough about the institution of marriage to step up and defend it against attacks from liberal activist judges, against courts that have decided that they want to redefine what we have known to be true about marriage for the past several hundred years. That is where this debate ought to be heard.

It ought to be heard by the people of the United States of America. It has been in legislatures around the country. It is being heard here in the U.S. Senate today. The people's voice is what we do. We give voice to the issues that the people in this country care about, and I happen to believe that this is one of those issues.

That is fundamentally what this debate is about. It is not about whether or not there are enough votes to pass it. It is not about whether or not this warrants the threshold of what is worthy for a debate on a constitutional amendment.

As I said earlier, our colleagues on the other side who are objecting to that have offered over 100 constitutional amendments over the past 20 years in this institution. It seems to me that the definition of marriage, that fundamental foundational building block of American society, is certainly worthy and warrants discussion and the time of the U.S. Senate.

So I commend the Senator from Colorado for bringing this to the floor. I look forward to voting in favor of it. I urge my colleagues to do the same, because I believe that is what the American people would have us do.

I yield the remainder of my time.

Mr. McCAIN. Mr. President, I understand I am recognized for 15 minutes.

The PRESIDING OFFICER. The majority controls the time until 4 o'clock.

Mr. McCAIN. Mr. President, I believe that the institution of marriage can serve its public purposes only when it is understood as being a union between one man and one woman. It is this understanding that offers public reinforcement to the vital and unique roles played by mothers and fathers in the raising of their children. It is this understanding that offers a foundation for principled objections to those who would pursue the imprudent agenda of dismantling an institution that has served us well, and replacing it with newer and more flexible understandings that are of questionable public value.

I also believe in the institution of republican government as described in the U.S. Constitution. This, too, is an institution that has served us well, founded upon the precept that the American people speak through their elected representatives, and these representatives remain at all times answerable and accountable to the people whom they serve. Today, on the question of marriage, we are told by advocates on both sides of the debate that

these two institutions, as they are currently understood, cannot be reconciled, and that one or the other must be changed. I do not agree, and thus I do not at this time support the proposed Marriage Protection Amendment.

The proposed amendment would establish in our Constitution a permanent resolution of a debate that is currently and properly being resolved in different ways, in 50 different States, by the people's elected representatives. Our system of federalism is not easily separable from our commitment to republican government, because it is driven by the idea that we are best governed when those who represent us live where we live, and share the values that we share. It is this understanding that has allowed us the strength, as a Nation, to time and again preserve our unity and confront our challenges in times of crisis, no matter how great our differences on issues that are the subject of heated public debate. The continued vitality of America's commitment to federalism and republican government offers a hopeful example to strife-torn areas of our world where conflicts are tragically settled with bullets rather than ballots. The constitutional value of federalism is doubly important in the area of family law, because power to legislate in this area has traditionally been reserved to the states, and because issues of family structure affect the fabric of the broader community, creating the opportunity for approaches that reflect the values of the States that form our Nation.

Most Americans believe, as do I, that the institution of marriage should be reserved for the union of a man and a woman. Wherever the question of same-sex marriage has been put to the test of public approval, it has been decisively rejected. Presently, 19 States protect in their constitutions traditional definitions of marriage. In 2004, amendments to State constitutions preserving the institution of marriage exclusively as the union of a man and woman were placed on the ballot in 13 States. All 13 passed by substantial margins. Thus far, seven States have a constitutional amendment on the ballot this year. There is little doubt they will all prevail. Proponents of an amendment to my State's constitution, which I support, are working hard to collect the required number of signatures to secure a place on the November ballot. If we succeed, I am certain Arizonans will adopt it overwhelmingly.

There can be little doubt that a sizeable majority of the American people, whatever their views on other questions involving the rights of homosexuals in our society, strongly support reserving the institution of marriage for the union of one man and one woman. That majority includes, I am confident, majorities in every State in the Union. It includes Americans of both political parties, whose voting habits and general political philosophy range from conservative to moderate to liberal.

It is obvious that there is a broad consensus in this country in support of the traditional definition of marriage. And when the American people are so decided in a public debate, their elected representatives will defend that consensus. Forty-five States have either constitutional protections or statutes on the books defining marriage in traditional terms. In 1996, Congress passed and President Clinton signed into law the Defense of Marriage Act, which allows each State to deny within its boundaries the status of marriage to the union of a same-sex couple that may have been recognized in another State. To date, the Defense of Marriage Act has not been successfully challenged in Federal court.

The broad consensus in support of traditional marriage does not yet extend to support for the measure we are debating today, an amendment to the Federal Constitution defining marriage as the union between a man and a woman. I suspect that is because most Americans are not yet convinced that their elected representatives or the judiciary are likely to expand decisively the definition of marriage to include same-sex couples.

Obviously, the Massachusetts Supreme Court's ruling in 2003 effectively extended lawful marriage to same-sex couples even though it is apparent that a majority of Massachusetts residents do not support that change in the interpretation of the State's marriage laws. But there are political remedies to what, I believe, can be fairly criticized as judicial activism that ignored the will of the people and denied a State government its long established right to regulate marriage. In Massachusetts, more than 120,000 voters signed a petition to place on the ballot an amendment to the Commonwealth's constitution restoring the traditional definition of marriage. A constitutional convention to consider amending the Massachusetts constitution is scheduled to convene on July 12.

The Nebraska decision is under review by the U.S. Court of Appeals for the Eighth Circuit, which has already heard oral arguments in the case, and might issue a ruling as early as this summer. Most analysts, on both sides of the debate, believe the lower court's decision will be reversed, and the exclusive protections for traditional marriage that the people of Nebraska adopted in 2000 by a vote of 70 percent will be restored to their constitution. Nebraska's attorney General has not even felt it necessary to ask for a stay of the district court's decision pending the outcome of the appeal, which would almost certainly have been granted. I assume this is because Nebraska still has a defense of marriage law on the books, and there are no same-sex marriage cases pending in Nebraska courts or same-sex marriage legislation pending in the Nebraska Legislature.

I understand that the precipitous Massachusetts decision as well as the unlawful granting of marriage licenses to same-sex couples in a few localities outside Massachusetts, challenges to traditional marriage laws in other States, and the decision last year by the Federal district court in Nebraska that struck down an amendment to Nebraska's constitution restricting marriage to a man and a woman have added to the support for a Federal marriage amendment. While that support does not mirror the broad national consensus in support of traditional marriage, it is substantial and passionate. I understand that and I respect it, and I agree that marriage a uniquely important institution should be protected. But I do not agree that all the above circumstances have made it necessary to usurp from the States, by means of an amendment to Federal Constitution, their traditional role in regulating marriage. I'm reluctant to abandon the federalism that is part of the essence of conservative political thought in our country. And I am very wary of the unintended consequences that might follow from making an exception to our federalist principles for the sake of addressing a threat to the institution of marriage that may still, indeed, seems likely to be, defeated by means far less precedent setting than amending our Nation's Constitution.

Of course, while I disagree that the current constitutional structure provides insufficient mechanisms for ensuring that the public meaning of marriage is not tampered with by activist judges, it would be disingenuous to argue that those who support the proposed amendment have no grounds for their concern. In recent decades there have been too many occasions on which the Federal Courts, including the Supreme Court, have forgotten their proper role, and abandoned the virtues of federalism and republican government in favor of imposing their own policy preferences in the guise constitutional interpretation. Decisions such as Roe v. Wade continue to distort the democratic process in ways large and small to this very day. It is a telling commentary on those who seek to change the longstanding public meaning of marriage that in many instances they have chosen to pursue their agenda through the courts rather than taking their case to the people. Those who wish to engage the issue in good faith should reject out-of-hand attempts to read into the Constitution a right to same-sex marriage, because the Constitution says absolutely nothing about it, and because the longstanding traditions of American society have defined legal marriage as a union between one man and one woman. Indeed, yet another reason I am reluctant to support the proposed amendment at this point in time is that I do not accept the proposition that the current Constitution could ever reasonably be read to contain a supposed ''right'' that it plainly does not contain.

It is just not clear to me that threats to the institution of marriage that have arisen in recent times have become a permanent breach of State authorities' traditional role in regulating and defining marriage as the people of their States and their elected representatives see fit. My confidence that the public meaning of marriage will be decided in the context of federalism and republican government rather than by judicial fiat is strengthened by the recent confirmations of Chief Justice Roberts and Justice Alito, and I hope that future appointments to that State and Federal courts give us judges who share a similar understanding of the courts' proper role in our constitutional system.

However, if I am wrong, and the Nebraska decision were to be upheld on appeal; or were other challenges to State marriage laws made and upheld; or if majority sentiment and legislative remedies in affected States fail to overcome peremptory judicial intrusions into the political process of defining marriage; or if the Supreme Court were to reject the Defense of Marriage Act, then, and only then, would the problem justify Congress making the momentous decision to amend the most enduring and successful political compact in human history as the only recourse means to restore the public's right to define, according to the values and concerns of our communities, a critically important foundation of our society.

Let me pose a hypothetical situation to illustrate why we should be reluctant to impose a constitutional remedy to a problem that will probably be resolved in an ordinary, State by State political process, consistent with the respect for federalism we Republicans have long claimed as one of our virtues. Those of us who consider ourselves pro-life would welcome the Supreme Court's reversal of the Roe v. Wade decision that found a constitutional right to an abortion. The result of that reversal would be to return the regulation of abortion to the States, where the values of local communities would be influential. Now, further suppose that abortion rights advocates held majorities in both houses of Congress, and rather than argue State by State for liberal abortion laws, they decided to usurp the States' authority by means of a constitutional amendment protecting abortion. Wouldn't we who consider ourselves federalists loudly protest such a move? Wouldn't we all line up on the floor to quote Mr. Madison from Federalist Paper 45, that:

> The powers reserved to the several states will extend to all the objects, which, in the ordinary course of affairs, concern the lives, liberties and properties of the people, and the internal order, improvement and prosperity of the State.

Yes, we would, Mr. President, yes, we would.

I believe that in the ''ordinary course of affairs,'' the American people's clear preference to retain intact the institution of marriage, defined according to the values of our communities as the union of one man and one woman, will prevail, and that attempts to ignore the people's will, either by judicial fiat or by the occasional enterprising politician will, in due course, be overcome. I might be wrong, and I respect the concerns of Americans who believe current circumstances urgently require the constitutional protection of traditionally defined marriage. But I do not believe that recent developments yet pose a threat to marriage that cannot be overcome by means short of a constitutional amendment.

While I will vote in opposition to this amendment, I believe its advocates should be reassured that if in the future the public meaning of marriage is taken from the hands of the people and altered by judges who claim falsely to speak before all others for the people's constitutional ideals, then it will be the people, acting through their elected representatives in this Chamber, who will at that time have the final word. Until then, however, I will trust in the American people and the elected representatives closest to them to pass and enforce laws upholding the institution of marriage in accord with the values of their communities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I rise today in support of S.J. Res. 1, the Marriage Protection Amendment to the U.S. Constitution. I support this amendment because traditional marriage is the bedrock institution of our society and its integrity must be maintained. The people and State legislatures around the country have approved laws and constitutional provisions to protect traditional marriage, but courts persist in reinterpreting their State constitutions to redefine the institution. I believe that, to prevent that kind of judicial activism from spreading, and to guarantee that people and the States can decide the issue, Congress should approve the marriage amendment and send it to the States for ratification.

In my brief remarks, I will address two basic questions. First, is marriage worth defending? And second, is a constitutional amendment necessary, or can this question be handled through the states?

On the first question, the answer should be clear to all. Traditional marriage—marriage between a man and a woman—is the fundamental institution of our society. That is primarily because marriage is the best environment for the protection and nurturing of children. Traditional families are where we hope that children will be born and raised and where we expect them to receive their values. If we want our Nation's children to do well, we need to do everything we can to ensure that children grow up with mothers and fathers. And the place where that happens best is where mothers and fathers properly unite, in marriage. The state sanctions and encourages marriage not only because it wants to validate a lifelong personal relationship, but, more importantly, because we need a stable institution for child-rearing. That is why this issue is of such great importance.

We send a very important message to our children when we stand up for the institution of marriage. We tell them that marriage matters—that traditional family life is a thing to be honored, valued, and protected. We tell them that marriage is the best environment for the raising of children. We tell them that every child deserves a mother and a father. We point them to the ideal. We simply cannot strip marriage of its core—that it be the union of a man and a woman—and expect the institution to survive in its present form. The law of unintended consequences certainly applies here, as in all things. We cannot strip the institution of its essence and expect no adverse consequences.

That leads me to the second question: is a constitutional amendment necessary, or can the future of marriage be handled at the state level? I have heard some of my colleagues argue that this issue is best left to the States. They argue that family law is traditionally a State issue, and that the States are best equipped to manage family law matters. They say that Congress should do nothing, and just let each jurisdiction sort this out on its own.

First, just as a matter of history, some like to say that the definition of marriage is only a State issue, but history shows that the question is a bit more complicated. For example, when Congress admitted Utah as a State in 1896, it expressly required Utah to ban polygamy. In other words, the Federal Government imposed the traditional definition of marriage, because Members of Congress believed that the issue was of national importance. And in general, at least since the Civil War, we have moved increasingly towards a system in which the core questions about how to order our society are answered on a national level.

Second, we should focus on what ''federalism'' actually means. Many opponents of this constitutional amendment suggest that our federalist principles require us to sit on our hands and do nothing. Respectfully, I believe that the underlying principle that gives federalism its power is being misunderstood and misapplied. In fact, I think exactly the opposite is true: a genuine examination of the principles of federalism and States' rights should lead one to support this amendment.

The purpose of federalism is to empower the American people and to bolster democratic participation by ensuring that questions are decided at the local level, wherever possible.

We do not want the Federal Government deciding questions of purely local

importance, so we have limits on Federal power. These limitations are designed not so much to protect State governments, but to ensure that democracy works more efficiently and that policy is set by the American people through the officials that they know better and who are physically closer to them. Thus, federalism is not a dry question of allocating power among governments and politicians. It is about finding the best way to enhance the power of the people themselves.

A vote against this amendment does nothing to enhance the power of the American people. The only thing it does is enhance the power of the courts. To hear this talk of ''States' rights'' and ''federalism,'' you might think that the American people are clamoring for same-sex marriage. In fact, just the opposite is true. Opinion polls consistently show nearly 60 percent opposition to same-sex marriage. Moreover, when citizens are given the opportunity to vote on State constitutional amendments, they support those amendments by an average of 70 percent.

No, as we all know, the danger here is not State legislatures, but judicial activism from the courts. The American people are not deciding this question; the courts are. The alternative to a Federal constitutional amendment is not one in which the people are left to operate their States as laboratories, as Justice Brandeis once suggested, but one in which the people are robbed of any ability to control this issue.

So let us deal with the facts on the ground, so to speak. This is not being ''handled'' by the States today. It is being handled by the courts. Even in the ''reddest of the red'' States such as Nebraska and Oklahoma, each of which adopted State constitutional amendments to protect traditional marriage, the activists have sued Federal court and said those State amendments are unconstitutional under Federal law. The citizens of these States are not being permitted to decide this question. ''States rights'' implies not courts, but the people, making these decisions.

Let's look at what is happening in the courts, with special attention to what has happened since we last debated this amendment.

First, since July 2004, State trial courts in Washington, New York, California, and Maryland all have struck down traditional marriage laws. Those cases are now on appeal. So, compare today versus 2 years ago. In July 2004, we were looking only at Massachusetts. Today, State courts in four other States have followed Massachusetts' lead.

Second, even more State court lawsuits have been filed. In Connecticut and Iowa, same-sex marriage advocates argue that each State's traditional marriage law is unconstitutional, and that the courts must redefine the institution to include same-sex couples.

Third, there has been increased action in Federal courts. In particular, a Federal district court in Nebraska struck down the State's constitutional amendment protecting traditional marriage. The case is on appeal to the Eighth Circuit, and a decision is likely sometime this summer. Regardless of how the case comes out, it shows the aggressiveness of the advocates for same-sex marriage. In Nebraska, 70 percent of voters adopted a constitutional amendment stating clearly that they wanted marriage to be preserved in its present, traditional form. Yet the ACLU still sued.

There has been other Federal court action as well. For example, activists filed a lawsuit in Federal court in Oklahoma challenging the State constitutional amendment enacted by voters, as well as Federal DOMA itself. DOMA also came under fire in California, where a Ninth Circuit panel dismissed a constitutional challenge on technical, standing grounds. Some good news came in Florida, where a Federal district court upheld DOMA's traditional definition of marriage for purposes of Federal law.

So, in summary, there are currently 9 States facing lawsuits challenging their marriage laws—California, Connecticut, Iowa, Maryland, Nebraska, New Jersey, New York, Oklahoma, and Washington. I should add that State supreme courts are expected to rule in New Jersey and Washington sometime this year.

I mention all these cases because they show the folly of relying on ''federalism'' or ''States' rights'' to resolve this national debate. The people are not deciding these lawsuits; judges are. If we do nothing—if we stand aside and let the States work it out, as some of my friends argue, then the American people will see the institution of marriage redefined against their will. It is happening now, and it is going to continue happening for as long as this body punts on this issue.

If we want to stand up for federalism—not to mention traditional marriage—then let's look at how a constitutional amendment works. The constitutional amendment process outlined in Article V of the Constitution is the most democratic, the most grass roots, and the most respectful process available for the establishment of national policy. A constitutional amendment requires the support of ⅔ of both houses of Congress. Then it requires the support of the legislatures of ¾ of the States in the Union. Then, and only then, can the amendment become effective. This is a very high hurdle, but it guarantees that the American people have a full and complete opportunity to speak to the issue, that they can express their views to their Senators, their Congressmen, and their State legislators. It takes time. But in the end, if a constitutional amendment passes, we know that the American people want it.

In other words, Mr. President, the constitutional amendment process enhances federalism and States' rights. It ensures that there is a national consensus on this question, and it pushes the decisionmaking down to the most representative political leaders in our system, rather than allowing a few judges to amend the Constitution by overturning two centuries of our common understanding.

I have much more to say, especially regarding the meaning of this amendment and the political situation in the States, but time is short, so I will ask unanimous consent at the conclusion of my remarks to have printed excerpts from a policy paper that I issued as Chairman of the Senate Republican Policy Committee, ''Why a Marriage Amendment is Still Necessary,'' which was published back on March 28.

To cite ''federalism'' or ''States' rights'' is to avoid the issue as it is actually playing out. Instead, we must decide whether this question belongs in the courts, where it is now, or whether it belongs in the legislatures and before the people. I submit that we should not stand in the way of the American people's right to speak on this question. I have faith that this constitutional amendment process will work—that the difficult social and cultural questions posed by same-sex marriage can be resolved satisfactorily through the democratic process of passing this constitutional amendment.

But I am even more sure that, if we fail to send this amendment to the people, and if the courts continue on their current path, our Nation will face decades of division that will make current frustrations with judicial activism seem quaint in comparison. If we refuse to act, the big loser will be not only traditional marriage, but the people's respect for the judicial system and for the rule of law itself. Such a breakdown would be disastrous, but it is avoidable. It is avoidable if Congress votes ''yes'' and sends this amendment to the States for ratification.

Mr. President, again, it should go without saying that traditional marriage as we understand it between men and women is a fundamental institution of our society and that we should do everything we can to ensure its preservation. The reason that is so is primarily because marriage is the best environment for the protection and the nurturing of children. We send a very important message to our children when we stand up for this institution. We tell them that marriage matters, that traditional family life is a thing to be honored and valued and protected. We tell them that marriage is the best environment for raising of children, that every child deserves a mother and a father. We point them to this ideal. We simply cannot strip marriage of its core, that it be the union of a man and a woman, and expect the institution to survive in its current form. The law of unintended consequences certainly applies here as in all things. We can't strip the institution of its essence and expect no adverse consequences.

That brings us to the second core question: Is a Federal constitutional amendment necessary to preserve this institution? I have come to the conclusion that it is. The question is whether this matter can be and is properly being handled at the State level, as some of our colleagues have contended. It is being handled at the State level to be sure, but the question is whether it is being handled by the people or by their elected representatives or whether in effect the Constitution is being rewritten by the courts, whether a couple of centuries of tradition about a common understanding of what traditional marriage meant is being eroded by court decisions rather than the will of the people.

Opinion polls consistently show nearly 60 percent opposition to same-sex marriage, and when citizens are given the opportunity to vote on State constitutional amendments, they approve them by an average of about 70 percent. So the danger here is not State legislatures but judicial activism from the courts. The American people are not deciding this question; the courts are. That is why the notion that we need to preserve federalism or States rights is, in my view, misplaced.

The alternative to a Federal constitutional amendment is not one in which the people are left to operate their States as laboratories, as Justice Brandeis once suggested, but one in which the people are robbed of any ability to control the issue because it is being resolved in the courts. Even in the reddest of the red States, such as Nebraska and Oklahoma, each of which adopted State constitutional amendments to protect traditional marriage, the activists have sued in Federal court and said that those amendments are unconstitutional under Federal law. So the citizens of these States are not being permitted to decide the question. States rights implies not the courts but the people making the decisions. That will not be what happens if these constitutional provisions are thrown out by the courts.

Look at what happened in just the last couple of years here, since we last debated the amendment. In 2004, State trial courts in Washington, New York, California, and Maryland all struck down traditional marriage laws. Those cases are now on appeal. So compare today versus 2 years ago. In July 2004, we were looking only at Massachusetts. Today, State courts in four other States have followed Massachusetts' lead. So the concern about the courts intruding into this area is not a hypothetical future concern but a reality today.

Even more State court lawsuits have been filed—for example, in Connecticut and Iowa. In addition to that, there is increased action in Federal courts. In particular, the Federal district court in Nebraska struck down a State's constitutional amendment protecting traditional marriage, as I mentioned a moment ago. That case is on appeal to the Eighth Circuit.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KYL. Mr. President, would I be out of order if I asked for unanimous consent for 1 more minute to conclude my remarks?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. In summary, to summarize these cases, there are currently nine States facing lawsuits challenging their marriage laws—California, Connecticut, Iowa, Maryland, Nebraska, New Jersey, New York, Oklahoma, and Washington—and the State supreme courts are expected to rule in New Jersey and Washington sometime this year.

So the bottom line is this: The people are not deciding the Constitution, the judges are. If we do not do anything, if we stand aside and let the States work it out, as some of my friends have suggested, then the American people are likely to see the institution of marriage redefined against their will, and it will be much more difficult to adopt a constitutional amendment after these rulings are in place than it is to do so before they are in place.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks excerpts from a policy paper that was issued by the Senate Republican Policy Committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The following are excerpts from a policy paper titled ''Why a Marriage Amendment is Necessary,'' released by the Senate Republican Policy Committee on March 28, 2006. Footnotes and citations are omitted.

SUMMARY OF PENDING LAWSUITS

As predicted at the time, the Massachusetts decision in Goodridge proved the catalyst for a flood of new lawsuits. As of March 2006, nine states face active lawsuits challenging their traditional marriage laws: California, Connecticut, Iowa, Maryland, Nebraska, New Jersey, New York, Oklahoma, and Washington. Those cases are summarized below:

STATUS OF PENDING LAWSUITS CHALLENGING STATE MARRIAGE LAWS

California: Direct challenge to state marriage laws. Plaintiffs seek redefinition of marriage to allow same-sex marriage. Filed in 2004. Plaintiffs won in trial court in April 2005. Appeal is now pending in state court of appeals in San Francisco. A complete timeline is unclear, but no final decision from state supreme court is expected until 2007 at the earliest.

Connecticut: Direct challenge to state marriage laws. Plaintiffs seek redefinition of marriage to allow same-sex marriage. Filed in 2004. Case is pending in state trial court in New Haven. A complete timeline is unclear, but no final decision from state supreme court is expected until 2007 at the earliest.

Iowa: Direct challenge to state marriage laws. Plaintiffs seek redefinition of marriage to allow same-sex marriage. Filed in 2005. Case is pending in state trial court. A complete timeline is unclear, but no final decision from state supreme court is expected until 2007 at the earliest.

Maryland: Direct challenge to state marriage laws. Plaintiffs seek redefinition of marriage to allow same-sex marriage. Filed in 2004. Plaintiffs won in trial court in January 2006, and state has said it will appeal. A complete time line is unclear, but no final decision from state supreme court is expected until 2007 at the earliest.

Nebraska: Federal constitutional challenge to state constitutional amendment protecting traditional marriage. Plaintiffs won in federal district court, and the state appealed to the federal appeals court. Oral arguments were heard in February 2006, and a decision is expected in the spring or summer of 2006.

New Jersey: Direct challenge to state marriage laws. Plaintiffs seek redefinition of marriage to allow same-sex marriage. Filed in 2002. The state successfully defended traditional marriage laws in trial and appeals court, and the case is now before the state supreme court. Oral arguments were heard in February 2006, and a decision is expected in the summer or fall 2006.

New York: Multiple direct challenges to state marriage laws. Plaintiffs seek redefinition of marriage to allow same-sex marriage. Filed in 2004. After conflicting results in lower state courts, the state's highest court is now reviewing the case. A decision is expected no sooner than late 2006.

Oklahoma: Federal constitutional challenge to state constitutional amendment protecting traditional marriage. Plaintiffs also challenge federal DOMA. Filed in 2004. Case is pending in federal district court. A motion to dismiss has been pending since January 2005, and a decision is expected in 2006.

Washington: Direct challenge to state marriage laws. Plaintiffs seek redefinition of marriage to allow same-sex marriage. Filed in 2004. Plaintiffs won in state trial court, and the cases are now on appeal to the state supreme court. Oral arguments were heard in March 2005, and a decision is expected in 2006.

Note that in four of those states facing current challenges—California, Maryland, New York, and Washington—state trial courts have already struck down marriage laws and found a right to same-sex marriage in state constitutional provisions dealing with equal protection and due process. Those decisions are stayed pending appeal. State courts in Hawaii, Alaska, and Oregon had previously done the same, but state constitutional amendments subsequently reversed those decisions.

THE INCREASE IN LEGAL CHALLENGES

These current lawsuits are part of a growing trend. Until recently, very few states had seen attacks on their marriage laws. As of 1992, lawsuits had been filed in Minnesota (1970), Kentucky (1973), Washington (1974), Colorado (1980), and Hawaii (1990). As the Hawaii case gained traction, activists filed new lawsuits in Alaska (1995), Vermont (1997), Massachusetts (2001), New Jersey (2002), Indiana (2002), Arizona (2003), and Nebraska (2003). Since the Massachusetts high court struck down traditional marriage laws in 2003, cases were filed in Alabama, California, Connecticut, Florida, Maryland, New York, North Carolina, Oklahoma, and West Virginia in 2004, and in Iowa in 2005. In many of these states, such as Florida, California, and New York, more than one lawsuit was filed. The number of states that have faced challenges to their marriage laws has more than quadrupled since the early 1990s.

THE COMMON THREAD IN THE LAWSUITS CHALLENGING TRADITIONAL MARRIAGE LAWS

These lawsuits are brought under a variety of state constitutions or, in the federal cases, they are based on the U.S. Constitution, but the cases' substance are very similar.

First, nearly all the lawsuits are brought by the same cadre of legal activists at the

American Civil Liberties Union, the Gay & Lesbian Advocates & Defenders, Lambda Legal Defense & Education Fund, and the Freedom to Marry coalition. This is a coordinated and well-funded national campaign.

Second, on substance, these advocates regularly argue that civil marriage is a fundamental right; that denying civil marriage to same-sex couples violates their right to equal treatment based on sex and sexual orientation; and that the state can offer no legitimate justification for not redefining marriage to include same-sex couples.

Third, the advocates frequently rely on the U.S. Supreme Court's decisions in *Lawrence* v. *Texas*, 539 U.S. 558 (2003) (holding that sodomy bans are unconstitutional) and *Romer* v. *Evans* 517 U.S. 620 (1996) (holding unconstitutional a Colorado state constitutional amendment barring enactment of laws aimed at benefiting homosexuals), as general support for the transformation of equal protection and due process jurisprudence to require same-sex marriage. Even those challenges that purportedly rely on state law also look to federal cases for support.

Finally, the advocates often rely on the Massachusetts decision in Goodridge as persuasive authority, along with the similar trial court opinions in Washington and New York. Thus, in our integrated legal system, court cases in one state affect litigation elsewhere; one cannot argue that what happens in Massachusetts has no extraterritorial impact.

CITIZENS ARE FIGHTING TO PROTECT STATE MARRIAGE LAWS

When the advocates began this effort in Hawaii in the early 1990s, only a few states had expressly defined marriage as between a man and a woman (although state common law typically assumed it). Moreover, no states had amended their constitutions to protect against state court judicial activism. After the Hawaii court attempted to redefine marriage, however, citizens became politically engaged to ensure that their states' laws were clear. After Americans saw just how far judges would go—striking down the basic definition of marriage, and calling for its ''eradicate[ion]''—they stepped up their activity and began to enact constitutional amendments that would shield the marriage definition from the judges.

The only states without statutory protections for traditional marriage are Massachusetts, New Jersey, New Mexico, New York, and Rhode Island. Moreover, voters in at least seven states will consider state constitutional amendments in 2006, including Alabama, Idaho, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin. Other states with more cumbersome constitutional amendment processes, such as Indiana, are following their state-specific processes to ensure that their state constitutions are amended as soon as possible.

Not only have nearly all states enacted some form of protection for traditional marriage, but they have done so with supermajority support. In the 19 states that have considered state constitutional amendments, all have passed, and with an average support of 71.5 percent. It is worth noting that the support for constitutional protections for marriage laws was strong regardless of whether the elections occurred in conjunction with higher-turnout elections such as November 2004 or state primary or special elections (in Louisiana, Missouri, and Kansas).

FEDERAL DOMA IS INADEQUATE TO PROTECT TRADITIONAL MARRIAGE LAWS

Perhaps the most common misunderstanding about the same-sex marriage debate is the notion that the federal Defense of Marriage Act, Pub. L. 104–199, 100 Stat. 2419 (September 21, 1996) (''federal DOMA'' or ''DOMA'') is a sufficient guarantor of traditional marriage laws. It is not, nor was it designed as a comprehensive solution to judicial activism on the same-sex marriage question.

WHAT DOMA DOES AND DOES NOT DO

DOMA was a limited law passed to address two distinct issues—forced interstate recognition and the definition of marriage for the purposes of federal laws and regulations.

Interstate recognition: DOMA's primary purpose was to bolster state courts' preexisting power to refuse recognition to out-of-state marriages that do not comply with the state's laws and public policy. DOMA did this by making clear that the Constitution's Full Faith & Credit clause should not be read to require interstate recognition of same-sex marriages. See 28 U.S.C. §1738C. However, it is crucial to understand that, as a matter of tradition and comity, states regularly recognize marriages that were solemnized in other states. It is also well established that a state court may refuse to recognize an out-of-state marriage if doing so would contravene local ''public policy.'' At least in the 45 states with laws defining marriage as man-woman, the public policy preferences should be clear, and state courts, therefore, should be constrained to refuse recognition of out-of-state same-sex marriages.

DOMA's effect on interstate recognition is, therefore, quite limited. It just addresses the situation in which a state court refuses to abide by its state public policy and relies on the Full Faith & Credit clause in recognizing an out-of-state, same-sex marriage. However, DOMA will not have any effect on a case in which an out-of-state, same-sex marriage is recognized because the judge believes that the equal protection or due process clauses require it. DOMA does not ''prevent'' any court from recognizing out-of-state marriages; it merely removes one of several rationales that a court could use in doing so.

Definition of marriage for purposes of federal law: DOMA had a second purpose: to define marriage for purposes of federal law. Section 2 of DOMA states that, for the purposes of federal statutes or any ruling, regulation, or interpretation of federal administrative action, ''the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or wife.'' See 1 U.S.C. 7. A well-known effect of this language is to ensure that only persons in traditional marriage can file income tax returns as married couples, but the reach is much broader. The General Accounting Office has found that, ''as of December 31, 2003, our research identified a total of 1,138 federal statutory provisions classified to the United States Code in which marital status is a factor in determining or receiving benefits, rights, and privileges.''

THE CONSTITUTIONAL CHALLENGES TO DOMA

Both provisions of federal DOMA have been challenged in federal court. For example, activists have challenged the interstate recognition provision in a case pending before the U.S. Court of Appeals for the Ninth Circuit, although the district court held the plaintiff lacked standing to challenge that provision. The section defining marriage for federal purposes is being challenged in that same Ninth Circuit case, as well as in federal cases pending in Oklahoma and Washington state. In each case, the plaintiffs argue that the U.S. Constitution's equal protection and due process guarantees require the recognition of same-sex marriages, and that efforts to limit the interstate reach of same-sex marriage or to limit marriage to heterosexual unions for purposes of federal law are unconstitutional. To date, the federal government has been successful in defending DOMA, for example, by prevailing in federal district court in Florida. Nevertheless, same-sex marriage advocates have made clear that they believe DOMA is unconstitutional and that they will continue to press their position in federal courts.

These lawsuits involving federal DOMA do not form the ''core'' of the campaign in the courts. Instead, same-sex marriage advocates are focusing on direct attacks on state marriage laws, both through state court challenges to statutory DOMAs, and through federal court challenges to state constitutional amendments. The key to the expansion of same-sex marriage in the courts is not striking down federal DOMA, but convincing courts at all levels that same-sex marriage is a fundamental right that cannot be denied.

WHAT HAPPENS IF CONGRESS DOES NOTHING?

Failing to act to protect traditional marriage laws by a constitutional amendment will, in the end, likely result in the judicial imposition of same-sex marriage on a nationwide basis. First, some state supreme courts undoubtedly will strike down state marriage laws. Second, cultural and legal confusion will develop over a period of years as the nation struggles unsuccessfully to deal with a patchwork, state-by-state approach. Third, federal courts will be forced to address fundamental questions of due process and equal protection that will emerge. And, as a result of certain liberal-leaning precedents, the final step could be a U.S. Supreme Court ruling that marriage laws be rewritten to require same-sex marriage in all states.

STEP NO. 1: STATE-BY-STATE FRAGMENTATION VIA JUDICIAL ACTIVISM

At present, legal activists are not asking the courts to impose same-sex marriage on a nationwide basis. Instead, they are targeting their efforts on particular states. As noted above, nine states face challenges to their marriage laws, and as one same-sex marriage advocate wrote earlier this month, it is highly likely that one or more of these state supreme courts will overturn traditional marriage laws. Evan Wolfson, one of the premier gay marriage advocates in the nation, recently told The American Prospect that the movement's strategy over the next several years is to have 10 states legalize same-sex marriage.

Thus, the near-term tactical goal of these activists is not national cohesion, but national fragmentation of marriage definitions. Same-sex marriage will be legal in some states, but illegal in neighboring states. The results will not necessarily be regional, either. For example, Washington and California courts may impose same-sex marriage on their states, but Oregon's citizens have already protected themselves for now by state constitutional amendment. A Maryland court has already struck down the states' laws, while Virginia will soon adopt a state constitutional amendment. Moreover, lawsuits are pending in Iowa, Nebraska, and Oklahoma, and more could spring up in the American heartland. Same-sex marriage, already a reality in Massachusetts, will crop up throughout the nation.

STEP NO. 2: LEGAL AND CULTURAL CONFUSION DEVELOPS DUE TO FRAGMENTATION

The state-by-state fragmentation of the nation serves the goals of same-sex marriage advocates because the result will be confusion and chaos that cannot long endure.

First, marriage is a fundamental aspect of American culture. The nation has a variety

of regional and state-by-state cultural variations, but it also has core values and standards that apply on a national level. Marriage's core components—two people, husband and wife—should be common throughout the nation. This need for cohesion on the nature of marriage was imperative 100 years ago, when Congress required Arizona, New Mexico, Oklahoma, and Utah to include in their state constitutions express provisions banning polygamy ''forever'' before they could be admitted to the Union. It is even more so today, when the American experience is much more national than regional. As Evan Wolfson has written, ''America is one country, not fifty separate kingdoms. If you're married, you're married.'' Wolfson is correct, and he and his allies are counting on same-sex marriage in a few states (especially large and culturally influential states such as California, New York, and Massachusetts) to pave the way for the spread of the institution throughout the nation. Resistance to this growth will be strong, as the state-level DOMA activity shows. The inevitable result will be increased social and cultural division.

Second, the resulting cultural division will inevitably end up playing out in the courts, as same-sex marriage puts new stresses on the legal system. Homosexual couples who have marriage licenses have every right to move anywhere they want in the nation; it is a fundamental right protected under the Constitution. Many of these lawsuits will have unique fact patterns that cannot be anticipated, because same-sex couples will have many of the same day-to-day interactions with the world as heterosexual couples do. Some will get divorced when their marriage fails. They will execute and enforce wills when one dies. They will open businesses, engage in the economy as a household, and face occasional legal conflicts. Child custody battles will occur, as will cases involving run-of-the-mill torts and contract disputes. But as courts struggle to fit their legal relationships into existing state legal systems, the cases will take on a constitutional dimension.

Consider an example of a complicated case involving recognition of same-sex marriage that is already before the courts. Two Washington state women received a marriage license in Canada and later declared bankruptcy back in Washington. They filed their petition jointly, citing their Canadian marriage license. Because bankruptcy law is federal, and because DOMA directly addresses the definition of ''spouse,'' the bankruptcy court was required to rule on the constitutionality of DOMA as applied to this bankruptcy petition. In 2004, the bankruptcy court upheld DOMA's federal definition, and an appeal was taken to the federal district court, where it is pending today. The federal district court has stayed consideration of the case until the Washington Supreme Court rules on whether same-sex marriage should be mandated in that state, which, the petitioner argues, could impact how the bankruptcy petition should be treated.

This bankruptcy case is one example of the many ways in which same-sex ''married'' couples living in non-same-sex-marriage states can end up in the legal system. Although 45 states have an expressed policy of opposition to same-sex marriage, and the courts in those states should uphold that policy, new fact patterns will constantly arise. Matters involving everything from divorce to child custody to health care to probate will be more complicated and require case-by-case analyses in the courts. Inevitably, courts will reach different conclusions on how to integrate same-sex couples with marriage licenses into the legal and governmental structures of non-same-sex-marriage states. The rules will vary dramatically across state lines, and reasonable questions of fundamental fairness will be raised by those couples.

STEP NO. 3: COURTS MUST STEP IN AND SET NATIONAL MARRIAGE POLICY

Such a fragmented legal system cannot survive indefinitely. Yet the solution to that confusion and chaos is not likely to be the state or federal legislatures, but the courts that are confronting these problems on a routine basis. Federal courts will become increasingly involved (as they already are), and splits in the federal courts will develop. The legal advocates will renew their challenges to DOMA's federal definition of marriage, and they will press courts to recognize out-of-state marriages—first for limited purposes, and then on a wholesale basis. (As discussed above, DOMA's interstate recognition provisions will not bar any court from forcing recognition of those marriages if that decision is based on other parts of the Constitution.)

As federal constitutional cases develop, it is likely that different circuit courts of appeals will resolve some of the core constitutional questions differently. Eventually, then, a question regarding the federal definition of marriage and/or interstate recognition will go to the Supreme Court. Which way will the Supreme Court rule? Nothing in the Constitution prohibits same-sex marriage, and, in our current constitutional system, the various applications of marriage law are typically left to the states. Consequently, it would be exceedingly unlikely for the Supreme Court actually to invalidate same-sex marriages. On the other hand, it will have a duty to assist the lower courts in the management of the plethora of thorny legal problems that same-sex marriage will have created in a patchwork system. The Court will be under enormous pressure to craft a national solution. The problem for traditional marriage supporters is that the Supreme Court has expanded (or distorted, in some views) the Constitution's equal protection and due process clause enough that a majority would have precedents to stretch and manipulate if it were so inclined. Justice Scalia, in particular, has warned that the Supreme Court's decisions in Lawrence v. Texas and Romer v. Evans now give same-sex marriage advocates non-trivial arguments in favor of judicial imposition.

In summary, a patchwork of definitions is not likely to endure; to think that it will is little more than wishful thinking. If Congress leaves this question to the state courts, then the ultimate arbiter will be the Supreme Court. And over time, given the existing precedents and the threat that some Supreme Court Justices would twist the case law for social engineering purposes, it is unrealistic to rely on the high court to be a bulwark in defense of traditional marriage laws.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it's no surprise that the American people are frustrated with the Republican Senate these days. They deserve and want action on the enormous challenges we face as a Nation—the endless and costly war in Iraq, the many dangers to our national security, skyrocketing gas prices, soaring health care costs, the upcoming hurricane season. How we can have safer schools and better care for our children, and so many other urgent issues. But instead of dealing with these real priorities, the Senate Republican leadership is asking us to spend time writing bigotry into the Constitution.

Why aren't we taking up the defense authorization bill, which is so vital to our national security? It provides the authorization for the salaries for our troops in the field, including a 2.2 percent pay raise. It provides urgently needed equipment for our troops to carry out their missions in Humvees with safer body armor. It authorizes the food and supplies our troops need in Iraq and Afghanistan. It contains funds to care for those who are injured or wounded, or who may be suffering from posttraumatic stress disorder when they come home. But the Republican leadership of the Senate has told us that supporting our troops has to wait.

Let's be clear about what this debate is really about. It is a blatant effort to deny some members of our society the right to receive the same benefits and protections that married couples now have. Like this Senate's intrusion into the Terry Schiavo case, it is a cynical attempt to score political points by overriding state courts and intruding into individuals' private lives and most personal decisions. It's the politics of prejudice and division at its worst.

Make no mistake—a vote in support of this amendment has nothing to do with the ''protection of marriage.'' A vote for it is a vote against civil unions, against domestic partnerships, and against all other efforts by States to treat gays and lesbians fairly under the law. It's a vote to impose discrimination on all 50 States, and to deny them their right to write and interpret their own State constitutions and State laws. It's a vote to deny States the right to define what marriage equality means.

Marriage is a solemn commitment to plan a future together, to share in life's celebrations, to be there as a source of comfort to ease life's burdens and pains. This impacts real families with real-life struggles. When the citizens of a State have decided to recognize those families—through their State constitution or State laws—the Senate has no business undermining their personal, private decisions.

Some even claim that our recent action in Massachusetts is a threat to the rest of the Nation. Over 8,000 couples have celebrated their commitment to each other since our Supreme Judicial Court ruled that the State constitution requires marriage equality.

In ruling to allow same-sex marriage, our State's Supreme Judicial Court was interpreting the Massachusetts constitution, not the U.S. Constitution. The court ruled that our State's constitution forbids the creation of second-class citizens. It concluded that the State could not deny the protections, benefits and obligations of civil marriage to two individuals—regardless of gender—who wish to marry.

Far from being a right created—as our opponents like to say—by activist judges, the right of all our citizens to

have equal treatment under Massachusetts State laws was granted and approved by the people of Massachusetts when they voted on and adopted our State constitution. The people said that our State's constitution forbids the creation of second-class citizens, and our courts affirmed equality for all.

In Massachusetts, civil marriage brings all the benefits of a marriage license—and equal status under the marriage laws, which touch upon nearly every aspect of life and death. In addition to all the intangible benefits of marriage, a civil marriage is a contract—it grants valuable property rights—protection against creditors and the automatic entitlement to the property of their spouse's estate when he or she dies.

Under State laws in Massachusetts and many other States, marriage confers property rights. And the specific property rights vary from State to State. Some States have a community property regime. Others, like Massachusetts, do not.

But it has always been a bedrock principle of our form of government that the kind of State property rights flowing from a civil marriage contract is a matter of State law, not Federal law. And the laws governing the property rights of a married couple have always varied from State to State.

For example, a couple married in Louisiana will have all property owned in that State subject to the community property laws of that State. But if they own property in another State, that property is governed by the laws where the land is owned.

Now some of our colleagues want to federalize the rights flowing from civil marriage and overrule individual State laws. How odd that the same people who oppose Federal regulation in almost every other area now want a Federal constitutional amendment to eviscerate State contract and property laws, but only when they grant benefits to same-sex couples. That is discrimination, and it's wrong.

In Massachusetts, marriage—and the stability and security it brings to families—is alive and well. Indeed, Massachusetts has the lowest divorce rate in the Nation. We're having plenty of public debate and democratic process. The sky is not falling. Indeed, even the Boston Herald editorial page called this week's Senate debate what it really is ''pandering on a hot-button issue.''

I'm proud that Massachusetts continues to be a leader on marriage equality. Being part of a family is a basic right, and I look forward to the day when every State accepts this basic principle of fairness.

Obviously, those who disagree with Massachusetts law have a first amendment right to express their views. But there's no justification for undermining the separation of church and State in our society, or for writing discrimination into the U.S. Constitution.

Supporters of the amendment claim that religious freedom is somehow under attack. It is—but the attack comes from this Federal marriage amendment—not from what's happening in the States. This amendment is an Anti-Marriage Amendment. It tells churches they cannot recognize a same-sex marriage, even though many churches are now doing so.

No church in Massachusetts is required to recognize any civil marriage. Indeed, my own Catholic Church does not recognize most postdivorce second marriages between a man and a woman, and that's their legal prerogative. By the same token, they are not required to recognize same-sex marriages. The law of each church is what determines the religious aspects of a sacramental marriage. But the law of the States is what determines the civil aspects and property rights flowing from a marriage contract.

We cannot—and should not—require any religion or any church to accept any marriage as sacramental. That's up to the particular religion. But it is wrong for our civil laws to deny any American the basic right to be part of a family, to have loved ones with whom to build a secure future and share life's joys and tears, and to be free from the stain of bigotry and discrimination.

According to the 2000 Census, same-sex couples live in virtually every county in the country. That's almost 600,000 households. Nearly one-quarter of these couples are raising children. That's an estimated 8 to 10 million children being raised in gay and lesbian partnered homes. As many as 14 million children in America have a gay or lesbian parent.

Despite these growing numbers, many here in the Senate want to deprive these men and women—these children—and their families—of the legal protections and benefits associated with marriage. These families stand up to private bigotry and prejudice in their ordinary activities—why would the Federal Government make their lives harder by writing discrimination into the Constitution? It's wrong for Congress to add another burden to these families already struggling to live their lives and take care of each other.

The General Accounting Office has identified 1,138 protections and benefits provided by the Federal Government on the basis of marital status. Many of these are laws relating to family and medical leave, social security benefits, and tax benefits. Gay and lesbian couples deserve the same rights as married couples, including the right to be treated fairly by the tax laws, to share insurance coverage, to visit loved ones in the hospital, and to have health benefits, family leave benefits, and the many other benefits that automatically flow from marriage.

Supporters of the Federal marriage amendment claim the need to stop activist judges. Our colleagues should recall the words of another activist court:

> The freedom to marry has long been recognized as one of the most vital personal property rights essential to the orderly pursuit of happiness.

The activist judges stating this fundamental belief were part of the Supreme Court's 1967 decision in the landmark case Loving v. Virginia, which held that marriage is a basic civil right, and that freedom to marry a person of another race may not be restricted by racial discrimination.

Now, nearly 40 years later, I urge the Senate not to turn back the clock on this progress, or start writing discrimination into our country's most cherished document. The framers never wanted it to be used for short-term political games—that's why it is so difficult to amend. As Chief Justice John Marshall said, the Constitution is ''intended to endure for ages to come.''

Two years ago, we defeated a disgraceful attempt to force this right wing agenda into the Constitution and we're prepared to do so again. There is too much at stake to let the politics of bigotry prevail. I urge the Senate to reject this so-called Federal marriage amendment, and get back immediately to the real business of the Nation. Save the pandering for rightwing supporters on the campaign trail.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I am honored to follow the great Senator from Massachusetts and join with him and others in opposing this proposed constitutional amendment. I do so because it is un-American, un-Christian, and unnecessary.

Let us be clear that this proposal is not about protecting marriage in America.

Marriage may need more people to practice it, but it does not need the Senate to protect it. The Founders of this great Nation exercised tremendous wisdom by designing a system in which Government would stay out of the private lives of its citizens and a system in which Government would stay out of the province of religion. This amendment would violate both.

This country was founded on the principle that all men and women are created equal, that they are endowed by their creator with certain unalienable rights. Among them are life, liberty, and the pursuit of happiness. To secure those rights, our Founders wrote a Constitution which guarantees every law-abiding American citizen the same equal rights and protections. Our country's Founders were not perfect. In fact, they were highly discriminatory. They initially denied those full and equal rights to women and to African Americans. This country's social progress has been highlighted by removing those constitutional discriminations based on gender or race or anything else.

Now, for the first time in our Nation's history, the proponents of this amendment would add discrimination to our Constitution. They would tell one group of people, a social minority, that equal rights and equal protections

do not apply to them, not only by the laws which exist today, Federal and State laws which ban gay marriages, not only by the social conventions which deny their recognition, but by an unprecedented amendment to the U.S. Constitution which targets gays and lesbians alone, which says that of all the social practices in this country, theirs alone are supposedly so abhorrent, theirs alone are supposedly such a threat to our social order that they must be singled out for this unique form of discrimination.

Unfortunately, the proponents of this constitutional amendment have it mixed up. It is the Constitution that needs to be protected—from them. It is the foundation of our democracy that needs to be saved—from them. The foundational principle of a democracy is its tolerance of individual differences. Even the most repressive totalitarian government in the world allows individual behaviors that it agrees with. The true test of a democracy is the government's allowance for differences. That doesn't mean that we agree with those differences. It doesn't mean that we like them. It doesn't mean that we would choose them for ourselves or wish them for our children. In fact, the opposite. We can disagree with them, dislike them, and reject them for ourselves and our children.

But if we are a democracy—if we are a democracy—we allow other citizens to be different from ourselves, to be unlike us. We grant them the liberty to pursue their own form of personal, private happiness so long as it does not interfere with our own. Which other adults, American adults are attracted to, want to live with or commit to is their business and their right, not the business of 100 politicians in the Senate. That is why this amendment would not only alter the U.S. Constitution, it would alter our democracy in a way that is destructive to both.

In addition to being un-American, this amendment is also Un-Christian. I hesitate to bring religion into this debate. I am highly skeptical of politicians who do so. Giving a Bible to a politician is akin to giving a blowtorch to a pyromaniac. However, I reread the New Testament in preparation for this debate. I cannot find a single instance in any of the four gospels in which my saviour Jesus Christ speaks a single word against same-sex marriages or even same-sex relationships. He intones 6 times against divorce and 12 times against adultery. Yet I am not aware of any proposed constitutional amendments to ban either of them, nor would I support them.

What I also know is that he preached for love and acceptance and against hatred and discrimination. He said the great commandment was to love God and the second was like unto it, to love thy neighbor as thyself, not just your family member, not just your friend, but to love your neighbor, whoever happens to be living beside you, as you would yourself.

There is no love in this constitutional amendment. There is discrimination, and underneath discrimination lies judgment and hatred. Jesus said also to beware of false prophets and charlatans, the fake good doers. He said the way to tell the difference is that the true believers practice love, while the false prophets preach hate. That is why this amendment is un-Christian.

It is also unnecessary. There is no rampaging threat to the institution of marriage, as the amendment's proponents pretend. There are no rabid activist judges raging unchecked across the legal landscape. They are figments of unchecked imaginations or clever contrivances by master public manipulators who have conjured up some nonexistent threat and now present themselves as the saviours of civilization.

We are spending 3 days on the floor of the Senate to indulge their political pandering. We haven't spent 3 days debating the war in Iraq during this entire session of Congress, nor Iran's development of nuclear weapons, nor this year the gasoline price crisis afflicting our citizens. No, the Senate's Republican leadership is avoiding the real threats to our country and focusing instead on the divisive, destructive nonexistent ones.

Existing Federal law, the 1996 Defense of Marriage Act, defines marriage nationwide as between a man and a woman and states that no State need recognize a same-sex marriage. My State of Minnesota is 1 of 45 States that have passed similar State restrictions. This proposed constitutional amendment is unnecessary overkill. It is predatory politics, preying upon a minority of American citizens who are of the most discriminated against in our society today. I don't understand why this Senate would want to exploit the prejudice and even hatred which still exists in our society against GLBT men and women. I am not a psychiatrist. I will leave it to them to explain why homophobia trumps racism, sexism, nationalism, and religious intolerance, but it does.

The discrimination against people because of their sexual orientations they were born with or acquired indelibly early in life is vicious, ugly, and cruel. It is the immoral and it should be illegal. And it should not be practiced in the Senate.

I sympathize with the many decent-minded, well-intentioned, nd religiously devout Americans who struggle with their personal feelings toward homosexuality. Many have grown in understanding and acceptance. They want to do what is right, even if it doesn't feel entirely right to them. They and their feelings are being unnecessarily used in this charade. But I have no sympathy and I have no respect for the charlatans who are using them for their own self-serving political purposes, who are spreading prejudice and discrimination, who claim the moral high ground while they reach into their emotional cesspools and hurl their slime at decent and innocent human beings who are trying to live their private lives as God created them and under the promises of this American democracy.

What we ought to do is leave marriage up to God. In the religious marriage services of my faith, the minister says that marriage is an institution created by God. Thus, we should leave the definition of marriage to those ordained by God, the leaders of the respective organized religions, and we should redefine the legal term for marriage to civil union or some other words and make that legal contract, with its rights, protections, and responsibilities, available equally to any two adult citizens as the equal protection clauses of our Constitution require.

That would be an American, a Christian, and a just resolution to this situation, one that elevates and enlightens us, one that continues the progress in our country toward acceptance and understanding, one that honors our common humanity.

Those are the reasons I urge my colleagues to oppose and defeat this cruel amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. 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. HARKIN. Mr. President, I have come to the floor today to add my voice to the rising chorus of people both here in the Senate and back in my home State of Iowa who are fed up with the misplaced priorities of the Republican leadership in this Congress. Our country faces mounting challenges: High energy prices, skyrocketing health care costs, tens of millions of Americans without health insurance, the cost of college tuition going through the roof, individuals with minimum wage jobs going nearly a decade without a raise. So how does the leadership here respond to these challenges? By squandering a week of the Senate's time debating a constitutional marriage amendment that has already been soundly rejected by the Senate and by debating repeal of the estate tax which would benefit only about 3 out of every 1,000 people in America at the most and would add $1 trillion to the deficit in the coming years, so that the superrich can get yet another tax break, a tax break that won't build one additional school, would not provide one new additional job, while working families get absolutely nothing.

Again, the great majority of American people are getting madder and madder about this. All you have to do is look at the polls of Congress. The

only thing lower than President Bush's polls is the standing of Congress. You wonder why? Look at what we are debating while all of these issues go by the wayside. What about the real needs and concerns of working Americans and their families.

Let me give one case in point. The majority leader cannot find time to bring H.R. 810 to the floor. It is pending at the desk. It was passed by a bipartisan majority in the House of Representatives—a bill to lift restrictions on embryonic stem cell research. Evidently, we don't have time. No time? Well, the majority party found plenty of time this week for these two dubious, devisive measures. But when it comes to the No. 1 research priority of the American people—embryonic stem cell research—the majority leader refuses to bring it to the floor; we don't have the time.

This is outrageous. No wonder the American people say Congress is not doing anything. We are not doing anything to address the real needs of our people.

Two weeks ago, on May 24, we reached the 1-year anniversary of the House passage of H.R. 810, the Stem Cell Research Enhancement Act. This bill is supported by the majority of Senators on a bipartisan basis. It enjoys the support of large majorities in every public opinion poll. Yet we cannot bring it up. Removing the straitjacket on embryonic stem cell research is a matter of life and death for millions of Americans. As the Senate squanders yet another week, people we love are dying from Parkinson's and Lou Gehrig's disease and juvenile diabetes. People are unable to walk due to spinal cord injuries. These Americans are desperate for progress on embryonic stem cell research, which is being blocked by the majority leader's failure to allow H.R. 810 to come to the floor for debate and a vote. No time. Yet we have time to debate this constitutional amendment on marriage, which has been soundly rejected already by the Senate, and which everybody knows will be soundly rejected again, or we will have time to bring up for a vote the repeal of the estate tax, benefiting only the richest of the rich in our country. We have time for that, but we don't have time to bring up a bill to open the doors of medical research that hold such promise for people with incurable diseases.

There are also other urgent priorities being sidetracked. Forty-five million Americans have no health insurance. The majority leader says there is no time to debate this. There is no time to consider a measure that would make it possible for small companies to offer employees a health care plan similar to the one we have in Congress. Indeed, we Democrats were prevented from getting an up-or-down vote on this during the so-called Health Care Week last month.

In the Midwest, we have a bill that is very important not only for the Midwest but for the rest of the country, which is the Water Resources Development Act. We have 81 signatures on a letter, Republicans and Democrats, to the majority leader supporting this bill, asking that it be brought up. That is not only more than it takes to break a filibuster, if this was one—and I don't think there is one pending on it or to override a veto—that is more than two-thirds. Yet no action on it. I guess we don't have time.

The majority leader says we have time this week to consider a mammoth tax cut for the wealthiest Americans, but we don't have any time to consider a bill to raise the minimum wage for Americans at the bottom. The minimum wage has been stuck at the low level of $5.15 for more than 9 years. During those 9 years, Members of this Senate have voted seven times to raise their salaries. Yet for those at the bottom, we don't have the time to bring a minimum wage increase bill to the floor of the Senate.

If we can keep this up, the approval of Congress will go into the negatives. At least it is in the positives now. It is maybe 10 or 12 percent. If that happens, it will be the first time in history that it will be in the negatives. I don't blame the American people for having that opinion of Congress.

Last month, we learned that some 26 million Americans—most veterans—had personal information stolen, including names, birth dates, Social Security numbers. This puts every one of these veterans in jeopardy of identity theft and fraud. Why are we not this week bringing to the floor the urgently needed Veterans Identity Protection Act? This bill would require the Department of Veterans Affairs to provide 1 year of credit monitoring to each affected person and one additional free credit report each year for the following 2 years. This bill would make a real difference for millions of veterans. Why is it being ignored? It seems to have bipartisan support. Why is it not being hotlined, as they say around here, for immediate consideration on the floor? We should bring it up this week. We should be debating that today. I guess we don't have time for that.

One other matter. I don't think we have a higher priority right now in terms of our national economy and our national well-being than ending our addiction to foreign oil. Senator LUGAR, a Republican, and I have a bill that would dramatically ramp up ethanol and biodiesel production. It would make these home-grown fuels available and usable at the pump and in communities all across the United States. Our national security is at stake. Why isn't this bill being brought to the floor on an expedited basis this week?

The answer, Mr. President, is that we are not addressing the real concerns and priorities of the American people because the majority leader—and I assume his party—are putting their own narrow special interest priorities first. Apparently, it is more important to cater to a narrow vocal base of the Republican Party than to listen to the broad majority of the American people.

It boggles the mind that the Republicans have once again brought the so-called Federal marriage amendment to the floor. It will fail this week for the same reason it failed the last time. It is because deep down inside we all know it is wrong. It is just basically wrong.

Yesterday, the distinguished chairman of the Judiciary Committee, Senator SPECTER, said this amendment is ''a solution in search of a problem.'' He is exactly right. For more than two centuries, our States have done an excellent job of making their own laws governing marriage without Federal interference. The last time the Senate debated this amendment, the cloture vote on the motion to proceed garnered only 48 votes—12 votes short of the 60 needed to invoke cloture, and far short of the 67 votes needed to pass a constitutional amendment. You have to have 67 votes. There isn't one person here who thinks they are even close to that. They cannot even get a majority. It is not surprising.

The amendment tramples on the authority of each State to regulate the civil laws of marriage within its borders—authority, by the way, I point out, that the Congress strengthened by passing the Defense of Marriage Act, which prevents any State from being forced or required to recognize a same-sex marriage in another State. Wait a minute. The Congress passed a law saying that we, the Federal Government, cannot require a State to recognize a contractual agreement in another State dealing with same-sex marriage. Well, guess what. No State has been forced to recognize a same-sex marriage or civil union joined in another State.

Yet now the Republicans would have us force upon each State a constitutional amendment that would take away the right of those States to enact their own contractual laws. It seems to me that what is happening is we are going down a road rapidly of more and more power to the President of the United States, less and less power to the Congress and the courts, more and more power to the Federal Government under a President.

The last time I looked, that could have been called something like a monarchy. Come to think of it, that is what we overthrew a couple hundred years ago. Most people tend to forget that when we declared our independence from Great Britain and fought the Revolutionary War and established our Constitution, England had a Parliament. But guess what. The King reigned supreme. It was King George at that time. So we recognized that. We recognized the inherent inability of the Parliament in England to go up against the King. So when we devised our Constitution, that is why we had the separation of powers—the courts, the Congress, and the President, all separate

and equal. Then we reserved to the States certain powers not enumerated in the Constitution. One of the powers is the right to set contractual laws. Now this Republican Congress wants to take that away. It is almost like we are going full circle back to the monarchy of Great Britain—a Congress that lays prone before the President—a President that is able to tap your phones, read your e-mails under some guise of a power that, since we are at war, he can do whatever he wants, taking away our civil rights and liberties. What does Congress do? Nothing. We sit back and let it go on. Now we are going to take another step to take away power from the States.

Well, again, this is something that is inherently wrong. It is wrong to take away this power from the States, take away the authority to set up their own contractual framework. As Senator KENNEDY said, I think eloquently, a few moments ago, it should be the right of every religion, under the freedom of religion, to decide the sacramental laws of marriage as defined by that religion. But when it comes to the contractual right, the civil right, that is determined by the State. That is why when you go to get married, you do two things—find a minister, a rabbi, a priest, whatever, but then you have to go to the courthouse of your State and get a license. Why? Because you are entering a contractual relationship. That is what this amendment would take away. Again, I would defend to the death the right of a religion to determine its own sacramental laws of what it determines a marriage to be, but also defend the right of a State to set up its own contractual laws within and under the umbrella of equal rights for all and nondiscrimination under the Constitution of the United States.

Senator KENNEDY referred to it, and I will refer to it again. It wasn't too long ago where people of different races could not get married in this country. States had laws that said a Black person could not marry a White American, or an Oriental could not marry a Black or a White. You could not marry someone of another race. It is not too long ago in my own lifetime, but that was true.

Discrimination is what it was. The courts struck it down. Would these same Republicans who keep coming here saying the courts should not be interfering in this say the courts should not have interfered there, too; that we should have left those discriminatory laws intact under the Constitution of the United States?

I keep hearing all this stuff about protecting the American family. I submit to my friends on the other side, if they really want to do that, how about raising the minimum wage? That would do more to protect the American family than anything they are talking about here.

How about addressing the skyrocketing health care costs? How about the high cost of gasoline? If they want to defend the American family, how about giving access to health insurance to 45 million people a day who can't afford it? If they want to defend the American family, how about doing something about the rising cost of college tuition in this country and helping low and moderate families meet those costs of college education? In other words, if Majority Leader FRIST and his party want to protect the American family, why don't they deal with the real challenges confronting families instead of wasting the Senate's time on this cynical, trumped-up issue of same-sex marriage? Why can't we make bipartisan progress on issues such as providing access to health insurance and raising the minimum wage?

I close by making one point very clear: If the Democrats were in charge of the Senate, if we were setting the agenda, we would be charting a different course for our Nation. We would not be wasting the Senate's time on divisive, partisan constitutional amendments which seek to divide our people, pit families one against another, pit Americans one against another by dividing us. We would not be passing yet another mammoth tax cut for the wealthiest in our society called the estate tax, a tax we can't afford for people who don't need it.

If we could set the agenda, we would have the minimum wage issue out here. We would have a health care issue out here. We would have issues out here that provide for families getting a college education for their kids. We would have bills on the floor addressing the addiction to oil and moving us to more energy independence.

Every day it is becoming clearer and clearer to the American people that they face a choice: We can stay the current course—more divisiveness, more deficits, more debt, more drift—or a new direction for our country. If the majority party wants to continue to squander our time and taxpayers' money, as they are doing this week, well, that is their choice. But the American people get to choose, too. The American people are eager to cut out this divisiveness, to move on to the real agenda that confronts our country, to move in a very different direction, and I say it is time to do that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. How much time remains on our side?

The PRESIDING OFFICER. Twelve minutes.

Mrs. MURRAY. Mr. President, last week our country celebrated a very important event—Memorial Day. Every Member of the Senate went home to services where we heard about the sacrifices of men and women who served in conflicts throughout this Nation's history, most recently in Iraq and Afghanistan where we have now lost close to 2,500 of our Nation's best and brightest.

I listened to those speeches, and I heard about the sacrifices these men and women have made. I heard the rhetoric about making sure we take care of their families, making sure we take care of those who are wounded when they come home, making sure we have the ability to care for those we ask to serve this country so honorably as we celebrated Memorial Day last week. I went throughout my State. I listened to people wanting to make sure we did not forget those people who served us. I came back to the Senate last night confident that we should be talking about those issues.

It is deeply disconcerting to me that we are not talking about the war in Iraq or Afghanistan, we are not talking about the sacrifices our soldiers have made, we are not talking about the tremendous responsibility we have as the Senate and Congress to make sure we have the funds for those men and women who have served us, both while they are overseas and when they come home. We are here instead on a completely different priority, and I have to ask the question of this Senate: Why are we spending time on political games when we have soldiers in harm's way who are serving us honorably around the world? Don't they deserve better than this? Why is the Senate bringing up divisive issues when we need right now more than ever to come together as a country and address the challenges that confront us? Maybe it is because those people who are in charge, those people who make a decision about what issues we discuss here, just have the wrong priorities. And I see the wrong priorities being debated in the Senate not just for this week but for apparently the coming weeks.

Last week, I traveled through communities in my home State of Washington. Everywhere I went, I heard a growing anger and frustration that American troops are being wounded and dying in Iraq, and my constituents want to know why. They want to know where we are going. They want to know what they are doing. They want to know why we are there. They want to know what will make us successful and how we can bring our troops home successfully. But here we are in Washington, DC, where the Bush administration doesn't have a plan they have outlined for success, and here we are in Congress not demanding answers.

My constituents are very frustrated, and they have good reason to be so. They, like all of us, are watching what is happening in Iraq on their TVs every night. They see personally what these deployments are doing to their communities at home, their friends, their neighbors, their coworkers, being called up not just once but twice, three times, to head to Iraq and come back. They see the terrible consequences for families who are left behind, and they see these veterans, when they go to get the treatment they need, being told they have to wait in line because we haven't adequately funded our Veterans' Administration.

And by the way, many of these same veterans just in the last week were told

that because of lack of oversight at the VA, 26.5 million of these veterans who served our country honorably have now lost their identities, and we are not dealing with that in the Senate right now? How are we going to make sure every one of these veterans gets the care they need, and how are we going to make sure now that 26.5 million veterans get the help they need as their identities have been stolen? That is going to cost money. It is not free. We have a responsibility to help every single one of them. They should not be treated like this as veterans in the United States today.

I see what these deployments are doing in our communities, just as my constituents do, and they see the challenges these veterans are facing when they come home and their families while they are deployed. They don't see a plan about how we are going forward in Iraq today. And what they importantly don't see is us in Congress on the Senate floor standing up and talking about what is going on, demanding answers from the Bush administration and the Pentagon.

We can only make the good decisions about how we go forward if we have a discussion in the Senate about what is happening on the ground, what the impacts are, what our choices are, how we can help both the Pentagon and the Bush administration and our constituents make a good decision about whether our troops should come home or whether they should stay or what is happening. We need to demand answers in the Senate from this administration and the Pentagon about what is happening on the ground. That is the discussion I wish we were having in the Senate today. That has meaning to every single one of my constituents. They want to know what we are doing, where we are going, how we are going to pay for it, and how we can be successful so we can know when our troops are coming home.

I have watched now for 3 years as our soldiers went to war in Iraq, and at every possible juncture in this war, the Bush administration has chosen the wrong path. When they were advised to build a stronger multinational coalition, they decided to go it alone. When the Army's Chief of Staff said it would take several hundred thousand troops to stabilize Iraq after the war, they ignored his advice and they fired him. When sectarian violence started boiling over and undermining the stability of Iraq and the safety of our troops, they pronounced the insurgency was in its last throes. Well, they were wrong.

We can't continue to watch what is happening in Iraq without answering questions in the Senate. For too long, we have watched decisions being made that have sent us in the wrong direction, and for too long, I say to my colleagues in the Senate, we have given them a pass on these monumental failures, and that has to change.

Families I represent want Congress to demand accountability, and they want us to get to the bottom of this. But that is not what they are getting here. Instead, we see the Republican leadership playing politics with debates on gay marriage and flag burning. What are we not doing while we spend our time on this issue? We are not having hearings on Iraq. We are not having discussions about what is happening on the ground. We are not hearing from our generals so that we can make good decisions about when and how our troops can come home successfully. Instead, we are seeing political distractions that are simply meant to divide our country at a time when we ought to be together, Republicans and Democrats, having serious discussions about what we can do as leaders of this Nation to bring us success, if it is possible, in Iraq.

Back home, people want us to talk about Iraq. They want answers. But in the Senate, the Iraq war is the proverbial elephant in the room. It is right there, everyone can see it, but no one talks about it. No one talks about it in the Senate of America. No one is talking about the Iraq war. I will tell my colleagues, we are not going to get better results in Iraq if we ignore it in Congress.

In all the time I have served in the Senate, I believe this is the weakest oversight I have ever seen from a Congress during military conflict. We were not sent here to just rubberstamp this administration or any administration. I served under the Clinton administration during the war in Bosnia when we required generals to come up here almost on a daily basis, to obtain answers from them about what was happening on the ground, how we were proceeding forward, what we needed to do; and yes, at the time, there were calls to bring our troops home, no boots on the ground, all the different points we are hearing today, but we at least had generals in front of us so we could ask questions and go home and respond to our constituents and feel confident in whatever decision we made in how we were to move forward.

We were sent here as Senators to develop policy to help our country move forward. And in this time, this place, this war, I can't think of a more important time that as Republicans and Democrats we should sit down together and put our cards on the table and say: How should we move forward and how can we do it safely and how can we do it effectively? Yet here we are in the Senate talking about gay marriage and flag burning. We are not talking about a conflict that has consumed our Nation, that has sent our youngest, best, and brightest to a war where we have almost 2,500 military families that have suffered the loss of a loved one, where we have thousands and thousands of young men and women who have lost limbs, have had head injuries, and are now being serviced in our veterans hospitals for years to come, and yet we haven't talked about how we are going to pay for that.

There is a huge disconnect between the families at home and what is happening on the Senate floor. There is no surprise they are frustrated and angry and demanding answers. They are surprised and shocked that we are talking about gay marriage and flag burning because the discussion they have at their dinner tables when they are home at night is what is happening in our world; how can we protect our children; how can we make sure our families are safe; how can we make sure our loved ones who are serving us overseas are protected while they are there; how can we make sure we win a war in Iraq, if that is possible; how can we make sure that those people we send to serve us overseas have the services they need when they come home.

I was shocked to see an article in the ''Psychiatric News'' just a few weeks ago that says our veterans are not getting the help they need for mental health care and substance abuse. I wish to quote Frances Murphy, M.D., Under Secretary for Health Policy Coordination at our Department of Veterans Affairs, who said that the growing number of veterans seeking mental health care has put emphasis on areas in which improvement is needed, and she noted that some VA clinics do not provide mental health or substance abuse care, or if they do——

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MURRAY. Mr. President, I ask for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. She says, ''waiting lists render that care virtually inaccessible.''

Our soldiers who are serving in a 24/7 war in Iraq deserve to have mental health care when they come home. They are not getting it today, and the Senate is not dealing with that issue. I think we can do a lot better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I wanted to spend a few minutes here to respond to the allegations made on the other side of the aisle that the protection of marriage is not important enough for the U.S. Senate to take a day or two to debate and then to vote on a constitutional amendment. I really am astonished to hear our friends on the other side of the aisle take that position because, frankly, I think the American people disagree with them and agree that marriage is important. I think they agree that when it comes to social experimentation by our courts, by a handful of activist judges who think they know better than the American people what is good for us, that they want that kind of experimentation to stop unless, of course, it is authorized by a vote of we, the people, rather than imposed upon us from on high by judges. This kind of experimentation when it comes to living arrangements and now with the institution of

marriage are not without costs, and, most often, the individuals who pay the price for that kind of experimentation are America's children.

I just can't disagree more with our colleagues on the other side of the aisle who seem to think that the preservation of our society's most basic institution—the institution of marriage—isn't important enough for our time and it is not important enough to take the time to discuss this issue and talk about what the solution might be to preserve the power of we, the people, to determine the laws and policies that affect our lives, and certainly the next generation of our children. I think this time is important, this issue is important, and we will find out when we vote on this issue who it is that believes that the American people should make these sorts of decisions and not a handful of activist judges such as occurred in Massachusetts, and now with a decision out of the Federal court in Nebraska holding that State's constitutional provision that limits marriage to one man and one woman unconstitutional under the Federal Constitution.

I don't know who it was that woke up 200 years or more after the Constitution was written and decided that the Founding Fathers wrote into the Constitution discrimination when it comes to marriage between one man and one woman. Obviously this is an issue that we have not initiated, we haven't brought up, but this is a fight that has been brought to us, those of us who believe it is important to preserve traditional marriage.

Mr. President, I would ask if I might be notified after 15 minutes of our 30-minute allotment has been used.

The PRESIDING OFFICER (Mr. ALLEN). The Chair will so advise.

Mr. CORNYN. Mr. President, I would also like to spend just a few minutes examining what our colleagues on the other side of the aisle have said. For example, this morning our Democratic leader has said that Nevada has the third highest gas prices in the whole country, and he says that taking care of gas prices is more important than preserving marriage between a man and a woman. But I would like to point out that it is because of obstruction on the other side of the aisle that we have been unable to address the importance of access to domestic production of oil and gas in this country. And, because of obstruction on the other side of the aisle, we have been unable to create new refinery capacity that would make more gasoline, increase the supply and necessarily then, under the economic laws, bring down the price. It has been because of the obstruction that we have seen on the other side of the aisle that we have been unable to address that issue. Again, another example of block and blame.

Then we are told that somehow we should be talking about solving the health care needs of the American people. It was just a few weeks ago when our colleagues on the other side of the aisle denied sufficient votes to allow us to consider a small business comprehensive health plan brought up by the Senator from Wyoming, Mr. ENZI. If our friends on the other side of the aisle were serious about solving America's health care problems and providing greater access to health insurance, they wouldn't have voted against that bill just a few short weeks ago. Yet, now they want to change the subject, saying we shouldn't be talking about marriage; we should be talking about health care. The fact is they are the ones who blocked our ability to proceed on that important issue and to find a real solution to that problem. But again, it is an instance of block and blame.

Then the Democratic leader this morning said, we ought to be doing something about health care costs. We tried to bring up the issue of health care costs earlier as well, in a case where we have said there ought to be some reasonable limits on noneconomic damages in medical liability cases. That has been tried in my State, the State of Texas, and we have seen medical liability insurance go down into the double-digit range. We have seen more doctors coming into communities where they have been afraid to practice, and we have seen greater access to health care as a result of those efforts. Yet when we tried to change that here in the U.S. Senate, again, we were blocked by our colleagues on the other side of the aisle and then blamed when we are debating about the preservation of the institution of marriage and not addressing medical costs by dealing with the medical liability crisis.

Of course, then they also claim that really they ought to be the ones to control the legislative agenda, and that is really what this is all about. But they mentioned the war in Iraq, the energy crisis, the price of gasoline, health care, and said that the priorities of the Republican leadership are misplaced when it comes to addressing America's real needs, but neglecting all the while in pointing out that they themselves are the ones who are the primary reasons why we have been unsuccessful in addressing some critical improvements and reforms in those areas.

Our colleagues on the other side of the aisle need to make up their minds. They are literally schizophrenic—of two minds—when it comes to what to do about our energy crisis in America. They blocked building new refineries; they held up an energy bill for 3 years; they blocked exploration for domestic production in the Arctic National Wildlife Refuge, which we know, given modern exploration and drilling techniques, can be done in an environmentally friendly sort of way; and they blocked the President's Clear Skies initiative, which is designed to cut down on emissions and protect the environment.

Rather than demagog the issue, rather than to try and pin blame on the President or the Republican leadership, our colleagues on the other side of the aisle would be better served, and certainly the American people would be better served, by working with this side of the aisle in trying to find real solutions, particularly when it comes to our energy needs, to reduce America's dependence on foreign sources of energy and help reduce gas prices. If they are really concerned about energy costs, then they would have made it easier by working together with us to expand clean nuclear energy.

On the issue of the marriage amendment, the Democratic leader this morning said this is an issue that ought to be left to the States. Certainly many States, including my State, have passed a constitutional amendment protecting traditional marriage. The problem is some Federal courts, notably one in Nebraska most recently, held that very State solution is itself in violation of the Federal Constitution.

The Democratic leader is a distinguished lawyer in his own right. He understands that a Federal court which holds that the Federal Constitution violates the State Constitution, that the Federal decision preempts the State constitutional solution. So again, this is not an issue that we have gratuitously brought up; this is one that has been forced upon us. I think what our colleagues on the other side of the aisle would prefer is if we would just be quiet and gradually allow the Constitution of the United States to be amended, but not as it turns out by the American people by voting on a constitutional amendment, but rather by a handful of activist judges who have somehow taken it upon themselves to define what is good for us and in fact what is and is not unlawful discrimination when it comes to our traditional marriage laws.

We know what happens when the American people have a chance to vote on these issues. Overwhelmingly, they vote in favor of preserving traditional marriage because instinctively they know it is the best solution for our society and certainly in the best interests of our children. We have seen too many of our children suffer as a result of social experimentation, certainly by the courts, and we ought to make sure that we preserve the right for we, the people, to make those important decisions rather than allow them to be made by judges who would amend the Constitution themselves under the guise of interpreting the Constitution. How is it that someone can decide after 200 years or more that the U.S. Constitution or even a State constitution modeled after the U.S. Constitution would result in a decision that traditional marriage laws are somehow discrimination is really just beyond me.

As I said yesterday on this floor, it is almost surreal. It is almost as if we have been asked to voluntarily suspend our powers of disbelief. The American people know what we are talking about

is important. They know what we are talking about here in terms of preserving marriage and a better future for our children is fundamental to our way of life. It is not frivolous. It is not politics. It is absolutely essential that we do so. They try to raise red herrings like: Well, we ought to be talking about health care, or we ought to be talking about the energy crisis, or we ought to be talking about the medical liability crisis, when the truth is they blocked every opportunity we have had recently to try to do something about those issues. The truth is what they want to do is to try to score political points rather than solve the very real problems that confront our Nation.

Finally, let me just add that recently I know the Democratic leadership in the other House criticized—if you can believe this—criticized the performance of the economy. Are they really complaining that 75,000 new jobs last month, not to mention 33 consecutive months of job gains and more than 5.3 million new jobs created since August of 2003, is the wrong direction for this country? The fact is the economy is doing well. But we need to continue to try to make sure that America remains competitive in a global economy by making sure that we keep taxes as low as possible, and by making sure that we keep our regulatory environment one that can protect us but, at the same time, not kill good business opportunities and job creation in this country. We need to look at our litigation system and make sure that we are not imposing a litigation tax on the American consumer and making it harder for legitimate employers to create those jobs. We need to make sure that we continue to try to work together to solve the very real problems that confront our Nation.

I don't apologize for a minute in saying that I believe we should vote on a constitutional amendment to protect traditional marriage. I don't think it is a waste of time. I think we can spend a day or two talking about this issue and its impact on our children and on the next generation. I think that is as weighty an issue as we will ever consider here, because it may well determine the long-term direction of our society and the welfare certainly of the next generation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I ask unanimous consent I be recognized for 5 minutes to speak on the issue of S.J. Res. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I am pleased to follow the distinguished Senator from Texas in talking about this issue that is very important to the American people. I, like he, believe that it is a bit of a ''dodge and weave'' to suggest we should not be talking about this. It is much easier to talk about all the things that maybe we ought to be talking about, things that we have talked about in the weeks past and will be talking about in weeks to come, but let's not talk about this one because it is too hard. It is easier to have a collateral way of looking at it by saying: Oh, gosh, we should not talk about this because frankly we would just as soon not debate or discuss the merits of what is before us.

S.J. Res. 1 is rather simple. Today is one of those days when we can actually read what it is we are debating. This is all we would add to the U.S. Constitution, this is all it would say, if this amendment to the Constitution were to be approved. It says:

> Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

To suggest that is not an important issue for our Nation, to suggest that somehow that is some out-of-the-mainstream language, to suggest that is only from some sect or far extreme point of view—to so characterize what I believe is the mainstream of American thought is simply not to be dealing with this subject truthfully.

A number of States have already spoken on this matter through their elected officials, but activist judges have interpreted both the Federal Constitution and the State constitutions very broadly. They have done this in order to overturn the will of the people regarding same-sex marriage. That is the reason we have to act. The Constitution has been improperly interpreted to impose same-sex marriage on the people of the United States.

As the Senator from Texas said, the fact is, it is the action of judges that have precipitated the need for us to be discussing this issue in the Senate today. It is the activism of some judges, who have taken away the right of State constitutions to be amended to include this very simple language, that has brought us to this moment. The Constitution has been improperly interpreted to impose same-sex marriage on the people of the United States. It is proper for the people to continue to speak on this issue through their elected officials by amending the Constitution to ensure that the sanctity of marriage will be protected from these activist courts.

Marriage, as defined as this amendment would define it, as between a man and a woman, hardly needs to be suggested as the most basic institution of society throughout history. It is foundational to the structure of what we know leads to the successful family, to the raising of children. Our traditional and religious understanding of marriage is under attack by those who wish to redefine the meaning of marriage and family. That is what is at stake, whether in fact the traditional view of family and marriage will prevail or whether, through the acts of judicial activism, we will redefine it to something other than that.

They have sought to go to the courts to overturn properly enacted State laws or constitutional amendments defining marriage as between a man and a woman. Only through bypassing democratically elected legislatures and the rule of law can same-sex marriage advocates enact their vision of American society.

The only way to prevent marriage from being redefined by activist courts is to pass a constitutional amendment that clearly establishes the will of the people on this foundational issue for our society.

I also want to address the concerns expressed by some regarding federalism. It is true that in our Federal Republic, in our system, the regulation of marriage has traditionally been left to State governments. Based on this principle of federalism, the States have been free to enact family policies that have allowed experimentation and reflect the different values that Americans have in each of their respective States.

While federalism is a general principle that promotes liberty within our Republic, we also have the overriding fundamental principle of American Government that governments derive their just powers from the consent of the governed. An essential element of republican government is that those who are subject to law also determine the law by which they are governed.

The recent strain of judicial decisions and cases on the part of same-sex marriage proponents, however, not only threatens the institution of marriage but denies the people of the individual States the freedom to define their own basic legal and social institutions.

I believe this marriage amendment takes a measured and reasonable approach to the problem of courts redefining marriage. It prohibits same-sex marriage in the United States while preserving the concept of federalism by leaving to the States the authority to enact State laws regarding legal benefits to unmarried, including same-sex couples.

Our judiciary is respected throughout the world, and I believe that is because our judges for the most part have been above politics and have always been committed to the rule of law. When our courts enact their political will over the proper policy decisions of legislatures, such respect is in jeopardy. A judge's personal political views have absolutely no place in performing their judicial role in our constitutional structure. Rather, the Constitution, statutes and controlling prior decisions as applied to the facts of the case at hand are the sole basis for judicial determination.

Therefore, today I urge my colleagues to adopt this amendment and give control of the foundational institutions of marriage back to the people of our country where it rightfully belongs.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, a couple of my colleagues have spoken in favor of the constitutional amendment that is up today. They have given eloquent statements. We have others who are coming.

What I wanted to do while we wait on additional Members who are coming over to the floor is cover a couple of points I believe have been touched upon, but I think they deserve emphasis. I appreciate my colleagues on the other side of the aisle raising a number of issues that they are saying we are not dealing with. I urge them to vote for cloture on these issues when they come up because we will bring these issues up—on the budget; the supplemental is in a conference; we will have an Energy bill that is going to be coming up. I hope they will vote for cloture to go to that Energy bill so we can actually get it up to vote on it on the floor.

I know a number of them are supportive of the Native Hawaiian issue and are complaining because these issues are not in the top 20 issues in the United States, of the people's concern. Yet they are not raising the Native Hawaiian issue which will come up this week as well. I urge them to vote against that if they think it is not a high-priority issue.

I do think there is some speaking out of both sides of the mouth when you raise all these issues we should be covering and then vote against cloture, preventing us from covering those issues, and then complain about a marriage amendment that they are saying doesn't rise to the level of interest in the United States.

I think it is of a high interest in the United States or you wouldn't have seen all these States that covered it.

There is another issue that has been covered some. I hope we can address that issue. It is the issue of religious freedom. If you do not define marriage as the union of a man and a woman, but define it to require that you have to recognize same-sex unions, that is the basis—one of the bases on which Catholic Charities was driven out of the adoption business in Boston. They were required by law to do something against the tenets of their faith. I hope that can be developed some a little later on.

My colleague from Missouri is here. He is one of the strong supporters of this amendment. I yield the floor to the Senator from Missouri, Senator TALENT.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. TALENT. Mr. President, I want to take a few moments today to speak in favor of the Marriage Protection Amendment. This is an important measure, and the people are entitled to see who in this body is for protecting traditional marriage and who is not, because nothing less than that is at stake.

Some courts in this country are engaged in a process by which they are going to force the people, whether they like it or not, to accept a fundamental change in the basic building block of our society. I think that is wrong; under our constitutional process the people shouldn't accept that and don't have to and that's why this amendment is here before us.

Marriage is our oldest social institution. It is older than our system of property. It is older than our system of justice. It certainly predates our political institutions and our Constitution. And marriage may be the most important of all these institutions because it represents the accumulated wisdom of literally hundreds of generations over thousands of years about how best to lay the foundation of a home in which we can raise and socialize our children.

Now it isn't always possible to raise children through marriage, and certainly single parents around this country do heroic jobs nurturing children in difficult circumstances. We should give them credit and certainly we should give them as much help as we can. One of the ways we can do that is by affirming the social standard in favor of traditional marriage, which helps create a climate within our culture of stability and order for our children.

The social scientists have figured this out too. As a result of decades of accumulated data, family scientists from the fields of sociology, psychology and economics, have concluded children and adults on average experience the highest level of overall well-being in the context of healthy marital relationships.

We know what happens when societies abandon the model of traditional marriage. The Scandinavian countries legalized same-sex marriage years ago, and the result is that fewer and fewer people in those countries get married at all, and more and more children are born out of wedlock. That is not a good thing for their children. In short, the minimum we can say is that the evidence is not even close to showing that we can feel comfortable making a fundamental change in how we define marriage so as to include same-sex marriage within the definition.

The other issue at stake is who should decide these questions. The first and most basic right which our people possess is the right to govern themselves.

The Framers thought that right was self-evident. It means that the only just government is the one that derives its powers from the consent of the governed. That means that every act of any governmental body has to be the result of a process in which the people have, at some time, consented.

Despite this right, some judges have decided to attempt to change the definition of marriage without reference to the will of the people.

Right now, nine States face lawsuits challenging traditional marriage laws—California, Connecticut, Iowa, Maryland, Nebraska, New Jersey, New York, Oklahoma, and Washington. In four of those States—California, Maryland, New York, and Washington—trial courts have found a right to same-sex marriage in State constitutional provisions—in each case relying in part on the Massachusetts decision. State supreme courts are expected to decide appeals of those decisions in 2006 or 2007.

And in Nebraska, a Federal district court in 2005 found unconstitutional a State constitutional amendment passed by 70 percent of Nebraska voters.

In short, it is clear that there is a well organized and deliberate movement in this country to redefine marriage—to change our most fundamental social institution—without regard to the right of our people to govern themselves.

Unless we pass a constitutional amendment, we will allow the courts of this country to disenfranchise tens of millions of Americans on an issue that is of greater importance to them on a day-to-day basis because it involves the way in which their children and other people's children are going to be raised than most of the legislation we debate here.

If we cannot agree in this Senate on anything else, we should be able to agree on this: Everyone should have the right to advance their point of view in the legislative process on this issue; and we can trust the good sense of the American people to produce the right result in the end.

The only way we can do that is by passing a constitutional amendment. That is what this debate is about. That is why I will be supporting the amendment before the Senate.

I yield the floor.

Mr. BROWNBACK. How much time remains on our side?

The PRESIDING OFFICER. Fifteen seconds remains on the side of the Senator from Kansas.

Mr. BROWNBACK. Mr. President, I appreciate my colleague from Missouri putting this forward. We will have further debate this evening from 6 to 6:30, and hopefully some a little later on.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I rise today to oppose the Marriage Protection Amendment to the Constitution. It is my fundamental belief that

the Constitution is not a document that denies rights. As a matter of fact, it is a document that protects those rights once earned.

With all the problems in the world today, the Senate is spending valuable time debating a bill which we know does not have the votes for cloture, which is divisive and which I believe does not belong on the national agenda.

The fact is, all family law has historically been relegated to the States; that is, marriage, divorce, adoption, custody, all aspects of family law and domestic relations have been the province of the States. That is what the Supreme Court has said in case after case from In Re Burrus in 1890 to Rose v. Rose in 1982. In that 1982 case, the court affirmed the holding of In Re Burrus that:

> [t]he whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the states, and not to the laws of the United States.

Similarly, in Sosna v. Illinois, in 1975 the Supreme Court wrote:

> Domestic relations [is] an area that has long been regarded as a virtually exclusive province of the States.

In 1982, then Associate Justice Rehnquist, dissenting in Santosky v. Kramer, wrote:

> The area of domestic relations . . . has been left to the States from time immemorial, and not without good reason.

And just this past November, in a television interview, Justice Stephen Breyer stated very simply:

> Family law is State law.

It is clear domestic relations have been the jurisdiction of States. That is where they should remain.

I deeply believe this Senate should not be involved in putting amendments in the Constitution dealing with any aspect of marriage, of divorce, of families, of adoption, of any of those areas. The States reign supreme.

Why is it when Republicans are all for reducing the Federal Government's impact on people's lives, until it comes to the stinging litmus test issues—from gay marriage or end of life—they suddenly want the Federal Government to intervene?

For the life of me, I don't understand why this keeps coming before this Senate. It is extraordinarily difficult to pass a constitutional amendment. We all know that. Both Houses have to pass it by a two-thirds vote, and then over a 7-year period it goes out to the States where it has to be ratified by three-quarters of the States. The last constitutional amendment that went on to be ratified by the States was the Equal Rights Amendment, a simple 25-word amendment that said:

> Equal rights under the law shall not be abridged based on sex.

Guess what. They were not able to get the necessary three-quarters of the States over a 7-year period.

So I don't believe this constitutional amendment would be successful even if passed out of this Senate. I have not seen one passed in 13 years. It is extraordinarily difficult to get one ratified.

Family law is, indeed, the purview of the States, so there is no need for a constitutional amendment. This proposed constitutional amendment strikes at the heart of States rights in the area of family law and, in doing so, it actually undermines our Constitution. Moreover, I believe Americans believe the States should deal with same-sex marriage as the States see fit. And so do I.

Americans are especially concerned about amending this Constitution if it means closing the door on civil unions.

Why do I say this? How do I know this? Mr. President, 53 percent of Americans polled recently would oppose a constitutional amendment that also bans civil unions and domestic partnerships such as we have established in California. Many legal experts believe this amendment would do just that. The language in the second sentence of the amendment is ambiguous. It is ambiguous, at best, stating that:

> Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

Now, some on the other side have argued that the amendment would still allow for legal unions passed by State legislatures, not just those instituted by the courts. However, when similar amendments were passed in States such as Michigan, Ohio, and Utah, domestic violence law and health care plans for couples, both gay and straight, were taken away. So we know it has an effect.

I believe to put this on the Constitution, if it were to prevail, if it were to be ratified by three-quarters of the States, it is very likely all domestic partnerships and domestic unions of any civil kind would be wiped out, as well. That does not make any sense at all.

States are well able to handle the issue of marriage on their own without the heavy hand of the Federal Government intervening in people's private lives.

What is currently happening in States indicates to me they are, in fact, actively engaged on this issue. The numbers speak for themselves. To date, 45 States have acted to restrict marriage to only one man and one woman; 18 of those have done so by amending their State constitutions. So why are we doing this?

This year, seven more states are poised to join them when they hold statewide votes on a constitutional same-sex marriage ban: Alabama in June, and Idaho, South Carolina, South Dakota, Tennessee, Virginia and Wisconsin in November. In addition, at least nine other States may take up similar amendments in the not-so-distant future: Arizona, Colorado, Delaware, Illinois, Indiana, Massachusetts, Minnesota, New Jersey, and Pennsylvania. In fact, only one State, Massachusetts, recognizes same-sex marriage. One State, that is it.

So why all the fuss? Why is the Senate devoting its time to this issue when one State has taken action? I say based on the laws of this land that is the prerogative of that State or any other State. So there is no need to be considering a Federal constitutional amendment, particularly when we have important global and national problems to address.

We have an enormous deficit in this country. We do not spend much time on it.

In Iraq, things are going from bad to worse. Just this morning we read about an unrelenting kidnapping campaign happening in the streets of Baghdad. Thousands of Iraqi citizens are being snatched from the streets, 56 just yesterday, all rounded up by gunmen dressed in Iraqi uniforms.

North Korea has announced it possesses nuclear weapons. Iran is trying to become a nuclear power. Stem cell research, passed by the House a year ago, still is not on the floor of the Senate.

Why, why, why, are we doing this now when we could be doing stem cell research, when we could possibly provide the hope for juvenile diabetes, for Alzheimer's victims, for cancer victims, for spinal cord severance victims?

As to appropriations, the Senate has not taken up and approved any of the 12 appropriations bills that it must complete by the end of the session, and it is already June.

I cannot understand why we are doing this. We have the defense authorization and intelligence authorization bills. These are critical bills at a time when our Nation continues to be fighting in Iraq, Afghanistan, and the global war of terror, and we have not passed these bills.

Gas prices. When I was in Los Angeles last week, it cost more than $3.50 a gallon to fill up a tank of gas. We have not taken steps to deal with that.

There are dozens of critical issues, including the mandatory business of this Senate in 2 major authorization bills and 12 major appropriations bills that we have not addressed, and 45 States have taken action. Yet this Senate seems pressed to defend the Nation, to amend the Constitution, to provide something which is within the purview of the States and which the States are handling.

To me, it makes no sense other than this is an election year. It makes no sense other than throwing red meat to a certain constituency. It certainly is not what the Constitution of the United States is all about.

I hope we will vote no on cloture. I hope we will return to business that is important to the American people. I do not believe this issue merits the time of this Senate at this time.

Mr. LEAHY. Mr. President, as I listen to the debate over this constitutional amendment, I am struck by the

circular and contradictory arguments offered by some supporters of this measure. It is clear even to a casual listener that the arguments from some proponents of this effort to use the Constitution to restrict individual freedom for the first time ever actually make the case for why there is no necessity for it. They must acknowledge that the Federal Defense of Marriage Act remains on the books and has been upheld by every Federal court that has considered it, including the Ninth Circuit Court of Appeals. Their talking points proclaim that 45 States already passed legislation or contain provisions in their State constitutions that define marriage as a union between a man and a woman. They point out that 19 States have in the last 10 years passed referendums to amend their State constitutions and that decisive majorities approved a definition of marriage. These arguments beg the question as to why we are spending several days of a waning session on an amendment that is not only divisive but also unnecessary.

To propose a constitutional amendment, two-thirds of each House of Congress must ''deem it necessary.'' That is the constitutional standard for proposing a constitutional amendment. How, in light of this record, could Senators who value individual liberty, respect the States, and understand the Constitution vote any way other than against proceeding to this measure?

The Constitution is not some all-purpose bulletin board on which to hang political posters or to post bumper stickers. Our Constitution is the foundation of our rights and freedoms. The Bill of Rights, the first 10 amendments to the Constitution, were adopted to ensure limits on the Government and to protect the liberties of Americans. Vermont did not and would not become a State until 1791, the year the Bill of Rights was ratified. The structure of the Constitution, with its separation of powers and checks and balances, was designed by the Founders to protect our rights.

Sadly, the Bush-Cheney administration, with the acquiescence of a Republican Congress, has done much to remove those protections to the detriment of the rights of all Americans. In this regard, I note the recent report of the CATO Institute entitled, ''Power Surge: The Constitutional Record of George W. Bush.'' This report criticizes this administration for not upholding the text, history, and structure of the Constitution and recognizing the limits on Presidential power.

As congressional Republicans have returned time and again to use constitutional amendments as election year rallying cries to excite the passions of some voters, those in Congress who respect the Constitution and honor our oath of office to ''support and defend the Constitution of the United States'' are cast in the unpopular role of seeking to conserve the Constitution and constitutional principles in the face of demagogic proposals.

Several years ago a bipartisan group was formed to inject some reason into these debates. The Constitution Project has worked long and hard to develop guidelines for when constitutional amendments are appropriate. They have noted: ''The Founders created a Constitution that is difficult to amend, thus insuring a stable constitutional structure. In The Federalist No. 47, James Madison highlighted this very point. He argued that the Constitution should only be altered on 'great and extraordinary occasions.' '' Proponents have not shown how this proposal meets those sensible guidelines, nor could they.

Recently, the CATO Institute and the Center for American Progress jointly held a symposium lending further support to rejecting this proposed amendment for a variety of reasons from across a wide spectrum of opinion.

All this raises the obvious question why this is the Republican leadership's priority in the face of an unfinished agenda of legislative matters that deeply concern Americans, ranging from escalating gas prices and health care costs to the ongoing violence in Iraq to homeland security. While the news articles and editorials characterizing this effort as crassly political are too numerous to include in the RECORD, I do ask consent to include a few that are representative. I ask that copies of the USA Today editorial from June 1, 2006, the New York Times editorials of June 5 and June 1, 2006, and the Washington Post editorial of May 24, 2006, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, June 1, 2006]

JUST SAY ''I DON'T''

Apparently, issues such as immigration, corruption, gas prices, the budget deficit, the war in Iraq and the prospect of Iran acquiring nuclear weapons aren't substantial enough to occupy members of Congress.

When senators return from their Memorial Day recess next week, their thoughts will turn to June weddings. They plan to spend their time on a bitter, divisive and unnecessary debate over a proposed constitutional amendment to ban gay marriage.

Even supporters of the Marriage Protection Amendment readily concede that the measure to ban same-sex marriage nationwide has virtually no chance of becoming part of the Constitution. (It would need approval from two-thirds of both chambers of Congress, plus ratification by three-fourths of the states.)

So why bother?

Well, Election Day is a few months off. Supporters hope the controversy will energize their base of social and religious conservatives opposed to same-sex marriage.

Their plan could well backfire. Polls show that Americans are evenly divided about the amendment. Religious activist groups are annoyed that President Bush, who supports the amendment, isn't lobbying hard enough for it.

At the same time, the 31 Republican sponsors risk alienating moderate and independent voters who are turned off by the pandering for a futile effort that will further divide the nation.

The gay-marriage issue exploded when Massachusetts' highest court ruled in November 2003 that same-sex couples have a right to marry. Since then, more than 7,300 gay couples there have done so. The commonwealth has survived.

But the public backlash elsewhere has been strong. Nineteen states have amended their constitutions to ban gay marriage. Most other states prohibit it as well.

The state activity makes the proposed constitutional amendment all the more unnecessary. It would take away the traditional authority of states to regulate marriage and impose a one-size-fits-all edict on a nation still grappling with the issue.

Most partisan drives to write social policy into our enduring Constitution have, fortunately, failed. The prohibition of alcohol was such a disaster that it was repealed 14 years later. The Framers purposely made it difficult to amend the Constitution so that intense passions of the day wouldn't lead to laws that might last forever.

Supporters of the amendment trumpet the need to protect the ''sanctity'' of marriage. But preserving the authority of states to decide how to handle same-sex unions—whether through marriage or some domestic partnership or civil union law that protects the basic financial, health and legal rights that heterosexual couples take for granted—doesn't affect anyone else's marriage. And the 1996 federal Defense of Marriage Act already says states may refuse to recognize same-sex marriages performed in other states.

The proposed amendment would squelch the important debate going on at the state level and poison political dialogue. It should be jilted and left at the altar.

[From the New York Times, June 5, 2006]

DIVIDE AND CONQUER THE VOTERS

President Bush devoted his Saturday radio speech to a cynical boost for a constitutional amendment banning gay marriage, It was depressing in the extreme to hear the chief executive trying to pretend, at this moment in American history, that this was a critical priority.

Mr. Bush's central point was that the nation is under siege from ''activist judges'' who are striking down anti-gay-marriage laws that conflict with their own state constitutions. That's their job, just as it is the job of state legislators to either fix the laws or change their constitutions.

If there's anything the country should have learned over the past five years, it is that Mr. Bush and his supporters have no problem with judicial decisions, no matter how cutting edge, that endorse their political positions. They trot out the ''activist judge'' threat only when they're worried about getting out their base on Election Day.

The aim of the president's radio address—which darkly warned that Massachusetts and San Francisco (nudge, nudge) are going to destroy marriage—is the same as the Republican leadership's plans to trot out one cultural hot button after another in the coming weeks. After gay marriage comes the push for a constitutional ban on flag burning, a solution in search of a problem if there ever was one.

All this effort to divert the nation's attention to issues that divide and distract would be bad enough if the country were not facing real, disastrous problems at home and abroad. But then, if that weren't the case, Mr. Bush probably wouldn't feel moved to stoop so low.

[From the New York Times, June 1, 2006]

ON THE LOW ROAD TO NOVEMBER

Republicans are trying to rally their far-right base for the fall elections with a mean-

spirited sideshow threatening to the Constitution: a ban on same-sex marriage.

The Senate Judiciary Committee has endorsed the amendment, which would write bigotry into the nation's charter, by a 10-to-8 vote along party lines, and the full Senate is expected to take it up soon. Since the measure's language covers not only marriage but the ''legal incidents'' of marriage, its approval could jeopardize civil unions, domestic partnerships and other legal protections that many state and local governments now provide for same-sex couples and their children.

No one, including the G.O.P. strategists urging it's fast-tracking, expects the amendment to get the two-thirds Congressional approval needed to send it to the states for consideration. Two years ago, when Republicans staged a Senate vote on the same dismal amendment just before the Democratic convention, it ran into unexpectedly broad opposition. Some conservatives correctly opposed grabbing power from the states by suddenly federalizing marriage law. Supporters of the amendment could muster only 48 votes, well shy of the 60 required to cut off debate and avoid a filibuster.

Plainly, the real purpose of this rerun is to provide red meat to social conservatives, and fodder for commercials aimed at senators who vote to block the atrocious amendment.

It is sad that Senator Arlen Specter, the Republican chairman of the Judiciary Committee, who personally opposes the measure, chose to lend his gavel and vote to speed it to the floor. He got angry when Senator Russell Feingold, the Wisconsin Democrat, objected in forceful terms to both the amendment and the politically motivated scheduling. Mr. Specter and the other members of his committee who approved the amendment have no reason to be angry—just ashamed.

[From the Washington Post, May 24, 2006]

RUNNING AGAINST GAYS; AS AN ELECTION APPROACHES, CAN A VOTE TO BAN SAME-SEX MARRIAGE BE FAR BEHIND?

The Senate Judiciary Committee last week churned out a transparent effort to energize the restive Republican electoral base by picking on gays and lesbians. It reported, on a 10 to 8 vote along party lines, a federal constitutional amendment stating that ''Marriage in the United States shall consist only of the union of a man and a woman''; the amendment would prevent federal and state constitutions alike from being ''construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman,'' Senate Republican leaders are determined to promptly bring up the resolution on the floor, though it has no chance of passage. Its purpose, at this stage anyway, is simply to make a statement—of solidarity with socially conservative voters, of hostility toward marriage equality for gays and lesbians, and of contempt for state governments that might choose to move toward a more inclusive conception of marriage.

Senators will indeed make an important statement with their votes on this amendment—just not about the ''sanctity of marriage,'' The vote, rather, will tally each member's willingness to deform the U.S. Constitution.

On the merits, there is simply no case for an amendment that would write into the Constitution an express command to every state and federal official to discriminate against a class of people. Marriage has always been a state matter in the American system, and nothing about the advent of gay marriage in a single state should change that. Opponents of same-sex marriage outside of Massachusetts have no cause for complaint. What goes on in that state doesn't concern them, and they have shown themselves perfectly capable of organizing in many other states to nip marriage rights for same-sex couples in the bud. What's more, federal law already guarantees that no state need recognize same-sex marriages performed in any other. So the only purpose of a federal amendment would be to prevent states that wish to move toward marriage equality from doing so. Even within Massachusetts, where opposition to same-sex marriage is hardly overwhelming, the experiment with it will not succeed if a majority of citizens over time believe strongly that the decision by the state's high court creating marriage equality should be overturned.

What exactly is the problem that requires upsetting 200 years of constitutional norms? The question answers itself.

Mr. LEAHY. Mr. President, when we began this debate on Monday afternoon I referred to the important discussion that occurred in Vermont several years ago. In that statement I referred to the extraordinary example set of Senator Robert Stafford. I will ask that the Rutland Herald editorial from November 2, 2000, entitled ''Stafford's Gift,'' be printed in the RECORD. This editorial memorializes the bipartisan call for respect and tolerance to which Vermonters responded. Senator JEFFORDS and I were honored to join Senator Stafford in rejecting vitriolic attacks during Vermont's experience with this debate. The Rutland Herald's series of civil editorials that examined these issues during Vermont's debate earned the Pulitzer Prize for the newspaper and its editorial page editor, David Moats.

The fairness and equality that resulted from passage of Vermont's civil union law has not threatened the marriages of the Green Mountain State or any other State in this country. It has not led to the parade of horribles threatened by the proponents of this divisive constitutional amendment.

Recently, I was contacted by a number of physicians in Vermont who voiced their strong opposition to the constitutional amendment that we are debating. These pediatricians are concerned that the proposed amendment will deprive children ''of the benefits of both parents being able to provide health insurance, take time off from work to care for their children, authorize medical care, or stay with their children in the hospital.'' I will ask that their letter be printed in the RECORD.

Hundreds of thousands of American children are being raised by committed same-sex couples. I am gravely concerned that the so-called Marriage Protection Amendment would prevent States from providing benefits and protections to these dedicated parents and their families.

I ask unanimous consent to include two recent editorials opposing the proposed amendment from the Brattleboro Reformer from May 24, 2006, and the Rutland Herald from June 6, 2006, in addition to the aforementioned materials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, Nov. 2, 2000]

STAFFORD'S GIFT

Robert Stafford was never a politician who wore his heart on his sleeve. He served Vermont with distinction over five decades, beginning as Rutland County state's attorney, later becoming governor of Vermont and later U.S. senator.

He is now 87 years old, and he lives in Rutland Town. During his career he focused on getting the job done, and millions of Americans who are able to use Stafford loans to finance their higher education have Robert Stafford to thank.

So when Stafford came forward on Tuesday to speak about the climate of intolerance that has arisen during the present election campaign, it was because he was moved by a profound conviction. He was not alone. Sens. Patrick Leahy and James Jeffords and Rep. Bernard Sanders were with him to request a return to the atmosphere of respect that has traditionally characterized the state of Vermont.

Stafford described his marriage of many years to his wife, Helen, and of the love they have shared. ''I believe that love is one of the great forces in our society and in the state of Vermont,'' he said. ''And everyone in this country is better off living in a society based on love.''

The civil union law has confronted many Vermonters with the reality that gay and lesbian couples also share love. That reality prompted a question from Stafford: ''If a same-sex couple unites with true love,'' he said, ''what is the harm in that? What is the harm?''

Conscientious people disagree on the moral questions surrounding homosexuality and civil unions. The point is not that everyone should agree; it is seldom the case that everyone will agree on any issue.

The important distinction is between those who disagree with civil unions and those who take their disagreement a step further, using offensive language, shouting down opponents, and employing tactics of character assassination like those being used in Chittenden County.

Disagreement must be respected. But when disagreement turns into denigration, it creates the atmosphere that Stafford, Leahy, Jeffords, and Sanders came to Rutland to deplore.

Stafford and Jeffords are the two senior Republican leaders in the state, and it is good that leading Republicans have chosen to speak up about the extremism that has tarred the debate over civil unions. If the Republicans intend to help heal the wounds caused by the bigotry of a few, they have to be willing to distance themselves from some of the attacks that are made in their name.

Jeffords had harsh words for the ''tone of intolerance and hate'' this year. And he spoke of the need for respect. ''When individuals with narrow minds seek to vilify public servants in the name of religion, it's time to take a step back.''

A flier distributed by a religious group in Chittenden County warned that because of the civil union law, Vermont would become ''a San Francisco-like rural haven.''

Leahy called such fears ''vitrolic nonsense.''

The issue inevitably comes back to Stafford's point, which asks us to look at the reality of human relationships. In homosexual relations, just as in heterosexual relations, there are respectful, loving relationships, and there are relationships that are less.

And as Stafford said, in simple, heartfelt language, when it comes to love, what is the harm?

PRO-FAMILY PEDIATRICIANS,
Burlington, Vermont, June 5, 2006.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

Hon. JAMES M. JEFFORDS,
U.S. Senate,
Washington, DC.

DEAR SENATORS LEAHY AND JEFFORDS: As Vermont pediatricians dedicated to the care of infants, children, adolescents, and young adults, we strongly urge you to oppose amending the Constitution to forever deny gay and lesbian couples and their children the same protections available to other families. A discriminatory constitutional amendment would have a particularly severe impact on the health and security of the hundreds of thousands of children whose parents are same-sex couples.

On a daily basis, we care for sick children in the context of their families. Children deserve all the love, care, and emotional and financial security their families can provide. Any constitutional amendment that throws obstacles in the way of two parents being able to provide the full measure of security for their children that the law allows is clearly not in the best interest of children. The best result for children is the defeat of the Federal Marriage Amendment.

As demonstrated by census and other data, there are literally hundreds of thousands of children whose parents are gay or lesbian couples. According to the 2000 census, same-sex couples are raising children in at least 96 percent of all counties in the U.S. These children go to school, play in sports, sing in choirs, go to worship services, play at the beach, get hugs from their parents and grandparents—and get sick—just like children of opposite-sex couples or single parents. And when these children are sick, their parents come to doctor visits together, take time off from work to stay home with the sick child, worry about paying the medical bills, and if serious enough, stay at the hospital together with their child, take turns holding an oxygen mask or meeting with doctors and nurses.

Whether the problem is as medically simple as a bad cold or a broken finger or as serious as leukemia or a life-threatening heart condition, a child's illness or injury strains both the child and his or her parents. No parents who are already under the emotional stress of caring for their sick or injured child should also have to worry about whether the Constitution will deprive their child of the benefits of both parents being able to provide health insurance, take time off from work to care for their child, authorize medical care, or stay with their child in the hospital. Adding to the worries of already strained parents is simply wrong.

The American Academy of Pediatrics has found that ''a considerable body of professional literature provides evidence that children with parents who are homosexual can have the same advantages and the same expectations for health, adjustment, and development as can children whose parents are heterosexual. When two adults participate in parenting a child, they and the child deserve the serenity that comes with legal recognition.''

We urge you to find ways to make the lives of all children happier, healthier, and safer. There are lots of good ideas, and good legislation, to meet these goals. But the Federal Marriage Amendment will do the opposite. It will make the lives of children more difficult and make the assurance of the best health care a broken promise. We strongly urge you to protect children by defeating the Federal Marriage Amendment.

Very truly yours,

Dr. Garrick Applebee, Attending Physician, Vermont Children's Hospital, Burlington, Vermont.

Dr. Wendy S. Davis, Vermont Children's Hospital at Fletcher Allen Health Care, Professor of Pediatrics, University of Vermont College of Medicine, Burlington, Vermont.

Dr. Jillian S. Geider, Vermont Children's Hospital, Clinical Instructor, Pediatrics, University of Vermont College of Medicine, Burlington, Vermont.

Dr. Joseph F. Hagan, Jr., Clinical Professor in Pediatrics, University of Vermont College of Medicine, Co-Chair Bright Futures Education Center and Steering Committee, American Academy of Pediatrics, Burlington, Vermont.

Dr. Barry W. Heath, Director Pediatric ICU, Vermont Children's Hospital, Associate Professor of Pediatrics, University of Vermont College of Medicine, Burlington, Vermont.

Dr. Jeremy Hertzig, Clinical Instructor in Pediatrics, University of Vermont College of Medicine, Burlington, Vermont.

Dr. Jenny Hoelter, Resident, Vermont Children's Hospital, Burlington, Vermont.

Dr. Elizabeth Hunt, Pediatrics Resident, Vermont Children's Hospital, Burlington, Vermont.

Dr. Karen S. Leonard, Attending Physician, University of Vermont, Burlington, Vermont.

Dr. Brett McAninch, Vermont Children's Hospital, Burlington, Vermont.

Dr. Meredith Monahan, Pediatric Resident, University of Vermont, Burlington, Vermont.

Dr. Bradford D. Stephens, Clinical Instructor, Vermont Children's Hospital, Burlington, Vermont.

Dr. Alicia J. Veit, Vermont Children's Hospital, Clinical Instructor, Department of Pediatrics, University of Vermont College of Medicine, Burlington, Vermont.

Dr. Anna Ward, Pediatric Resident, Vermont Children's Hospital, Burlington, Vermont.

Dr. Richard C. Wasserman, Professor of Pediatrics, University of Vermont College of Medicine, Burlington, Vermont.

Dr. Paul James Zimakas, Pediatric Endocrinologist, Vermont Children's Hospital, Burlington, Vermont.

[From the Brattleboro Reformer, May 20, 2006]

AGENDA OF DIVISIVENESS

It's very obvious why the Senate Judiciary Committee voted Thursday to revive an effort to enact a constitutional ban on same-sex marriage.

Republicans are getting their arms vigorously twisted by the religious right. They have begun threatening the Republicans that they will stay home in November if progress is not made on banning abortion, same-sex marriage and flag burning.

A poll conducted in March by four groups representing evangelical Christians found that 63 percent of so-called ''values voters''—the evangelicals who oppose abortion and same-sex marriage—believe that, in the words of the poll, ''Congress has not kept its promises to act on a pro-family agenda.''

So, between now and November, you can expect to see these ''values'' issues trotted out by Republicans in Congress to convince the religious right they are still on their side.

It's not like the GOP has anything else to run on. They can't run on national security, not with Iraq in a bloody civil war. They can't run on ethics, not with the growing list of indictments filed against GOP members of Congress. They can't run on the economy, not with $3 a gallon gasoline, rising interest rates and stagnant wage growth.

No, all they have left is the hope that voter turnout will be low and the most extreme members of their constituency will show up to vote.

Mid-term elections are usually decided by turnout, and usually only the most motivated voters from each party show up on Election Day. While pandering to religious extremists may seem like a smart short-term strategy, in the long term, it alienates the rest of the population.

Given the bigger issues facing this nation—out-of-control energy and health care costs, the criminally slow response to the Gulf Coast's plight after Katrina, the lack of an exit strategy from Iraq, the threat of another war in Iran and a president who shows no respect for the rule of law—arguing about flag burning and gay marriage is ridiculous.

But that's the legislative agenda that the Republicans are working on. Even though the gay marriage ban has no chance of receiving the required two-thirds majority which will move the proposed amendment to the states to ratify, the goal is to get both houses to vote on it next month. Likewise for flag burning and more restrictions on abortions.

In short, the GOP would rather devote its energies to pointless and divisive legislation than address the real problems facing the nation.

We do not think this is not going to work this November.

As weapons, the powers of fear and divisiveness, the two biggest guns in the GOP arsenal, are no longer as powerful as they were in 2002 or 2004. More and more Americans, liberals and conservatives alike, are on to the Republican game. This growing awareness that the GOP has nothing going for it other than fear and divisiveness may lead to big victories for Democrats in November. And Republicans will only have themselves to blame.

[From the Rutland (VT) Herald, June 6, 2006]

THE BULLY'S PULPIT

George Bush is a bully and a coward.

How else to explain this weekend's performance by the president, who used his weekly radio address to push for a constitutional amendment banning gay marriage?

His cowardice is long established, from using his family's influence to duck military service during Vietnam to hiding behind underlings while in the Oval Office. He's never seen a fair fight he can't run from or pay someone else to fight for him.

Now he's beaten down in the polls, with both his foreign and domestic policy initiatives in tatters, already a lame duck and staring at a legacy as a war president during a losing fight. His next-best shot at being remembered by history is as the president who single-handedly bankrupted the country, going from a surplus to record deficits almost overnight.

So what did Bush do? What any schoolyard bully does when they feel threatened: He picked on someone he perceives as an easy target.

In this case, the target is gay marriage. While the country is generally more accepting of homosexuals than it was a generation ago, there is still a taboo against using the word marriage to define homosexual relationships.

The GOP used the same gay-bashing tactic to get out the vote in the last election, and their strategists are clearly banking on a repeat performance to revitalize support for the president, and for the party headed into

the fall elections. Bill Frist, the Senate majority leader, claimed an amendment is needed to protect the other 49 states from Massachusetts' recognition of gay marriage in an opinion piece released over the weekend.

Oddly, the tactic may backfire on the GOP. While the states that have voted on defining marriage as the union of a man and a woman have been unanimous in supporting the measures, using the Constitution as a tool must strike many as a large, blunt instrument.

Amending the Constitution is not easy; it is not meant to be so. That choice by the framers, reinforced through the centuries, makes rational people pull back from cheap grandstanding with this nation's most-cherished document. And the latest move is nothing if not a grandstand play.

In fact, true conservatives may find themselves in conflict over whether cheapening the importance of a constitutional amendment is too steep a price to pay, seeing as the country already has the Defense of Marriage Act, which already does what the amendment promises. And they must despair at seeing a raid on states' rights, a conservative touchstone.

But surely, surely the move must backfire in Vermont. Any candidate who does not immediately and publicly renounce a constitutional amendment against gay marriage will alienate the state's open-minded middle of the road, as well as its substantial liberal population. But any candidate who opposes the amendment will alienate the right wing of the Republican Party. So Bush and Frist have put moderates into a tough spot.

Regardless, it is time for Vermont's candidates in this fall's election to stand up and be counted on the issue. No ducking or excuses, please.

Martha Rainville and Richard Tarrant are running as moderate Republicans; it is their party's leadership that has put the issue on the table; it is their time to speak. They both say they are independent thinkers in the Vermont tradition, who will not simply repeat the party line.

Now they can prove that claim or they can follow the lead of their boss, the coward. It's a clear, if not simple, choice.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I rise tonight as a cosponsor and a strong supporter of the Marriage Protection Amendment before the Senate.

If you had told me 10 years ago, or even 5 years ago, that I would be standing before the Senate advocating a constitutional amendment that defines marriage as a union between a man and a woman, I would have thought you had lost your mind. Why in the world would you ever need to do that, I would have asked? Doesn't it go without saying that men and women get married? Yet tonight I do stand in the Senate advocating a constitutional amendment that defines marriage as a union between a man and a woman, nothing else. What was once thought preposterous is now reality. We are faced with this new reality because activist judges throughout the Nation have decided to redefine marriage.

The courts, not the people, not the States, are redefining a fundamental institution of our society, the very foundation of our civilization.

Ironically, this new definition of marriage runs contrary to what a majority of Americans believe. In fact, 45 of the 50 States have either a State constitutional amendment or a statute defining marriage as the union between a man and a woman, nothing else. On average, those measures have passed with more than 70 percent of the voters' support.

Today, the voters in my home State of Alabama—and we will know the outcome later tonight—will vote on a State constitutional amendment regarding marriage. I think I know what the outcome will be in my State. Regardless, no judge should be able to impose his or her will on Alabama or any other State if the voters have decided otherwise.

What appears to be a broad consensus throughout the country for protecting the institution of marriage is being undermined and redefined by activist judges. These judges have struck down numerous State laws intended to protect the traditional definition of marriage. State courts in California, Georgia, Maryland, New York, and Washington have overturned laws or amendments protecting marriage, and a Federal judge in Nebraska invalidated a State amendment prohibiting same-sex marriage.

I have long thought that it was the role of the judiciary to interpret the law, not make the law. However, these activist judges across the country have taken it upon themselves to make laws that, in many cases, redefine the definition of marriage. These judges have taken it upon themselves to make decisions reserved for State legislatures who have worked to be responsive to their constituencies and to define marriage in the traditional sense. The difference is that these activist judges do not have to be responsive to anyone and are accountable to no one.

Abraham Lincoln reminded us in the Gettysburg Address that we have a government of the people, by the people, and for the people. Activist judges, accountable to no one, should not be allowed to govern this country. The basic foundation of our Constitution does not invest total control in the judiciary. It is not government by the judiciary; rather, it is a government by the people. On this issue, the people have spoken and will speak again.

Activist judges should not be permitted to redefine the sacred bond of marriage. For generations, humanity has defined marriage as the union between a man and a woman upon which families are built. It is the institution of marriage upon which our society has flourished.

Mr. President, States, in my judgment, must be allowed to continue to exercise their will. States that pass laws on constitutional amendments should not be overridden by an overactive judiciary that believes it has the power to redefine the moral character upon which our Nation was built. I believe the President recently summed it up when he said:

> The union of a man and a woman in marriage is the most enduring and important human institution. For ages, in every culture, human beings have understood that marriage is critical to the well-being of families. And because families pass along values and shape character, marriage is also critical to the health of society. Our policies should aim to strengthen families, not undermine them. And changing the definition of marriage would undermine the family structure.

Therefore, tonight I stand before you in strong support of this constitutional amendment to define marriage as a union between a man and a woman.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I thank my colleague from Alabama for his support for the marriage amendment. I note, as he knows, that Alabama is voting on this very day on this subject. I feel confident that it, along with the other 19 States—this will make 20—will support marriage as a union between a man and a woman.

Mr. SHELBY. I believe that is going to happen today.

Mr. BROWNBACK. If it doesn't——

Mr. SHELBY. Oh, it will.

Mr. BROWNBACK. That is another indication that 20 States have directly voted on this issue. If we would have Senators who follow what the States have done, we would have 90 votes for a constitutional amendment to define marriage as a union between a man and a woman. I thank my colleague for his strong support. I believe the people of Alabama are going to do it today as well.

I have another colleague who will be speaking shortly. In the interim, I want to develop an argument that has been put forward but I think is an important one to further raise and develop. It is one I have mentioned previously on religious freedom. We have the article that has been mentioned by several by Maggie Gallagher on why Catholic Charities was run out of Boston because they didn't support homosexual adoptions. Rather than breaking one of the tenets of their faith, they said we can no longer do adoptions. There is an argument that churches that do not perform same-sex unions will not be allowed to perform any marriages. I think this bears looking at because it is a serious issue that has a legal history and pedigree to it. It is one we should be concerned about taking place.

I was in a church last Saturday night. My oldest daughter was the maid of honor in a wedding. It was a beautiful ceremony. That church has a very clear conviction that marriage is between a man and a woman. They

would not agree to doing marriages between same-sex couples. Then does that mean that they cannot perform any marriages? OK, some say it is too strong of an argument. Yet you have that history in the adoption field, and you have a legal pedigree that is there to develop on top of that. I think that bears watching.

There is another argument I want to further develop while my colleagues are coming to the floor; that is, this one on ''slippery slope.'' People say this is one that isn't going to happen. It is not going to develop. Yet I think the legal pedigree is there for a slippery slope to develop. Some will be recognizing different groups that have stepped forward already to say that if two people of the same sex can be married, why can't there be additional people? What is the legal bias against having more than two people in a marital arrangement? This even has a term now, polyamorist. They have already had one court case trying to gain recognition for a marriage of a woman and two men. They say in some of their advocacy that they are waiting for same-sex marriage to pass to begin agitation to legalize more than two people getting married.

If you think that is not going to happen, you had the minority opinion in the Supreme Court case that recognized that, what is your legal basis of stopping that, too, if it can be two men or two women? Why is it only two? That is what this group is starting to agitate for. They are saying that granting same-sex marriage is supported on equal protection grounds. How is the court going to deny them? There are plenty of polyamorists out there.

The problem goes further. We have an advocacy group called the Alternatives to Marriage Project which supports polyamory and other innovations to parental cohabitation. The Alternatives to Marriage Project is quoted frequently in the mainstream media. Believe it or not, some of the most powerful factions of family law scholars in the law schools favor legal recognition of both polyamory and parental cohabitation. Even law review articles have been published advocating for both. Again, they argue that if two men can get married and two women can get married, if this is an equal protection argument, why is it limited to just two? What is the legal basis or foundational basis in society for this?

I raise that as a point because this area of law is starting to develop. Even the influential American Law Institute came out with proposals that would grant nearly equal recognition to cohabitation. So this is developing in the law.

I raise these items as issues knowing that some people will scoff at it. You can look at what happened in the world in the past year or so as well. Sweden passed the first same-sex partnership plan in the world and had serious proposals floated by parties on the left to abolish marriage and legalize multipartner unions. So this is out there and it is one of those things we should watch.

My colleague from Alabama has arrived. I yield the floor to him for his comments on the constitutional amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank Senator BROWNBACK. He is such a champion on this issue and has raised so many important matters for us to think about. I believe the debate we are having is a very important debate. I remember the hearings we had in the Judiciary Committee. The Senator had several—I believe he had one in the Commerce Committee maybe, and I had one in the Judiciary Committee on marriage.

One of the things we found was that almost every category of individual character and wellness was better if you were married. That is just the way it was. You had a longer lifespan, you ended up with more wealth, you had better health, you were happier, and there was less drug use, less criminality, and less suicide. All of those things are so taken for granted in the committed, historic marriage relationship.

I believe this issue is an important one that is before us. I want to share a few thoughts on the matter that deals with certain issues that are important to me, which I think are important. We are not here, let me say, first of all, because of some band of Christian conservatives. Indeed, virtually every religious organization in America cares about this issue. It is not that we wanted to enter into some sort of argument with the gay community or with those who favor same-sex marriage. We are not here because of a political agenda.

Traditional mainstream Americans were going about their business when courts began a pattern of rulings that subverted democratic principles on the long held meaning of marriage. As the cases and lawsuits have mounted and scholars reviewed the opinions and pondered their implications, it became clear that this activist movement was bold and far reaching in scope. Their design was to effect a complete change in the meaning of marriage, altering an institution that is thousands of years old. The lawyers who filed these cases had a simple plan: They would file a lawsuit attacking the traditional definition of marriage as a union between a man and a woman. They would urge the courts to declare, based on some subjective constitutional theory such as evolving standards of decency, that the Constitution of the United States—they sought to have the courts declare that the Constitution of the State or the United States requires that marriage be redefined to include same-sex marriage.

When the people complained about this usurpation, what did you hear back from those who promote these ideas?

They all lift their noses and respond: ''All we are doing is being faithful to the Constitution. Don't you respect the Constitution? We know you have deeply held beliefs, and we understand that, but we all must yield to the requirements of the Constitution, don't you know?''

That is kind of the feedback we get on this issue. But the American people are not so easily fooled. They chose not to go quietly this time. They have chosen to fight, and it is going to be a long battle. And well they should have made that decision since the question here raises the nature of marriage and the usurpation of judicial power to effect a political or social agenda, which are matters that go to the heart of this Republic and our governing structure.

So let's make some things clear. One, those who believe in the traditional definition of marriage did not start this fight. The debate is not a distraction from important issues; it is an important issue. It is not about wedge politics.

Let me state the plain truth. We are here debating this issue because there has been a deliberate and sustained effort by leftists in America to alter the definition of marriage to include a union of two men or a union of two women. This action has been, to some degree, successful, as shown by rulings in a number of important cases. So the matter is real. It is not a theoretical matter; it is very real, right now.

I do not agree with these changes in marriage. I favor the traditional approach for many reasons. More importantly, the American people overwhelmingly oppose this idea. There has been no support in the Senate, no support in the House of Representatives or the State legislatures for such actions. This new marriage concept has been rejected by legislative branches all over the Nation and has been rejected in, I think, 19 statewide votes, averaging about 70 percent each time.

These social activists have always known they have no chance to get elected officials to adopt their concept of marriage. It will not be voted in. So they have looked through the Constitution and decided their goal could only be achieved by arguing before activist judges that denying same-sex couples the right to marry is a denial of the constitutional guarantee of due process or equal protection or ideas such as that.

The Supreme Judicial Court of Massachusetts flatly agreed with those lawyers. This court declared that the constitution of Massachusetts, adopted in 1780, requires that same-sex unions be given the same recognition as a union of a man and a woman. They found that a constitutional requirement. This is activism, pure and simple. It is the very definition of activism.

The drafters of that constitution in 1780 would never have imagined their

constitution would some day be so twisted. The Massachusetts Supreme Judicial Court plainly reached, I believe, a political, social, and cultural conclusion about homosexual unions. And they took language out of their State constitution that was never, ever crafted, designed, or expected to cover such a situation as this, and they just declared that the long established concept of marriage violated the constitution of Massachusetts. They just did it. These judges don't have to stand for election—certainly Federal judges do not—and they are not accountable to the American people. If judges do not show their personal restraint, modesty, and fidelity to the Constitution—whether or not they like the Constitution—then democracy is thwarted. So this is no small matter, I say to my colleagues.

Some will argue that the problem is a problem for Massachusetts only and that each State can decide these issues. But the U.S. Constitution provides that every State must give full faith and credit to the marriages of another State. In other words, the U.S. Constitution ordinarily requires that each State must recognize the marriages of other States.

But what about DOMA? We passed DOMA, the Federal Defense of Marriage Act, in this Congress a number of years ago. It was passed to deal with what was perceived as a problem a decade or so ago. Didn't DOMA fix the problem?

The simple answer is no. To understand why, let's look at the Supreme Court's ruling in Lawrence v. Texas. I was attorney general of the State of Alabama. This deals with one of the things you do as an attorney general of a State: you defend the laws of that State when they are challenged in the Supreme Court of the United States. So I can identify with Texas in this matter.

Without regard to established law, the Supreme Court reversed their own opinion on a very similar case in Georgia just 17 years earlier and followed a new vision of social justice, masquerading, I suggest, as constitutional law. In Lawrence v. Texas, the Supreme Court reversed their opinion in Bowers v. Hardwick, a Georgia case, and said all State sodomy laws are unconstitutional.

This is most certainly not a discussion concerning sodomy laws or the wisdom of such statutes. This debate is about the Constitution, what it means, and who controls the legal and social policy in America. Some statutes and ordinances certainly are unconstitutional and should be declared so. A city ordinance that required Rosa Parks to sit at the back of a bus simply because of the color of her skin did violate—clearly violated—the command of the U.S. Constitution that everyone be provided equal protection of the laws, and Judge Frank M. Johnson and the U.S. Supreme Court were correct to strike it down as discriminatory. That decision was not activism. It was a new commitment to the plain meaning of the existing Constitution that had been the law all along.

The situation is quite different in Lawrence. It is instructive to review how five members—only five, really, because Justice O'Connor only concurred in the result, not in the reasoning—of the Supreme Court came to reverse Bowers, which had upheld Georgia's law just 17 years before.

So what changed? Certainly not the law. Certainly not the Constitution. This is why our American people need to pay close attention to these issues, or the judicial sleight of hand that is beginning to occur too often will succeed. No doubt the American people are paying closer attention today than they have in the past.

The majority opinion in Lawrence divorced morality from law. The Court flatly held that morality, even long established, objectively determined moral values, cannot be a basis for law, so they struck down the Texas law. The Court said the law was a product of morality, which they found was without value as a justification for law. I kid you not, that is what they did.

Remember, the Court is examining now a long-established provision of criminal law, a provision that had been recently upheld as constitutional. Remember also, the issue is not whether you approve or would vote for such a law but whether it stands without any basis such that it becomes the duty of the Supreme Court to strike it down as violative of the U.S. Constitution. Lawrence was troubling, with far-reaching ramifications.

What does Lawrence have to do with the marriage amendment? A great deal, unfortunately. If the Supreme Court were to hold that marriage should no longer be limited to a union of a man and a woman and a court finds as they did in Lawrence that such is required by some word or phrase in the Constitution, than any Federal law, such as DOMA, or any State constitutional provision—we are voting on one in Alabama today to protect marriage, and I assure you it is going to pass—but any State constitutional provision would be erased from the books, held for naught, and struck down if found to be in violation of the Constitution because the Constitution is the supreme law of the land and its provisions trump all other laws and State constitutional provisions.

In Lawrence, the U.S. Supreme Court used very broad language that by fair deduction would suggest that the majority's reasoning would be supportive of redefining marriage. While not denying the logic of this possibility, the Court in its opinion in dicta did note that Lawrence "does not involve whether the government must give formal recognition to any relationship that homosexual persons seek to enter."

So the facts did not involve that, but the opinion did not deny that this same reasoning could be used in the future in cases such as the Massachusetts marriage case. It was obvious, of course, that the issue of same-sex marriages was not before the Court in Lawrence, but they were aware of that.

Justice Scalia was not beguiled by this language. His brilliant dissent went right to that point, and it is the issue before us today. Justice Scalia aptly stated:

> This case "does not involve" the issue of homosexual marriage only if one entertains the belief that principle and logic have nothing to do with the decisions of this Court.

It doesn't involve the issue of homosexual marriage only if logic and principle have nothing to do with the opinions of the Court. What he is saying quite plainly is, following the logic and principle of the opinion in Lawrence, marriage, as we know it, is in jeopardy today, and he dissented. Justice Scalia is a brilliant jurist. He loves the law and believes in being faithful to the law as written, not as he may wish it to be.

This debate in the Senate about activism is important. It is a debate that was raised aggressively in recent elections in Senate races and the Presidential election. President Bush said he admired Justice Scalia and he wanted more judges on the Court such as Justice Scalia.

Justice Scalia's dissent reflects one of the critical issues that highlight the difference between an activist judge and one who is respectful of the people's branch of Government, the legislative branches of Federal and State government.

In large part, the Massachusetts marriage case and Lawrence v. Texas are the kinds of rulings that have caused so much controversy, rulings where a slim majority of an aging group of justices—four maybe in some courts, five on the U.S. Supreme Court—allow personal views on some subject to cloud their thinking to such an extent that they delve into the Constitution in order to find some phrase they can use to impose that view on the people, all the while insisting they are merely following the commands of the Constitution.

In fact, our Supreme Court Justices have created a double standard. They have plainly held that the legislative branches—the Congress, our State legislatures—elected by the people, cannot base a law on an established, objective moral code, but they—the enlightened judicial branch, the one branch of our Government unaccountable to the people—may strike down congressionally passed laws if the Justices conclude that the legislative laws do not comply with what the judges find are "evolving standards of decency."

"Evolving standards of decency" is a phrase activist judges often use, and it can mean anything. Who can say what that means? "Evolving standards of decency" is not a proper legal standard. It lacks the precision needed for a legal standard. It is, in fact, not a standard

at all. In truth, it is a license to the court. It can allow as few as five Supreme Court Justices to roam the world to find European law or some other foreign law or some study or some report which they base their opinion upon.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I thank the Chair. I ask unanimous consent for 5 more minutes.

Mr. CARPER. Mr. President, I will have to object to that. I agree to 1 more minute.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 1 more minute.

Mr. SESSIONS. Mr. President, I would just say this: that we are at a point in our history where it is now the opportunity of this Senate to allow the American people an opportunity to have their views heard on the question of the definition of marriage. It has been eroded by courts improperly, in my view, but it is being eroded nevertheless. By voting for this constitutional amendment, we will not make any constitutional amendment become a reality. We will simply send the matter to the States. And if three-fourths of the State legislatures agree, only then will this amendment become law. Why would we want to deny the American people the right through their representatives to adopt this amendment? I do not know, and I do not think we should. I think we should support the amendment.

How should the people properly respond to this real or perceived abuse and, in particular, to this very real threat to traditional marriage?

The proper answer is for the people to ask their elected representatives to pass a constitutional amendment to fix the problem, or the potential problem.

It is the right way, the lawful way, for the people and the Congress to respond.

Amazingly, it has been suggested by those who oppose the right of the people to have their voice heard on this matter, that the Marriage Protection Act violates the Constitution. How silly is that? The Marriage Protection Act would become a part of the Constitution. How could it violate the Constitution?

More importantly, the court rulings that have created this crisis are themselves, in my view and the view of many, contrary to the Constitution. Regardless of whether such rulings are sound, the people have a right to have their voice heard on the matter of marriage.

Some here argue that we should not have an amendment that decides the question here in the Senate but should allow the States to do it. But, that is the problem.

The States, and the people, are having their decisions overturned by courts. On May 16, a Georgia judge struck down that State's law that prohibits same-sex marriage. At least nine States are facing similar lawsuits. And if Lawrence is any indication, the U.S. Supreme Court seems poised to make a similar ruling.

This is why the American people are rightly concerned and want us to do something to stop this trend by the undemocratic branch of government from altering marriage, a cornerstone of our civilization.

Of course, if this Congress were to pass the Marriage Protection Amendment, it does not then become law. It then would go to the States where three-fourths of the State legislatures would have to agree, for it to become part of our Constitution.

Thus, our vote today is the key step in allowing the States to express the will of their people.

Thus vote against the Marriage Protection Amendment by those who say they oppose same-sex marriage, would deny the States the authority they need to protect their laws from judicial activism.

Finally, some argue that marriage is not an issue of such importance that it should be placed in our Constitution or even have debate time allotted to it. They are wrong. This is a huge issue, one of great importance. The real question is, why deny the right of the American people through their legislatures the right to vote on this issue? What harm is there in letting the people speak? I suspect the real concern of many is that if this amendment were to get to the States, it would pass. Those who openly or surreptitiously favor same-sex marriage surely would not want the Marriage Protection Amendment to go to the States.

And, there is nothing unusual about constitutional amendments that address specific problems.

We have passed amendments that are quite specific as well as broad.

The 27th amendment, ratified May 27, 1992, provides that Congress can't raise the pay of members of the House or Senate until the next election in the House.

The 26th amendment, ratified July 1, 1971, provides that eighteen-year-olds must be allowed to vote.

The 25th amendment, ratified February 10, 1967, provides for presidential succession.

The 24th amendment, ratified January 23, 1964, abolished the poll tax.

To my mind, the Marriage Protection Act is a wonderful way to allow the American people to have their voices heard on a matter that is very important to them and our Nation.

The courts have gotten it wrong. Wrong as a matter of law and wrong as to policy. They are not higher beings. They make mistakes and they need to be held to account so that good law and good policy are restored. A narrowly drafted constitutional amendment that deals with this one, single issue, is the proper way to give legitimate voice to our citizens.

The traditional understanding and law of marriage are being overturned. The sounds of the conflict can be heard in Lexington and in Omaha. Why stand we here idle? Let's authorize the Marriage Protection Amendment to go to the States so the people's will may be accomplished. After all, our founders created a democracy, not an oligarchy.

I yield the floor.

Mr. CARPER. Mr. President.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, my friend from Alabama has just called for the Senate to vote and the House to vote, two-thirds majorities to vote to send to the States the question of whether or not our U.S. Constitution should be amended with respect to marriage being only between a man and a woman. Actually, in my State and in 45 other States around the country, we have had the opportunity to debate this issue, to consider this issue, and to pass laws with respect to marriage as between a man and a woman.

Personally, I believe that it is. As Governor of Delaware, a number of years ago I signed into law the Defense of Marriage Act in my State that says marriage is something that occurs between a man and a woman. Not only did I sign that law, but I supported the Federal law which was enacted here, signed by former President Clinton, which said States like my own and those other 45 States, to the extent that we define marriage as being between a man and a woman, our State law, respective State laws, cannot be violated by the actions of some other State.

I will give an example. If we have a same-sex couple in Delaware who decide to go to another country or another place where same-sex marriages are allowed, and then that same-sex couple comes back to Delaware and claims they are married, they are not married in my State. It is not a marriage that we recognize. In fact, for the over 200 years that we have been around as a country, States such as Delaware or California or Georgia or Alabama or Kansas have set the rules for marriage. We don't say to the Federal Government: You determine who can get married, at what age people can get married, or what kind of waiting period there has to be, or can first cousins marry or second cousins; we don't say what the rules of the road are with respect to divorce, with respect to alimony, with respect to child support. For over 200 years we have left those issues to the States.

Today we have said very clearly in my own State, marriage is between a man and a woman, a view that is reflected in almost all of the other States in this country.

If we get to the point where our ability to maintain that position in my State or in the other 45 States that have adopted similar laws, where those laws are threatened or basically rendered ineffective, then I think the idea of visiting a constitutional amendment is something we may want to do. But I

don't know that it is needed. I am not convinced that it is needed for us to amend the Constitution to do something that I believe we already have done by changing our own State laws, and those State laws are protected by a Federal law.

We have not amended the Constitution a whole lot of times. We have amended the Constitution 17 times; since 1791, 17 times. I am 59 years old. We have amended the Constitution just six times in my own lifetime. We have amended the Constitution for good and valid reasons. We have amended the Constitution to protect our freedom of speech, to protect our ability to worship God as we see fit. We have amended the Constitution to ensure that we have the right to bear arms, to ensure the right of a trial by a jury of our peers. Other constitutional amendments have been to protect us from unlawful searches of our homes and have guaranteed our rights to assemble in Washington and in Dover and across this country to present our grievances to those who serve us. Constitutional amendments have abolished slavery. They have provided women the right to vote. They have provided 18-year-old young men and women with the right to vote, and they have limited our Presidents to serving only two terms. They decided through a constitutional amendment that if we don't have a Vice President for some reason, how one would be selected. All of those are important, and some would say urgent, pressing needs that have been addressed and have been put into our Constitution.

I am not convinced given the actions of my own State and 45 other States, the actions of the Congress and former President Clinton signing the Defense of Marriage Act, that we need to enshrine in the Constitution today what we have already enshrined in State laws and Federal laws with respect to the fact that marriage is between a man and a woman.

I do know what some would say: that this is election year politics. We do this every 2 years, and it happens sort of coincidentally like 5 months, 4 months before an election, and it is through the efforts of one party or the other to try to energize their base.

I don't know if that is part of this. I do know this: There are plenty of other important issues that we need to be addressing.

We have a war in Iraq where the going is tough. We are losing people, including some young men from my own State just last month, and we are suffering tragic and sad losses of life. We have a situation in Afghanistan which is not going as well as some of us would like and had hoped for. We are a nation today where almost 60 percent of our energy depends on foreign sources, a lot of it controlled by people who don't like us very much. And we aren't convinced that when we take our money to fill up our tanks with gas that they will not use our money to hurt us.

Our dependence on foreign oil continues to grow, not abate. The cost of health care is killing us in terms of our ability to compete. As a nation, we spend more money—companies such as General Motors—on health care than is spent on all capital investments around the world. We have people who are sick and dying from asbestos poisoning, and they are not getting and their families are not getting the money they deserve. Meanwhile, other folks who have been exposed to asbestos but don't have asbestosis and have never had it, will never have it, they get money. We live on a planet where the air is becoming warmer, and we are threatened by more hurricanes, tougher and stronger hurricanes and typhoons and cyclones as we have ever seen in recent years.

We have a Tax Code where literally, last year, $290 billion was owed in taxes. We know who owes it, and we know how much they owe, but it wasn't collected. Federal agencies made over $50 billion of improper payments last year, most of those overpayments. We have government-sponsored enterprises such as Fannie Mae and Freddie Mac that don't have the kind of regulation they need. We have data breaches where the Veterans' Administration is literally turning over to unscrupulous people data for 25 million, 26 million of our veterans. We have a passenger rail system in this country which is, compared to the rest of the world, just sad, and we aren't doing anything about it. We have legislation that passed 93 to 6 last year to reauthorize and improve passenger rail service and nothing has happened to it. Nothing has happened to it. We have a postal system that literally is a relic of the 1970s trying to operate in the 21st century. We have plenty to do. We have 45 legislative days ahead of us to do all of that, and we are spending 3 of those legislative days on this.

I know there is a need that some Republicans feel to bring up this issue again, and I respect the fact that you are in the majority; it is your right. I understand later this month we will deal with some other contentious issues. I have had the opportunity to meet with the Republican leadership. Some of us have had the opportunity to meet with the Republican leaders. We are self-described centrists. I call us the flaming moderates. But we have sort of reached out to the Republican leadership to say there is a whole list of things that we need to focus on: deficit reduction, budget deficit reduction, trade deficit reduction, energy independence, you name it. There is a whole long list of what we ought to be doing, and we should be focusing on that agenda, not just on this.

That is not to say marriage isn't important; it is hugely important. It is the basic building block of our society. We know families are in trouble and hurting in a lot of ways. One of the things I would like to see us do and put a lot more emphasis on is ratcheting down unwed mothers and teen pregnancies. We ought to do a heck of a lot more in childhood education to reduce the likelihood that young women will bring children into the world and that young guys are going to impregnate them. We need to do a whole lot more in that regard. That is the kind of agenda that we need to be working on and looking to across the aisle.

That having been said, I have used my time. I will close with this: In my view, marriage is between a man and a woman. In Delaware's view, marriage is something that is between a man and a woman. We passed a law that says that. We are not the only State that did that. Forty-five other States did the same thing. We have a Federal Government, this body, the House of Representatives, and the former President who signed a Federal law that said what we have done in Delaware and 45 other States is good and is not going to be overridden. It is not going to be just pushed aside. Until that happens, I am convinced that the proper thing for us to do is to uphold marriage, to honor marriage, and to continue to work as we have in our States to pass good State laws affecting marriage, affecting the raising of our children, but not necessarily to ask the Federal Government to do that because until I am convinced and until most of us are convinced that, frankly, we need Federal intervention, then I think let's stick with what has worked for us for over 200 years, and that is allowing the States to do this.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent to be allowed to address the Senate until 7 p.m. tonight.

The PRESIDING OFFICER. The Senator has that right.

Mrs. BOXER. Mr. President, before he leaves the floor, I wanted to say to my colleague from Delaware that he painted a very strong case of what we ought to be doing on the Senate floor. Without reading a note, he ticked off a list of six or seven things or eight things that we really need to take care of, and I just wanted to thank him very much.

I rise today to oppose the proposed constitutional amendment on marriage. I oppose it. I think it is divisive. I think it is unnecessary. I want to lay out the reasons.

First of all, the proposed amendment is nothing more than a cynical election year ploy. I truly believe that, and I think if anyone has followed this every-couple-of-year debate, they know it is true. It pops up like clockwork around election time.

Second, the definition of marriage, as has been stated by Senator CARPER from Delaware, who was the Governor of that State, has been determined by the States, and indeed the States are acting in many ways to decide whether they want to legalize gay marriage or legalize domestic partnerships or civil

unions or outlaw all of these things. So States are making their decisions, and they should be respected.

On a personal note, let me say that I have been married for 44 years to the same person. I have to say as someone married for that length of time, the fact that two gay people decide they want to take care of each other for the rest of their lives and care about each other for the rest of their lives, that doesn't threaten my marriage one bit. It doesn't threaten me. It doesn't make me worry about my marriage. My marriage is too strong for that. The fact is, if someone feels their marriage is threatened because two gay people care about each other, then their problems go way deeper than they are caring to admit.

Throughout our Nation's history, we have only amended the Constitution to extend rights and equality, and that is an important point. So I think we have established in this debate that the States are taking care of this issue, and they are coming out in all different places. That is the way it ought to be.

So here we are, June 2006, with only a few precious months left on the Senate calendar, and we are facing some very serious issues at a critical time in our history. It is our duty to respond to the American people and their needs. I truly believe that this President and the Republican leadership are ignoring the needs of the American people, and that is why we see the lowest ratings ever—I think ever—for this particular Congress and very low ratings for the President.

For example, what do President Bush and the Republican leadership say to the families of our soldiers in Iraq and Afghanistan who want to know when their loved ones will be coming home? Why aren't we talking about that instead of an issue that is being handled by the States? Maybe they don't answer that question because they don't want to say that the war in Iraq has killed and wounded over 20,000 American soldiers, and there is no end in sight to the war.

That brings up an issue that I care a lot about, which is the state of our military men and women. If you want to talk about their marriages for a minute, why don't we do that? Divorces are up, way up, among families who are deployed to these war zones. Families are suffering. The divorce rate between 2000 and 2004 nearly doubled in the Army, and it did not double in the Army because two people who happen to be of the same sex care about each other and want to take care of each other for the rest of their lives. That is not why military marriages are failing. They are under stress, impossible stress, the hard-to-imagine stress of being deployed again and again and again, going out on a battlefield with antidepressants being handed out to them. That is why they are suffering. That is why we see their marriages breaking up and their children crying themselves to sleep every night. But, oh no, we are not talking about that. We are talking about an issue that is being handled by the States.

I don't understand why this administration will not talk about these issues. Why won't they talk about the fact that we have lost our focus in Afghanistan, despite the fact that a resurgent Taliban has vowed to step up attacks during coming months and we are seeing such a resurgence of the Taliban there. Why aren't we discussing that instead of a cynical and divisive and unnecessary constitutional amendment about something that is being taken care of by the States?

What do President Bush and the Republican leadership say about our security here at home? What they don't want to say is that nearly 5 years after 9/11 they still have not adopted the recommendations of the 9/11 Commission. Shouldn't we be discussing ways to secure our ports and our rails, and ways to track foreign visitors in the U.S., instead of this cynical, divisive and unnecessary constitutional amendment on a subject that is being handled by the Governors and by the States?

Why do President Bush and the Republican leadership say nothing about gas prices? Why are they doing nothing about gas prices? Maybe it is because they don't want to say that they don't have any solutions—like raising fuel economy standards in a meaningful way or strongly promoting the use of hybrid cars or flex-fuel vehicles so we use less gasoline. This President tomorrow could issue an Executive order that says all the cars that are bought by Federal taxpayers for the Federal fleet have to be the most fuel efficient cars available. They are not doing that. They would rather talk about this amendment, which is about a subject that is being handled by the States.

What does the President and what do the Republicans and the leadership say to the millions of Americans who need access to affordable health care? They don't want to talk about that. They want to talk about this divisive amendment. Maybe it is because they have no clue of what to do, even though health care costs continue to be a tremendous burden on our small businesses and our individuals and our families, and the prescription drug benefit is rife with problems.

Tomorrow we could vote to give Medicare the power and the authority to negotiate for lower drug prices, which would save that program millions, and we would be able to make the program stronger and not put a halt to the benefits, which is called a doughnut hole, just when the sickest patients need more. Oh, no, they would rather talk about an amendment on a divisive subject that is being handled by the States.

Why don't they talk about the fact that our families are struggling to pay for college tuition for their children? They don't want to talk about that because they have failed to help America's families pay for college, despite the fact that tuition is becoming hugely expensive and more expensive each and every year. As a matter of fact, President Bush just signed a tax law that makes college loans more expensive. But, oh no, we can't talk about that. We are going to talk about a divisive amendment on a subject that is being handled by the States.

Why don't they want to talk about our fiscal situation? Why don't they? They don't want to say that as a result of their policies, the policies of this administration and my Republican friends, we now have seen the surpluses that were left to them, to their stewardship, turn into deficits as far as the eye could see. They are projected to hit well over $300 billion, and the public debt stands at an eye-popping $8.4 trillion. When they got the reins of Government there were going to be surpluses as far as the eye can see. Now there are deficits as far as the eye can see.

They don't want to say that it is this administration's failed policies that will leave our children and grandchildren with a bill for the tax cuts to the wealthiest people, tax cuts that we can't afford.

How do they really respond to the concerns and the anxieties of the American people, anxieties and concerns that we see in poll after poll? This is not Democratic polls or Republican polls, these are everybody's polls. People are worried. They say we are on the wrong track.

But this is what this administration says, and this Congress, they say: Sorry, America, please hold. Please hold, America, while the Senate takes time to consider a constitutional amendment that has nothing to do with the most serious issues you face today. Why? Because they need to score political points. Please hold, America, because, although we have been elected to serve you and unite you, we would rather divide you for our own partisan interests.

If I were a conservative I would be insulted today, insulted by the fact that I am being used as a political pawn by this President and the Republican leadership. I would be insulted.

The issue of marriage has been determined by the States. For those people who worried about it, there was DOMA, the Defense of Marriage Act. I believed at the time that wasn't even necessary because I believe the States have the right to make decisions about marriage. But it passed and it has been upheld. So what is the problem? There is not a problem.

From the party that says let the States decide, suddenly the States do not know as much as these Senators here. They know everything, and they are going to amend the Constitution on something that the States are handling.

This, in many ways, is a telling moment for this Senate. With all the issues I have laid out and the issues

that Senator CARPER has laid out, there is no planning for these issues. So this Senate is being used as part of a political campaign. I resent that, when we have men and women dying every single day in Iraq, newspaper reporters being blown up. But we have to talk about a subject that is being handled by the States.

As I said before, we have never amended our Constitution to take away rights. We don't do that in America. We are too strong for that. We are too good for that. We are a model of freedom because of that. But that is precisely what is being proposed here, an amendment that is unnecessary because the States are handling this and all this does is divide us instead of uniting us.

Look at some of the great examples of our constitutional amendments.

The Bill of Rights—the first ten amendments—guarantee important liberties to Americans, from freedom of speech to freedom from unwarranted search and seizure to freedom of religion. And the 10th amendment reserves for the States all powers not specifically given to the Federal Government.

The 13th, 14th and 15th amendments corrected the horrific injustices of slavery by giving African-Americans the right to vote and equal protection under the law.

The 19th amendment gave women the right to vote, and the 26th amendment gave 18-year-olds the right to vote.

This short but impressive list of amendments demonstrates that our Constitution is meant to expand, not restrict, freedom and equality.

I want to say to my colleagues that there is something about this debate that has bothered me. As I have listened to some of my colleagues comment in support of this proposed amendment—which is their total right to support—I have been troubled by the suggestion that gay Americans are responsible for a host of problems in our society, from children born out of wedlock to poverty to divorce. These comments are wrong. These comments are wrong. It is wrong to find scapegoats in our great country. Gays and lesbians, they are God's children too. They wake up every morning, they try to do the best to live their lives, the best for the people they love. And they live their lives one day at a time.

We can solve problems such as unintended pregnancies, poverty, divorce, and adoption without stooping to scapegoat and hurt so many people.

If we want to strengthen families, let's strengthen families. Let's help families with their college tuition. Let's help families with their child care. Let's help them by raising the minimum wage. Let's clean up Superfund sites that are near schools. Let's help the 44 million Americans who need health insurance. Let's help those who are reaching retirement age, who are so frightened because the promise of the golden years is not there.

Let's reach out to each other and do that instead of being forced to deal with manufactured political issues which, again, pop up every election year. That sends false hopes out to some Americans who really want this constitutional amendment. They are being used. It also sends out fear and sadness to so many other Americans.

We can do better. We must do better for all Americans.

I yield the floor.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to proceed to the marriage amendment be temporarily withdrawn and that the Senate resume that motion immediately upon convening tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEST UNION, WV: STILL MAKING HISTORY

Mr. BYRD. Mr. President, among the beautiful, rolling-green hills of northern West Virginia is a little town with a big history. I am speaking of the town of West Union, the county seat of Doddridge County.

Once a center for railroading and other forms of transportation, as well as oil drilling, coal mining, and and other forms of businesses and manufacturing, West Union was an important and thriving commercial center in the late nineteenth century. Unfortunately, like too many small towns in West Virginia and across the country, West Union has fallen into some hard times.

Nevertheless, West Union retains its rich and colorful history. Indeed, the entire downtown district of West Union has been placed on the National Register of Historic Places. The downtown section contains buildings that feature a wealth of architectural styles, with four of them having been listed on the National Register. These historic buildings include the Doddridge County Court House with its Romanesque architecture, and the Silas Smith Opera House which was built at the turn of the last century and now serves as the county library.

For a small town in the hills of West Virginia, the town of West Union has been the home of a number of prominent American citizens. General Bantz Craddock, who rose to be the Commander of U.S. Southern Command and is responsible for military operations in the Caribbean, Central America, and South America, was raised in West Union.

For many years, West Union was the home to Clyde Ware, a novelist who has been actively involved in television and film production. In fact, Mr. Ware wrote and directed many episodes of what was one of my favorite television series, ''Gunsmoke.''

The town's most famous historic resident was the legendary Ephriam Bee. Mr. Bee was a pioneer, a blacksmith, the U.S. Postmaster for West Union, and the owner of a highly popular inn and restaurant, appropriately referred to as the ''Bee-Hive.'' At the age of 60, Mr. Bee served as captain of the Doddridge militia which protected the area from Confederate forces, thieves, and outlaws.

In 1863, Mr. Bee was elected to the West Virginia State Legislature, defeating Joseph H. Diss Debar, the person who later designed the State seal of West Virginia, which is still in use today, without change.

Another contest that Mr. Bee won was being named the Ugliest Man in the State of West Virginia. For that victory, he was awarded a beautiful pocket knife, a proud possession which he was forced to relinquish a few years later when the State found a man whom it deemed to be even uglier.

In 1845, Mr. Bee originated the Ancient and Honorable Order of E. Clampus Vitus, ECV, of which he became Grand Lama. ECV was originally formed as a secret order for playing practical jokes, but as it spread across the country, it took on different purposes and missions. Today, ECV has become an important historic preservation society, with more than 100,000 members.

Mr. Bee also operated an important station on the underground railroad. He hid his guests in a nearby cave until it was filled, then, it appears, he used ECV to create a diversion so that the escaped slaves could be sent on their way to freedom.

What became the town of West Union was originally settled in 1807. It was incorporated on July 20, 1881, which means the town of West Union will be celebrating its 125th anniversary this summer. The town will be using this milestone anniversary in an effort to promote and celebrate the town's history and as a jump start toward the economic revitalization of the town. The festivities are planned for July 22, and they promise to be a time of fun, entertainment, and education as the town wants to share its unique and colorful history with the world.

The town of West Union has adopted as a slogan, ''We love our history—that's why we're still making it!'' With its history—and its energetic, creative residents, I am confident that the town of West Union will be making history for a long time into the future.

I wish them the best on their 125th anniversary.

HONORING RETIRING JOURNALIST DICK KAY

Mr. DURBIN. Mr. President, I rise today to honor Dick Kay, a man of great journalistic integrity. Many things have changed in the past 40 years, but from Martin Luther King, Jr., to Adlai Stevenson, from Iraq to the Daleys, from Watergate to the 1985 Bears, there has been one voice Chicagoans have consistently trusted for an objective and thoughtful perspective. Dick Kay has established

himself as an institution in our television news. Over his 46-year career in the TV business, Dick has proven himself to be a professional newsman—a reporter with no motive other than to give his viewers an insight on the news.

Dick's distinguished career began modestly. A high school dropout at the age of 14, he worked to support himself. He once said, ''the experience of those years taught me the most valuable lessons of my life: that I would never achieve any real success without an education.'' He enlisted in the U.S. Navy at the age of 17, earning a GED. certificate. After his discharge, Dick realized his dream of an education by graduating from Bradley University in Peoria through the GI bill, receiving a B.S. in speech education in 1962.

Dick remained in Peoria to work on TV and radio programs before getting his big break as the news director of WFRV-TV in Green Bay, WI. After 3 years in the ''Dairy State,'' he relocated to Chicago in 1968 as a producer and writer for WMAQ-NBC 5. He was tested immediately, as one of his first assignments was the tumultuous 1968 Democratic National Convention in Chicago. Within 2 years, Dick had worked his way up to full-time reporter and eventually political editor. He became host of the weekly news show ''City Desk.'' This Sunday morning broadcast became a Chicagoland staple—a ''must-see'' for everyone following the political scene. Dick's questions were often tough but always fair. Political guests knew that a visit to ''City Desk'' would always be memorable.

Dick's achievements include a long list of honors and awards. His 1984 9-month investigation of the Illinois General Assembly's so-called Legislative Study Commissions earned him the George Foster Peabody medallion, the most prestigious honor in television broadcasting. The report also won him a National Headliner Award and the Jacob Scher Award for investigative reporting. Dick's numerous accolades include 11 Emmys; induction into the Television Academy's Silver Circle Hall of Fame; Commentator of the Year from the Joint Civic Committee of Italian-Americans; as well as multiple awards courtesy of the Associated Press, the Chicago Headline Club, and the Society of Professional Journalists. Perhaps one of Dick's proudest moments was being honored as a Bradley University Distinguished Alumnus. He has surely come a long way since shining shoes at the age of 14 in Evansville, IN.

Mr. President, after nearly a half century of reporting the news, Dick says that he is ready to ''smell the roses,'' and he has certainly earned it. Dick Kay has played an important role in reporting the exciting news stories of our time and has left his mark on the ''Land of Lincoln.'' I wish a restful and happy retirement to Dick Kay, one of Illinois' and Chicago's premier newsmen.

W. RALPH BASHAM, COMMISSIONER OF CUSTOMS

Mr. GRASSLEY. Mr. President, today President George W. Bush witnessed the swearing-in of W. Ralph Basham to serve as Commissioner of Customs in the Department of Homeland Security. Mr. Basham's nomination was favorably reported out of the Finance Committee on May 18, 2006, and he was confirmed by the Senate on May 26, 2006.

The President nominated an outstanding individual to be Commissioner of Customs. Ralph Basham has served as Director of the Secret Service and is a 29-year veteran of the Secret Service. He has also served as chief of staff for the Transportation Security Administration and as director of the Law Enforcement Training Center in Glynco, GA. His demonstrated commitment to public service is admirable. And the breadth of his experiences will be an important asset as he assumes his new responsibilities.

The Commissioner of Customs serves in a critical and demanding role. The Commissioner of Customs must ensure that the dual demands of securing our borders and facilitating the smooth flow of international trade are each fully met. As part of his confirmation process Mr. Basham appeared before the Finance Committee, which I chair. During his hearing, I was impressed with Mr. Basham's appreciation of the importance of maintaining an appropriate balance in meeting those dual demands.

More broadly, the Commissioner of Customs heads a bureau of over 40,000 employees. Those Government employees are on the front line for enforcing laws related to over 40 agencies. At the same time, they process $1.7 trillion worth of imports and collect about $28 dollars in duties and fees. This trade is critical to our economy. For example, the 10-day strike at the port of Long Beach a few years ago is estimated to have cost our economy between $1 billion to $2 billion each day. That illustrates why maintaining an appropriate balance between trade security and trade facilitation is so important.

As chairman of the Committee on Finance, with jurisdiction over customs and international trade, I look forward to working with Mr. Basham to advance a robust customs and trade agenda now that he's taken over as Commissioner of Customs.

DARFUR

Mr. LEAHY. Mr. President, while the Senate, with the encouragement of a White House in full campaign mode, debates a constitutional amendment to ban gay marriage—a debate which will consume days of the Senate's time and is all about scoring political points in an election year—the disaster in Darfur rages on.

It has been nearly 4 weeks since a peace agreement was signed between the Sudanese Government and one of the rebel groups, but violence, hunger and disease continue to claim innocent lives.

Jan Egeland, United Nations Under-Secretary General for Humanitarian Affairs, recently described the humanitarian situation in Darfur as being on the verge of collapse.

In the midst of this calamity, the Senate is focused on other matters. Gay marriage. Next it will be flag burning. And then full repeal of the estate tax, to benefit the wealthiest of the wealthy. Solutions in search of a problem, while whole villages burn, their inhabitants are slaughtered, and relief organizations in Darfur struggle to cope without adequate resources.

Between a quarter of a million and half a million people have perished in Darfur—mostly civilians whose villages have been reduced to ashes. Many, who escaped being shot or hacked to death, have died from hunger and disease.

The Sudanese Government has obstructed the deployment of a U.N. peacekeeping force in Darfur. The African Union has done its best, but with only 7,000 troops, inadequate resources, and a weak mandate to patrol a vast area with few roads, it has been unable to provide civilians with the protection they need.

I am so very proud that two high school students in Vermont are setting a moral example for all Americans. Ben Rome and Brian Banks, seniors at Essex High School, outraged over the tragedy that is unfolding half a world away, felt compelled to do something about it. They have organized a public rally in Burlington, VT, for this coming Sunday to bring Vermonters together to speak out about one of the worst human disasters in recent memory. I look forward to joining Ben and Brian and other concerned Vermonters this weekend.

The supplemental appropriations bill for Iraq, Afghanistan, Hurricane Katrina recovery, and Sudan, which should be completed this week—and I hope we can find the time to pass it—contains additional funds to support the current level of peacekeepers in Darfur through the remainder of this year. This will help, but twice that amount is needed.

The supplemental also provides additional funds for food and other humanitarian aid. It should shame the White House and the Congress to reflect on the fact that we know we are not doing enough.

We also provide funds to support a Presidential special envoy for Sudan, to work in pursuit of peace in Darfur and stability throughout Sudan, northern Uganda, and Chad. We need someone of the caliber of Senator Danforth to be working continuously to help solve the Darfur crisis.

A tragedy like this is bigger than any of us as individuals, but it is not too big if we join together in constructive action—as individuals, as private relief organizations, and as nations.

America is a great and good nation with the power to help stop this. But it will take sustained attention, and it will take the efforts of committed citizens like Brian Banks and Ben Rome who, one by one, are opening the world's eyes to a tragedy that must be stopped.

NATIONAL HUNGER AWARENESS DAY

Mr. KENNEDY. Mr. President, today is National Hunger Awareness Day, and it is an opportunity for all of us to pledge a greater effort to deal more effectively with this festering problem that shames our Nation and has become even more serious in recent years. Surely we can all do more to care for neighbors and fellow citizens who fall on hard times.

The number of Americans living in hunger or on the brink of hunger now totals 38 million—5 million more than when President Bush took office. That total includes almost 14 million children, 972,000 more since 2000.

America's Second Harvest, the nation's largest network of emergency food providers, recently conducted a series of interviews with its clients, and the report is astounding. Its emergency food providers serve 4.5 million different people a week—and 24 to 27 million people a year.

Over 36 percent of its clients are children under 18 years old, and 10 percent are elderly. Another 36 percent of its clients live in households with at least one employed adult.

These statistics are shameful. Our Nation's neediest individuals should not be forced to choose between paying for food and paying the rent or paying for medicine.

In Massachusetts, the Greater Boston Food Bank serves over 320,000 people a year—34 percent of them are under 18. All of us in the Commonwealth are grateful that we have food providers like the Greater Boston Food Bank, but they should not have to wage the battle alone. Government can't stand idle in the face of this great tragedy. We have programs in place to fight hunger, but they continue to be underfunded and underused.

Day in and day out, the needs of millions of Americans living in hunger are ignored, and too often their voices have been silenced. Their battle is a constant ongoing struggle. It undermines their productivity, their earning power, and their health. It keeps their children from concentrating and learning in school. We all need to do more to combat it. Government, corporations, communities, and citizens must work together to develop better policies and faster responses.

In 1996, the Clinton administration pledged to begin an effort to cut hunger in half in the United States by 2010, and the strong economy enabled us to make significant progress toward that goal. Hunger decreased steadily through 2000. We now have 4 years left to fulfill that commitment.

The fastest, most direct way to reduce hunger in the Nation is to improve and expand current Federal nutrition programs. Sadly, the current administration proposes to change proven and effective programs such as food stamps and the Special Supplemental Nutrition Program for Women, Infants, and Children. The administration also proposes to eliminate the Commodity Supplemental Food Program, which provides modest food packages to low-income seniors and to mothers with children up to age 6.

It is time to do more for the most vulnerable in our society. National Hunger Awareness Day is our chance to pledge to eradicate hunger in America—and to mean it when we say it.

HOLD ON S. 2012

Mr. WYDEN. Mr. President, up and down the coast of Oregon, fishermen, their families and communities are suffering from the actions of the Secretary of Commerce in curtailing the Klamath salmon fishery without offering the assistance they need to cope with this disaster. Months ago the Pacific Fishery Management Council recommended to the Secretary of Commerce that this salmon fishery be drastically curtailed. The Secretary responded to the Council's recommendation by slashing the quotas and limiting the number of days and areas that could be fished. But despite numerous pleas for help from the affected communities, the Secretary has done nothing for months and months to help out the fishers whose livelihood depends on the Klamath salmon stocks.

The Secretary's continued inaction is not acceptable, and so I am objecting to any unanimous consent request for the Senate to proceed to or adopt S. 2012, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005 until the Senate can consider legislative steps that will help fishermen in Oregon and California survive this disastrous fishing season. I make this objection consistent with my policy of always announcing ''holds'' I may place on legislation or nominations.

The State of Oregon is seeking a Presidential emergency declaration for those affected by this Federal action, and I intend to work closely with the State and my colleagues here in the Senate to make sure Oregon's fishing communities are not forgotten and that they receive the aid they will require to make it through this year.

TWENTY-FIFTH ANNIVERSARY OF THE FIRST REPORTED AIDS CASE

Mr. SMITH. Mr. President, I rise to recognize a bittersweet occasion: the 25th anniversary of the first reported AIDS case. June 5 will forever be a day to reflect upon the lives that have been impacted by the HIV/AIDS virus and the significant progress we have made in its detection, control, and treatment. While much ground has been gained over the last quarter of a century, there remains a great deal of work to be done. That is why I stand today to pledge a sustained commitment to the global fight against HIV/AIDS—a fight that we cannot abandon until and effective cure is discovered.

Twenty-five years ago, Dr. Michael Gottlieb with the UCLA Hospital reported an extremely rare pneumonia in five young gay men to the Centers for Disease Control and Prevention, CDC. One of these men, named ''Chuck,'' was from Oregon. Unbeknownst to Dr. Gottlieb, this seemingly insignificant incident ultimately evolved into one of the most significant health events of the modern era. It was 3 years later that the cause of this mysterious outbreak of pneumonia was attributed to the Human Immunodeficiency Virus, HIV. Sadly, for ''Chuck'' this discovery was made too late; he passed away shortly after he fell ill.

Since 1981, an estimated 25 million individuals have died from the AIDS virus worldwide. What is even more alarming is that 16,000 new cases of HIV are diagnosed every day, quickly adding to the 40 million people who have already contracted the virus. Statistics such as these are disheartening given the scientific and medical progress we have made since the first cases of the illness were reported.

In the United States, an estimated 1.039 million to 1.185 million people were living with HIV at the end of 2003, a 20-percent increase over the estimated number of cases at the end of 2002. While the number of persons with HIV in Oregon is small relative to other States, we nevertheless saw an 85-percent increase in the number of HIV-reported cases between 2002 and 2003. Not since the height of the AIDS epidemic in the 1980s has there been so many Americans living with this terrible illness.

Congress has a great opportunity to further the domestic fight against HIV/AIDS this year. Reauthorization of the Ryan White CARE Act currently is underway, and I am confident that the House and the Senate can pass a bill by the end of this Congress that improves the scope and quality of services provided to those living with HIV/AIDS. As deliberations continue, it is important that we focus upon improving the equitable distribution of resources to States, municipalities, and community-based organizations, and that we not arbitrarily restrict their ability to provide the best care possible to those who need it. Nonprofit groups such as Cascade AIDS in Portland, OR, rely upon Ryan White CARE funds to offer a wide-range of both medical and social support services, like emergency housing and nutritional assistance. We must ensure that the changes we make to the CARE Act strengthen—not harm—the ability of organizations like Cascade AIDS to serve those living with HIV/AIDS.

As we move forward with the annual appropriations process, it is important

that we provide a much needed increase in funding to all Ryan White CARE Act programs, but especially the AIDS Drug Assistance Program, ADAP. A key component to the defense against HIV/AIDS is access to cutting-edge pharmaceutical treatments. These lifesaving medications are often so expensive that they remain out of reach to low-income and uninsured individuals. ADAP bridges that gap and provides antiretroviral drugs and important medical care to over 150,000 people each year. Unfortunately, ADAP's historical underfunding has accumulated to a point where almost $200 million is needed to meet outstanding need in the program. Congress must commit the necessary resources to meet the entire demand for ADAP's services. We cannot afford to lose the ground we have gained in the fight against HIV/AIDS by restricting access to critical pharmaceutical treatments.

As successful as ADAP has been at keeping individuals healthy and productive, critical gaps in our approach to HIV treatment and prevention remain. For example, HIV positive individuals have access to treatment under Medicaid only after they have developed full-blown AIDS. To remedy this oversight, I introduced the Early Treatment for HIV Act, ETHA, S. 311, along with Senator HILLARY CLINTON. By providing access to HIV therapies and important medical care before such persons develop AIDS, ETHA would reduce overall Medicaid costs and, as important, improve the quality of life of those living with the virus. I ask my colleagues to consider this legislation before the end of this session of Congress, so we can begin saving lives and dollars by increasing access to more effective and efficient HIV/AIDS medical care.

We have much to be proud of on the 25th anniversary of the first reported AIDS case. The virus responsible for the epidemic has been identified; appropriate treatments have been developed as a result of innovate medical research; and governments and other organizations across the globe have committed significant resources to the continued fight against the disease. I am confident that in the near future we will be able to commemorate this day by celebrating the eradication of the pain and suffering that has been caused by HIV/AIDS since its discovery.

ADDITIONAL STATEMENTS

125TH ANNIVERSARY OF HUNTER, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to recognize a community in North Dakota that will be celebrating its 125th anniversary. On June 17, the residents of Hunter will gather to celebrate their community's history and founding.

Hunter has an interesting past that began with the founding of the city by John C. Hunter. It was also home to David H. Houston, the inventor of the roll-type film process later to be named Kodak. David subsequently sold the rights to this process to George Eastman from New York.

The Hunter community prides itself on civic involvement. There are numerous clubs to join and activities to partake in. The American Legion Auxiliary and the Albert Wallner Legion Post #44 are just two examples of the many active community clubs in Hunter.

The community has planned a wonderful weekend celebration to commemorate its 125th anniversary. The celebration includes the dedication of the Veterans Memorial, a community parade, an all school reception, a kid's carnival, a dance, local entertainment, and much more.

Mr. President, I ask the Senate to join me in congratulating Hunter, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Hunter and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Hunter that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Hunter has a proud past and a bright future.•

100TH ANNIVERSARY OF BINFORD, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to recognize a community in North Dakota that will be celebrating its 100th anniversary. On June 16–18, the residents of Binford will gather to celebrate their community's history and founding.

Binford is a vibrant community in eastern North Dakota. Settlers arrived in this area around 1877 and a few years later they named the area Blooming Prairie. Binford became the name of the town after the Northern Pacific built a railroad station in the town and named the station after Ray Binford, an Iowa attorney who had great interest in this area.

Today, the citizens of Binford have the following slogan for their town: ''The Biggest little town in North Dakota.'' Binford is also located within the Griggs-Steele Empowerment Zone. This designation provides incentives for existing businesses to expand and other businesses to relocate to the area.

Citizens of Binford have organized numerous activities to celebrate their centennial. Some of the activities include class reunions, street dances, a carnival and parade, a mini-marathon, a memorabilia auction, all-faith services, a Bull-a-Rama, and a demolition derby.

Mr. President, I ask the Senate to join me in congratulating Binford, ND, and its residents on the first 100 years and in wishing them well through the next century. By honoring Binford and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Binford that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Binford has a proud past and a bright future.•

125TH ANNIVERSARY OF ENGLEVALE, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to recognize a community in North Dakota that will be celebrating its 125th anniversary. On June 23, the residents of Englevale will gather to celebrate their community's history and founding.

The town of Englevale was founded in 1881 as Marshall, ND, but changed its name to Englevale in 1883. The town was named for Mathias Engle, an avid promoter of the township from New York. Although the town was hit by major fires in the 1930s, Englevale has remained a wonderful community.

Englevale is a small but vibrant town. Most of the farmers in the area grow corn, dry beans and wheat. The Good Shepard Lutheran Church has remained an important anchor in the town for decades.

To celebrate their 125th anniversary, the people of Englevale have planned a number of events, including a tractor pull, rodeo, parade, and an all-town potluck.

Mr. President, I ask the Senate to join me in congratulating Englevale, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Englevale and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Englevale that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Englevale has a proud past and a bright future.•

125TH ANNIVERSARY OF CLIFFORD, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 125th anniversary. On June 17, the residents of Clifford, ND, will celebrate their community's history and founding.

Clifford is a small town in the eastern part of North Dakota. Despite its small size, Clifford holds an important place in North Dakota's history. It began in 1881 when the North Pacific Railroad was built in Traill County. Some say it was named for Clifford F. Jacobs of Hillsboro, a promoter of the townsite. Others say it was named for a pioneer settler in the area. The post office was established February 15, 1883,

and George A. Swaren was the first postmaster.

Today, Clifford remains a small but vibrant community. The town organizes a senior citizens league and a 4–H club, and has a very profitable farmers' cooperative. The Traill Rural Water Company, housed in Clifford, helps to provide water for irrigation for all of Traill County. The community has come together in recent years to fix up the town spaces, making it a destination to be proud of.

To celebrate its 125th anniversary, the town of Clifford is organizing a celebration, which will include a parade and a dance with a live band. An all-faith worship service and dinner will also be held. It promises to be a wonderful event.

Mr. President, I ask the Senate to join me in congratulating Clifford, North Dakota, and its residents on their first 125 years and in wishing them well through the next century. By honoring Clifford and all the other historic small towns of North Dakota, we keep the pioneering tradition spirit alive for future generations. It is places such as Clifford that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Clifford has a proud past and a bright future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6969. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a quarterly report on the status of the Commission's licensing activities and regulatory duties for the period covering January–March 2006; to the Committee on Environment and Public Works.

EC–6970. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Standards of Performance for New Stationary Sources; Monitoring Requirements'' (FRL No. 8176–8) received on May 31, 2006; to the Committee on Environment and Public Works.

EC–6971. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Michigan'' (FRL No. 8176–6) received on May 31, 2006; to the Committee on Environment and Public Works.

EC–6972. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Alternative Public Participation Process'' (FRL No. 8178–6) received on May 31, 2006; to the Committee on Environment and Public Works.

EC–6973. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Maintenance Plan Revisions; Ohio: Carbon Monoxide Maintenance Plan Updates; Limited Maintenance Plan'' (FRL No. 8177–8) received on May 31, 2006; to the Committee on Environment and Public Works .

EC–6974. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Air Pollution From Motor Vehicles and Nonroad Diesel Engines: Alternative Low-Sulfur Diesel Fuel Transition Program for Alaska'' (FRL No. 8178–3) received on May 31, 2006; to the Committee on Environment and Public Works.

EC–6975. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''EPAAR Prescription and Clause—Simplified Acquisition Procedures Financing'' (FRL No. 8179–6) received on May 31, 2006; to the Committee on Environment and Public Works.

EC–6976. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Partial Approval of the Clean Air Act, Section 112(I), Delegation of Authority to the Washington State Department of Health'' (FRL No. 8177–2) received on May 31, 2006; to the Committee on Environment and Public Works.

EC–6977. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''PM2.5 De Minimis Emission Levels for General Conformity Applicability'' (FRL No. 8176–3) received on May 31, 2006; to the Committee on Environment and Public Works.

EC–6978. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuel and Fuel Additives: Refiner and Importer Quality Assurance Requirements for Downstream Oxygenate Blending and Requirements for Pipeline Interface'' (FRL No. 8178–5) received on May 31, 2006; to the Committee on Environment and Public Works.

EC–6979. A communication from the Chief, Regulations Management, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Remarriage of a Surviving Spouse'' (RIN2900–AM24) received on May 31, 2006; to the Committee on Veterans' Affairs.

EC–6980. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the Administration's Minority Small Business and Capital Ownership Development Report for Fiscal Year 2005; to the Committee on Small Business and Entrepreneurship.

EC–6981. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Zoxamide; Pesticide Tolerance'' (FRL No. 8060–5) received on May 31, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6982. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Requests to Amend Import Regulations'' (APHIS Docket No. 02–132–2) received on May 31, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6983. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Emerald Ash Borer; Quarantined Areas; Indiana, Michigan, and Ohio'' (Docket No. APHIS–2006–0046) received on May 31, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6984. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Baby Corn and Baby Carrots from Zambia'' (Docket No. 05–059–2) received on May 31, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6985. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pine Shoot Beetle; Additions to Quarantined Areas; Wisconsin'' (Docket No. APHIS–2006–0039) received on May 31, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6986. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Standards for Privately Owned Quarantine Facilities for Ruminants'' (Docket No. 00–022–2) received on May 31, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6987. A communication from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2005 Section 32 Hurricane Disaster Programs'' (RIN0560–AH45) received on May 31, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6988. A communication from the Staff Director, United States Sentencing Commission, transmitting, pursuant to law, the Commission's 2004 Annual Report and Sourcebook of Federal Sentencing Statistics; to the Committee on the Judiciary.

EC–6989. A communication from the Staff Director, United States Sentencing Commission, transmitting, pursuant to law, the Commission's report on the Impact of United States v. Booker on Federal Sentencing; to the Committee on the Judiciary.

EC–6990. A communication from the Chairman, Office of General Counsel, Federal

Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Communications'' (Notice 2006–10) received on June 5, 2006; to the Committee on Rules and Administration.

EC–6991. A communication from the Secretary of Education, transmitting, pursuant to law, the Department of Education's 2005 Buy American Act Report; to the Committee on Health, Education, Labor, and Pensions.

EC–6992. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received on May 31, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6993. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling: Health Claims; Soluble Dietary Fiber From Certain Foods and Coronary Heart Disease'' (Docket No. 2004P–0512) received on June 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6994. A communication from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Smallpox Vaccine Injury Compensation Program: Administrative Implementation'' (RIN0906–AA61) received on May 31, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6995. A communication from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Smallpox Vaccine Injury Compensation Program: Smallpox (Vaccinia) Vaccine Injury Table'' (RIN0906–AA60) received on May 31, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6996. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, (8) reports relative to vacancy announcements within the Department, received on May 31, 2006; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 2041. A bill to provide for the conveyance of a United States Fish and Wildlife Service administrative site to the city of Las Vegas, Nevada (Rept. No. 109–260).

By Mr. McCAIN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2078. A bill to amend the Indian Gaming Regulatory Act to clarify the authority of the National Indian Gaming Commission to regulate class III gaming, to limit the lands eligible for gaming, and for other purposes (Rept. No. 109–261).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VITTER:

S. 3378. A bill to suspend temporarily the duty on chloroacetone; to the Committee on Finance.

By Mr. VITTER:

S. 3379. A bill to suspend temporarily the duty on formulations of NOA 446510; to the Committee on Finance.

By Mr. VITTER:

S. 3380. A bill to suspend temporarily the duty on DEMBB distilled-iso tank; to the Committee on Finance.

By Mr. VITTER:

S. 3381. A bill to suspend temporarily the duty on malonic acid-dinitrile 50% NMP; to the Committee on Finance.

By Mr. VITTER:

S. 3382. A bill to provide for the liquidation or reliquidation of certain drawback claims; to the Committee on Finance.

By Mr. VITTER:

S. 3383. A bill to provide for the liquidation or reliquidation of certain drawback claims relating to petroleum products; to the Committee on Finance.

By Mr. VITTER:

S. 3384. A bill to provide for the liquidation or reliquidation of certain drawback claims relating to petroleum products; to the Committee on Finance.

By Mr. VITTER:

S. 3385. A bill to provide for the liquidation or reliquidation of certain drawback claims relating to petroleum products; to the Committee on Finance.

By Mr. VITTER:

S. 3386. A bill to provide for the liquidation or reliquidation of certain drawback claims relating to petroleum products; to the Committee on Finance.

By Mr. VITTER:

S. 3387. A bill to provide for the liquidation or reliquidation of certain drawback claims relating to petroleum products; to the Committee on Finance.

By Mr. VITTER:

S. 3388. A bill to provide for the liquidation or reliquidation of certain drawback claims; to the Committee on Finance.

By Mr. VITTER:

S. 3389. A bill to provide for the liquidation or reliquidation of certain drawback claims; to the Committee on Finance.

By Mr. VITTER:

S. 3390. A bill to provide for the liquidation or reliquidation of certain drawback claims; to the Committee on Finance.

By Mr. VITTER:

S. 3391. A bill to provide for the liquidation or reliquidation of certain drawback claims; to the Committee on Finance.

By Mr. VITTER:

S. 3392. A bill to provide for the liquidation or reliquidation of certain drawback claims; to the Committee on Finance.

By Mr. DEMINT:

S. 3393. A bill to suspend temporarily the duty on certain boys' water resistant pants; to the Committee on Finance.

By Mr. DEMINT:

S. 3394. A bill to suspend temporarily the duty on certain men's water resistant pants; to the Committee on Finance.

By Mr. DEMINT:

S. 3395. A bill to extend the temporary suspension of duty on certain high tenacity rayon filament yarn; to the Committee on Finance.

By Mr. DEMINT:

S. 3396. A bill to suspend temporarily the duty on certain girls' water resistant pants; to the Committee on Finance.

By Mr. DEMINT:

S. 3397. A bill to suspend temporarily the duty on certain women's and girls' water resistant pants; to the Committee on Finance.

By Mr. DEMINT:

S. 3398. A bill to suspend temporarily the duty on synthetic indigo powder; to the Committee on Finance.

By Mr. DEMINT:

S. 3399. A bill to suspend temporarily the duty on Argumex; to the Committee on Finance.

By Mr. DEMINT:

S. 3400. A bill to suspend temporarily the duty on certain men's and boys' water resistant pants; to the Committee on Finance .

By Mr. DEMINT:

S. 3401. A bill to suspend temporarily the duty on certain women's water resistant pants; to the Committee on Finance.

By Mr. DEMINT:

S. 3402. A bill to suspend temporarily the duty on certain girls' water resistant pants; to the Committee on Finance.

By Mr. DEMINT:

S. 3403. A bill to suspend temporarily the duty on certain women's water resistant pants; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. THUNE):

S. 3404. A bill to reauthorize the Mni Wiconi Rural Water Supply Project; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 3405. A bill to provide for the liquidation or reliquidation of certain entries of educational toys entered in November 15 through December 31, 2003; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3406. A bill to provide for the liquidation or reliquidation of certain entries of educational toys entered in October 11 through December 31, 2002; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3407. A bill to provide for the liquidation or reliquidation of certain entries of educational toys entered in January 3 through July 4, 2002; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3408. A bill to provide for the liquidation or reliquidation of certain entries of educational toys entered in October 21 through November 14, 2003; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3409. A bill to provide for the liquidation or reliquidation of certain entries of educational toys entered in January 1 through August 29, 2003; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3410. A bill to provide for the liquidation or reliquidation of certain entries of educational toys entered in August 18 through November 29, 2001; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3411. A bill to provide for the liquidation or reliquidation of certain entries of educational toys entered in May 1 through July 17, 2004; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3412. A bill to provide for the liquidation or reliquidation of certain entries of educational toys entered in July 17 through October 30, 2004; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3413. A bill to provide for the liquidation or reliquidation of certain entries of educational toys entered in November 1 through December 11, 2004; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3414. A bill to provide for the liquidation or reliquidation of certain entries of educational toys entered in January 3 through April 25, 2004; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3415. A bill to provide for the liquidation or reliquidation of certain entries of educational toys entered in November 30

through December 31, 2001; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3416. A bill to provide for the liquidation or reliquidation of certain entries of educational toys entered in July 5 through October 11, 2002; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3417. A bill to provide for the liquidation or reliquidation of certain entries of educational toys entered in August 30 through October 20, 2003; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3418. A bill to provide for the liquidation or reliquidation of certain entries of educational toys entered in January 1 through August 18, 2001; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3419. A bill to provide for the liquidation or reliquidation of certain entries of educational toys entered in December 11 through December 31, 2003; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3420. A bill to provide for the liquidation or reliquidation of certain entries of educational toys entered in September 2 through September 30, 2003; to the Committee on Finance.

By Mr. CRAIG:

S. 3421. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. MURKOWSKI:

S. 3422. A bill to provide for the tax treatment of income received in connection with the litigation concerning the Exxon Valdez oil spill; to the Committee on Finance.

By Mr. DURBIN:

S. 3423. A bill to liquidate or reliquidate certain entries of roller chain; to the Committee on Finance.

By Mr. DURBIN:

S. 3424. A bill to extend temporarily the suspension of duty on 3-(Ethylsulfonyl)-2-pyridinesulfonamide; to the Committee on Finance.

By Mr. DURBIN:

S. 3425. A bill to suspend temporarily the duty on 2 benzylthio-3-ethyl sulfonyl pyridine; to the Committee on Finance.

By Mr. DURBIN:

S. 3426. A bill to extend temporarily the duty on carbamic acid; to the Committee on Finance.

By Mr. DURBIN:

S. 3427. A bill to suspend temporarily the duty on certain decorative plates; to the Committee on Finance.

By Mr. DURBIN:

S. 3428. A bill to suspend temporarily the duty on certain music boxes; to the Committee on Finance.

By Mr. DURBIN:

S. 3429. A bill to reduce temporarily the duty on sulfentrazone technical; to the Committee on Finance.

By Mr. DURBIN:

S. 3430. A bill to provide for the liquidation or reliquidation of certain bowling ball carrier bag parts; to the Committee on Finance.

By Mr. DURBIN:

S. 3431. A bill to require the liquidation or reliquidation of certain entries of large newspaper printing presses and components thereof; to the Committee on Finance.

By Mr. SANTORUM:

S. 3432. A bill to protect children from exploitation by adults over the Internet, and for other purposes; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 3433. A bill for the relief of Michael Anthony Hurley; to the Committee on the Judiciary.

By Mr. BURR:

S. 3434. A bill to suspend temporarily the duty on certain synthetic staple fibers that are carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mr. BURR:

S. 3435. A bill to suspend temporarily the duty on acrylic or modacrylic synthetic filament tow; to the Committee on Finance.

By Mr. BURR:

S. 3436. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mr. REID:

S. 3437. A bill to suspend temporarily the duty on 1H-Imidazole-4,5-dimethanol, 2-phenyl-(9Cl); to the Committee on Finance.

By Mr. REID:

S. 3438. A bill to suspend temporarily the duty on 1,3,5-Triazine-2,4-diamine, 6-[2-(2-methyl-1H-imidazol-1-yl)ethyl]- (9Cl); to the Committee on Finance.

By Mr. REID:

S. 3439. A bill to suspend temporarily the duty on 50/50 mixture of 1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[(2R)-oxiranylmethyl]-(9Cl) and 1,3,5,-Triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[(2S)-oxiranylmethyl]-(9Cl); to the Committee on Finance.

By Mr. REID:

S. 3440. A bill to suspend temporarily the duty on 9H-Thioxanthene-2-carboxaldehyde, 9-oxo-, 2-(o-acetyloxime) (9Cl); to the Committee on Finance.

By Mr. REID:

S. 3441. A bill to suspend temporarily the duty on 1-Propenoic acid, polymer with (chloromethyl)oxirane, formaldehyde, 2-(hydroxymethyl)-2-[[(1-oxo-2-propenyl)oxy]methyl]-1,3-propanediyl di-2-propenoate, 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethyleyclohexane and 2-methylphenol (9Cl); to the Committee on Finance.

By Mr. REID:

S. 3442. A bill to suspend temporarily the duty on 2-Propenoic acid, reaction products with o-cresol-epichlorohydydrin-formaldehyde polymer and 3a,4,7,7a-tetrahydro-1,3-isobenzofurandione; to the Committee on Finance.

By Mr. REID:

S. 3443. A bill to suspend temporarily the duty on 1H-Imidazole, 2-ethyl-4-methyl-(9Cl); to the Committee on Finance.

By Mr. REID:

S. 3444. A bill to suspend temporarily the duty on 1H-Imidazole-4-methanol, 5-methyl-2-phenyl-(9Cl); to the Committee on Finance.

By Mr. REID:

S. 3445. A bill to suspend temporarily the duty on epoxide resins consisting of Formaldehyde, polymer with methylphenol, 2-hydroxy-3-[(1-oxo-2-propenyl)oxy]propyl ether and formaldehyde, polymer with (chloromethyl)oxirane and methylphenol, 4-cyclohexene-1,2-dicarboxylate 2-propenoate (9Cl); to the Committee on Finance.

By Mr. REID:

S. 3446. A bill to suspend temporarily the duty on 4-Cyclohexene-1,2-dicarboxylic acid, compd. with 1,3,5-triazine-2,4,6-triamine (1:1); to the Committee on Finance.

By Mr. REID:

S. 3447. A bill to suspend temporarily the duty on 2-Propenoic acid, polymer with (chloromethyl)oxirane, formaldehyde and phenol, hydrogen 4-cyclohexene-1,2-dicarboxylate; to the Committee on Finance.

By Mr. REID:

S. 3448. A bill to suspend temporarily the duty on Formaldehyde, polymer with (chloromethyl)oxirane and 2-methylphenol, 3-hydroxy-2-(hydroxymethyl)-2-methylpropanoate 2-propenoate, 4-cyclohexene-1,2-dicarboxylate (9Cl); to the Committee on Finance.

By Mr. DODD:

S. 3449. A bill to amend the Public Health Service Act to improve the quality and availability of mental health services for children and adolescents; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. 3450. A bill to suspend temporarily the duty on Oxirane, 2,2′-[(3,3′,5,5′-tetramethyl[1,1′-biphenyl]-4,4′-diyl)bis(oxymethylene)bis-(9Cl); to the Committee on Finance.

By Mr. REID:

S. 3451. A bill to suspend temporarily the duty on 1,3,5,-Triazine-2,4-diamine, 6-[2-(2-undecyl-1H-imidazol-1-yl)ethyl]-(9Cl); to the Committee on Finance.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 3452. A bill to modify the provisions of the Harmonized Tariff Schedule of the United States relating to returned property; to the Committee on Finance.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 3453. A bill to provide for duty free treatment for certain United States Government property returned to the United States; to the Committee on Finance.

By Mr. BROWNBACK (for himself and Mr. TALENT):

S. 3454. A bill to amend the Internal Revenue Code of 1986 to improve the exchange of healthcare information through the use of technology, to encourage the creation, use and maintenance of lifetime electronic health records that may contain health plan and debit card functionality in independent health record banks, to use such records to build a nationwide health information technology infrastructure, and to promote participation in health information exchange by consumers through tax incentives and for other purposes; to the Committee on Finance.

By Mr. SANTORUM:

S. 3455. A bill to establish a program to transfer surplus computers of Federal agencies to schools, nonprofit community-based educational organizations, and families of members of the Armed Forces who are deployed, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ:

S. 3456. A bill to ensure the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States; to the Committee on Foreign Relations.

By Mrs. BOXER:

S.J. Res. 39. A joint resolution to spur a political solution in Iraq and encourage the people of Iraq to provide for their own security through the redeployment of the United States military forces; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself, Mr. BIDEN, Mr. SMITH, and Mr. NELSON of Florida):

S. Res. 500. A resolution expressing the sense of Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered or unregistered, as stipulated by the Russian Constitution and international standards; to the Committee on Foreign Relations.

By Mr. ALLEN (for himself and Mr. WARNER):

S. Res. 501. A resolution commending the University of Virginia Cavaliers men's lacrosse team for winning the 2006 National Collegiate Athletic Association Division I National Lacrosse Championship; considered and agreed to.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. Res. 502. A resolution congratulating all the contestants of the 2006 Scripps National Spelling Bee; considered and agreed to.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

S. 185

At the request of Mr. NELSON of Florida, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 424

At the request of Mr. BOND, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 811

At the request of Mr. DURBIN, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Nevada (Mr. ENSIGN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Utah (Mr. HATCH), the Senator from Virginia (Mr. ALLEN), the Senator from North Carolina (Mrs. DOLE), the Senator from Maine (Ms. SNOWE), the Senator from South Dakota (Mr. THUNE), the Senator from Utah (Mr. BENNETT), the Senator from Wyoming (Mr. THOMAS), the Senator from South Carolina (Mr. DEMINT), the Senator from Virginia (Mr. WARNER), the Senator from Kansas (Mr. ROBERTS), the Senator from Alaska (Mr. STEVENS), the Senator from Idaho (Mr. CRAIG), the Senator from Colorado (Mr. ALLARD), the Senator from Louisiana (Mr. VITTER), the Senator from Florida (Mr. MARTINEZ), the Senator from Minnesota (Mr. COLEMAN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Texas (Mrs. HUTCHISON), the Senator from Missouri (Mr. BOND), the Senator from Mississippi (Mr. LOTT) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1840

At the request of Mr. THUNE, the name of the Senator from New York (Mr. SCHUMER) 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 inpatient drugs for Medicaid and safety net hospitals.

S. 1862

At the request of Mr. JOHNSON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1862, a bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes.

At the request of Mr. SMITH, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1862, supra.

S. 2155

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2155, a bill to provide meaningful civil remedies for victims of the sexual exploitation of children.

S. 2302

At the request of Mr. LOTT, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2302, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 2351

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2351, a bill to provide additional funding for mental health care for veterans, and for other purposes.

S. 2419

At the request of Mr. STEVENS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2419, a bill to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2548

At the request of Mr. STEVENS, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Indiana (Mr. BAYH), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2566

At the request of Mr. LUGAR, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Utah (Mr. BENNETT) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2566, a bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes.

S. 2592

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2592, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 2599

At the request of Mr. VITTER, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2653

At the request of Mr. STEVENS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2653, a bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2658

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. BOXER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors 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.

S. 2725

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2725, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal Minimum wage and to ensure that increases in the Federal minimum wage keep pace with any pay adjustments for Members of Congress.

S. 2810

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2810, a bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of 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. 2816

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. COLEMAN) was withdrawn as a cosponsor of S. 2816, a bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the manufacture of flexible fuel motor vehicles and to extend and increase the income tax credit for alternative fuel refueling property, and for other purposes.

S. 2824

At the request of Mr. DEMINT, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2824, a bill to reduce the burdens of the implementation of section 404 of the Sarbanes-Oxley Act of 2002.

S. 2999

At the request of Mr. DEWINE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2999, a bill to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

S. 3255

At the request of Mrs. CLINTON, the names of the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 3255, a bill to provide student borrowers with basic rights, including the right to timely information about their loans and the right to make fair and reasonable loan payments, and for other purposes.

S. 3275

At the request of Mr. ALLEN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 3275, a bill to amend title 18, United States code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 3323

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3323, a bill to suspend temporarily the duty on Propylene Glycol Alginates (PGA) be eliminated.

S. 3325

At the request of Mr. BUNNING, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3325, a bill to promote coal-to-liquid fuel activities.

S.J. RES. 1

At the request of Mr. ALLARD, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. CON. RES. 20

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Con. Res. 20, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month.

S. RES. 224

At the request of Mr. DEWINE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 224, a resolution to express the sense of the Senate supporting the establishment of September as Campus Fire Safety Month, and for other purposes.

S. RES. 462

At the request of Mr. GRASSLEY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 462, a resolution designating June 8, 2006, as the day of a National Vigil for Lost Promise.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG:

S. 3421. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I seek recognition today to introduce legislation to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs, VA. Most VA hospitals, clinics, nursing homes, and research facilities have ongoing needs for maintenance, repair, and modernization to promote patient and employee safety and provide a higher standard of care for our Nation's veterans. Earlier this month, I held a hearing of the Senate Committee on Veterans' Affairs on these needs, at which VA and a service organization representative delivered testimony about what is required in the next phase of addressing the needs of health care facilities for our Nation's veterans. In addition, several committee members and noncommittee colleagues remarked about the significance of these projects to their States. It is my belief that this bill will expand VA's ability to provide health care services to this group of deserving Americans. I will take a few moments now to explain the provisions of this legislation.

First, the bill authorizes three major medical facility projects in immediate need of fiscal year 2006 authorization; the restoration of VA's health care infrastructure in the Biloxi and New Orleans areas following Hurricane Katrina, and the cost of land acquisition for replacement of the current Denver VA Medical Center with a new facility at the former Fitzsimons Army Medical Center. The Denver facility was constructed over a half-century ago and many of the core facilities have been deemed to be past or near the end of their useful life.

Second, this legislation reauthorizes 18 major medical facility construction projects that were authorized under Public Law 108–170, but for which it is unlikely that contract awards will be accomplished by September 30, 2006, as required by that law. Therefore, for each of these projects, the draft bill extends the date by which contracts must be awarded, from September 30, 2006, September 20, 2009. These projects were identified and prioritized under the capital asset realignment for enhanced services process. CARES, as it has become known, is a market-based national assessment of infrastructure needs that VA has developed into a schedule for completion. These projects represent the most pressing CARES-identified needs that VA has undertaken in order to improve access-to-care and provide services in areas of recent, current, and projected growth in veterans population, such as Las Vegas and Orlando. To allow a lapse in VA's authority to move forward on these projects would result in tremendous setbacks, and conceivably, additional taxpayer expense.

Third, the legislation authorizes major medical facility leases that did not receive. authorization in the current fiscal for outpatient clinics in Baltimore, MD, Marion, IL, and the Dallas, TX, area. In addition, five major medical facility leases fiscal year 2007 are included for outpatient clinics in Austin, TX, Lowell, MA, Grand Rapids, MI, Las Vegas, NV, and Parma, OH.

This legislation represents the administration's request of the Veterans' Affairs Committee and the Congress, with a significant exception. I have chosen not to authorize the six requested fiscal year 2007 major medical facility construction projects at this time. I want to make it clear to my colleagues that my intent is not to micromanage VA's construction budget or to delay the Department's capital plan. And no one in the Senate is more committed to seeing that we are not diverting important resources away from facilities that are extremely important to our veterans. But as chairman of this committee, my approach

puts Congress on record as expecting progress with the 18 CARES projects on which we are extending authorizations, attaching a reasonable amount of money to those efforts, and then monitoring the progress closely from the Veterans' Committee. As we have seen with the need for significant and expensive Katrina-related construction, VA's capital plan requires consistent monitoring, frequent review and, at times, significant modification. But VA must finish some of what it has started before taking on new major projects.

Over the next several weeks, the Committee on Veterans' Affairs will be taking up this bill and other legislation introduced to improve the range of services and benefits available to our Nation's veterans. I look forward to working with my colleagues throughout the rest of this Congress on these and other important efforts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2006, with each project to be carried out in the amount specified for that project:

(1) Restoration, new construction or replacement of the medical center facility for the Department of Veterans Affairs Medical Center, New Orleans, Louisiana, due to damage from Hurricane Katrina in an amount not to exceed $675,000,000.

(2) Restoration of the Department of Veterans Affairs Medical Center, Biloxi, Mississippi, and consolidation of services performed at the Department of Veterans Affairs Medical Center, Gulfport, Mississippi, in an amount not to exceed $310,000,000.

(3) Replacement of the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed $52,000,000.

SEC. 2. EXTENSION OF AUTHORIZATION FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS AUTHORIZED UNDER CAPITAL ASSET REALIGNMENT INITIATIVE.

Notwithstanding subsection (d) of section 221 of the Veterans Health Care, Capital Asset, and Business Improvement Act of 2003 (Public Law 108-170; 117 Stat. 2050), the Secretary of Veterans Affairs may enter into contracts before September 30, 2009, to carry out each major medical facility project, as originally authorized by such section 221, as follows with each project to be carried out in the amount specified for that project:

(1) Construction of an outpatient clinic and regional office at the Department of Veterans Affairs Medical Center, Anchorage, Alaska, in an amount not to exceed $75,270,000.

(2) Consolidation of clinical and administrative functions of the Department of Veterans Affairs Medical Center in Cleveland, Ohio, and the Department of Veterans Affairs Medical Center in Brecksville, Ohio, in an amount not to exceed $102,300,000.

(3) Construction of the Extended Care Building at the Department of Veterans Affairs Medical Center in Des Moines, Iowa, in an amount not to exceed $25,000,000.

(4) Renovation of patient wards at the Department of Veterans Affairs Medical Center in Durham, North Carolina, in an amount not to exceed $9,100,000.

(5) Correction of patient privacy deficiencies at the Department of Veterans Affairs Medical Center, Gainesville, Florida, in an amount not to exceed $85,200,000.

(6) 7th and 8th Floor Wards Modernization addition at the Department of Veterans Affairs Medical Center, Indianapolis, Indiana, in an amount not to exceed $27,400,000.

(7) Construction of a new Medical Center Facility at the Department of Veterans Affairs Medical Center, Las Vegas, Nevada, in an amount not to exceed $406,000,000.

(8) Construction of an Ambulatory Surgery/Outpatient Diagnostic Support Center in the Gulf South Submarket of Veterans Integrated Service Network (VISN) 8 and completion of Phase I land purchase, Lee County, Florida, in an amount not to exceed $65,100,000.

(9) Seismic Corrections-Buildings 7 & 126 at the Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed $107,845,000.

(10) Seismic Corrections-Buildings 500 & 501 at the Department of Veterans Affairs Medical Center, Los Angeles, California, in an amount not to exceed $79,900,000.

(11) Construction of a New Medical Center facility in the Orlando, Florida, area in an amount not to exceed $377,700,000.

(12) Consolidation of Campuses at the University Drive and H. John Heinz III divisions, Pittsburgh, Pennsylvania, in an amount not to exceed $189,205,000.

(13) Ward Upgrades and Expansion at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed $19,100,000.

(14) Seismic Corrections-Building 1, Phase 1 Design at the Department of Veterans Affairs Medical Center, San Juan, Puerto Rico, in an amount not to exceed $15,000,000.

(15) Construction of a Spinal Cord Injury Center at the Department of Veterans Affairs Medical Center, Syracuse, New York, in an amount not to exceed $53,900,000.

(16) Upgrade Essential Electrical Distribution Systems at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $49,000,000.

(17) Expansion of the Spinal Cord Injury Center addition at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $7,100,000.

(18) Blind Rehabilitation and Psychiatric Bed renovation and new construction project at the Department of Veterans Affairs Medical Center, Temple, Texas, in an amount not to exceed $56,000,000.

SEC. 3. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2006 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient clinic, Baltimore, Maryland, $10,908,000.

(2) For an outpatient clinic, Evansville, Illinois, $8,989,000.

(3) For an outpatient clinic, Smith County, Texas, $5,093,000.

SEC. 4. AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2007 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient and specialty care clinic, Austin, Texas, $6,163,000.

(2) For an outpatient clinic, Lowell, Massachusetts, $2,520,000.

(3) For an outpatient clinic, Grand Rapids, Michigan, $4,409,000.

(4) For up to four outpatient clinics, Las Vegas, Nevada, $8,518,000.

(5) For an outpatient clinic, Parma, Ohio, $5,032,000.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2006 for the Construction, Major Projects, account, $1,606,000,000 for the projects authorized in section 1.

(b) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY PROJECTS UNDER CAPITAL ASSET REALIGNMENT INITIATIVE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Construction, Major Projects, account, $1,750,120,000 for the projects whose authorization is extended by section 2.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until September 30, 2009.

(c) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY LEASES.—

(1) FISCAL YEAR 2006 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2006 for the Medical Care account, $24,990,000 for the leases authorized in section 4.

(2) FISCAL YEAR 2007 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Medical Care account, $26,642,000 for the leases authorized in section 5.

(d) LIMITATION.—The projects authorized in sections 1 and 2 may only be carried out using—

(1) funds appropriated for fiscal year 2006 or 2007 pursuant to the authorization of appropriations in subsections (a), (b), and (c) of this section;

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2006 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2006 or 2007 that are available for obligation; and

(4) funds appropriated for Construction, Major Projects, for fiscal year 2006 or 2007 for a category of activity not specific to a project.

By Ms. MURKOWSKI:

S. 3422. A bill to provide for the tax treatment of income received in connection with the litigation concerning the *Exxon Valdez* oil spill; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will help the commercial fishermen and others whose livelihoods were negatively impacted by the *Exxon Valdez* oilspill.

As all of us know, the *Exxon Valdez* ran aground on March 23, 1989, spilling 11 million gallons of oil into Prince William Sound in Alaska. A class action jury trial was held in Federal court in Anchorage, AK, in 1994. The plaintiffs included 32,000 fishermen among others whose livelihoods were gravely affected by this disaster. The jury awarded $5 billion in punitive

damages to the plaintiff class. The punitive damage award has been on repeated appeal by the Exxon Corporation since 1994. Many of the original plaintiffs, possibly more than 1,000 people, have already died.

Once the punitive damage award of the *Exxon Valdez* litigation is settled, many fishermen will receive payments to reimburse them for fishing income lost due to the environmental consequences of the *Exxon Valdez* oilspill. It is estimated that the eventual settlement could be $6.75 billion or more.

My bill gives the affected fishermen, as well as other plaintiffs in this case, a fair shake when it comes to contributions to retirement plans and averaging of income for tax purposes.

With respect to retirement plan contributions, my bill increases the caps on both deductions and income for traditional IRAs to the extent of the income a plaintiff receives from the settlement or judgment. Also, it allows the plaintiffs to make contributions to Roth IRAs and other retirement plans to the extent of the income received from the settlement or judgment.

Fishermen are currently allowed to average their income over a several year period due to the often inconsistent nature of the fishing business. The litigation stemming from the *Exxon Valdez* oilspill poses an even more unique situation since fishermen and other plaintiffs have been waiting to receive lost income—in the form of a settlement or judgment—for 12 years. My bill allows plaintiffs to average their income for the period of time between December 31 of the year they receive the settlement or judgment payment and January 1, 1994—the year of the original jury award in Federal court.

It is imperative that we address this important issue soon. The Exxon Corporation has appealed this case and a decision is expected later this year.

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. 3422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX TREATMENT OF INCOME RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—

(1) IN GENERAL.—At the election of a qualified taxpayer who receives qualified settlement income during a taxable year, the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for such taxable year shall be equal to the sum of—

(A) the tax which would be imposed under such chapter if—

(i) no amount of elected qualified settlement income were included in gross income for such year, and

(ii) no deduction were allowed for such year for expenses (otherwise allowable as a deduction to the taxpayer for such year) attributable to such elected qualified settlement income, plus

(B) the increase in tax under such chapter which would result if taxable income for each of the years in the applicable period were increased by an amount equal to the applicable fraction of the elected qualified settlement income reduced by any expenses (otherwise allowable as a deduction to the taxpayer) attributable to such elected qualified settlement income.

Any adjustment under this section for any taxable year shall be taken into account in applying this section for any subsequent taxable year.

(2) COORDINATION WITH FARM INCOME AVERAGING.—If a qualified taxpayer makes an election with respect to any qualified settlement income under paragraph (1) for any taxable year, such taxpayer may not elect to treat such amount as elected farm income under section 1301 of the Internal Revenue Code of 1986.

(3) DEFINITIONS.—For purposes of this subsection—

(A) APPLICABLE PERIOD.—The term ''applicable period'' means the period beginning on January 1, 1994, and ending on December 31 of the year in which the elected qualified settlement income is received.

(B) APPLICABLE FRACTION.—The term ''applicable fraction'' means the fraction the numerator of which is one and the denominator of which is the number of years in the applicable period.

(C) ELECTED QUALIFIED SETTLEMENT INCOME.—The term ''elected qualified settlement income'' means so much of the taxable income for the taxable year which is—

(i) qualified settlement income, and

(ii) specified under the election under paragraph (1).

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed the amount of qualified settlement income received during such year.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in taxable income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract, and

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(k)S.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includible in taxable income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term ''eligible retirement plan'' has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) QUALIFIED SETTLEMENT INCOME NOT INCLUDED IN SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income shall be treated as gross income derived from a trade or business carried on by a qualified taxpayer.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term ''qualified taxpayer'' means any plaintiff in the civil action *In re Exxon Valdez*, No. 89-095-CV (HRH) (Consolidated) (D. Alaska).

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term ''qualified settlement income'' means income received (whether as lump sums or periodic payments) in connection with the civil action *In re Exxon Valdez*, No. 89-095-CV (HRH) (Consolidated) (D. Alaska).

By Mr. SANTORUM:

S. 3432. A bill to protect children from exploitation by adults over the Internet, and for other purposes; to the Committee on the Judiciary.

Mr. SANTORUM. Mr. President, over the past few years, we have heard the tragic stories of how sexual predators have targeted children in our states. We have seen troubling headlines from Pennsylvania and across the country, and the frequency seems to be increasing rather than decreasing. The National Center for Missing and Exploited Children in partnership with the Federal Bureau of Investigation, Bureau of Immigration and Customs Enforcement, U.S. Secret Service, U.S. Postal Inspection Service, state and local law enforcement, and Internet Crimes Against Children Task Forces operates the CyberTipline. The number of referrals to the ICAC task forces has increased from 2,002 referrals in January-March 2005 to 3,392 referrals in January-March 2006. Additionally, the prosecutions in child pornography and child abuse cases have increased nearly every year since 1995.

Recently Congress has heard disturbing and saddening accounts of how these predators have used the Internet to exploit our children. As a father of six, I am keenly aware of the dangers

to our children and the concerns of parents across Pennsylvania and the Nation. In February, the Department of Justice launched Project Safe Childhood, a initiative to ''combat the proliferation of technology-facilitated sexual exploitation crimes against children.''

''Project Safe Childhood'' has five main purposes. First, it seeks to integrate Federal, State, and local efforts to investigate and prosecute child exploitation cases including partnerships by each U.S. Attorney with each Internet Crimes Against Children Task Force in their district, other Federal, State, and local law enforcement, and community and faith-based organizations to develop district-specific strategic plans to combat and prosecute child exploitation crimes. Second, the Project allows major case coordination by the Department of Justice or other appropriate Federal agency. Third, it increases Federal involvement in child exploitation cases by providing additional investigative tools and increased penalties available under Federal law. Fourth, the Project provides increased training of Federal, State, and local law enforcement regarding the investigation and prosecution of computer-facilitated crimes against children. Finally, it promotes community awareness and educational programs to raise national awareness about the threat of online sexual predators and to provide information to families on how to report possible violations.

According to recent Congressional testimony from Alice S. Fisher, Assistant U.S. Attorney in charge of the Criminal Division, and from William W. Mercer, Principle Associate Deputy Attorney General noted, this initiative is working.

On May 17, 2006, the Department of Justice released a document that outlines the need for this project, an overview of the program and guides for how law enforcement, parents, teachers, and communities can come together to implement this program effectively. While I am encouraged by the DOJ actions to raise the profile and enforcement through Project Safe Childhood—and appreciate all that many at the Department of Justice and the State and local levels are doing to catch and prosecute these predators—I am concerned that this program does not have the legislative authorization or dedicated funding that it needs to accomplish its goal of protecting our children.

I intend to work to help the Department of Justice fully implement and expand this initiative, therefore, I am introducing the Project Safe Childhood Authorization Act. Specifically, the bill will authorize and expand Project Safe Childhood; add new elements regarding child exploitation crimes that have been requested by the Department of Justice to strengthen the requirements to effectively report child pornography, require warning labels on commercial Websites that contain sexually explicit material, and prohibit the embedding of words or images on a Website in order to deceive individuals into viewing obscenity or material harmful to minors; increase penalties for registered sex offenders, child sex trafficking and sexual abuse, and other child exploitation crimes; create Children's Safety Online Awareness Campaigns; and authorize grants for online child safety programs.

The bill authorizes $18 million for fiscal year 2007 for the initial implementation of Project Safe Childhood, and up to $29 million for the expansion of the program for fiscal year 2007, and such sums as may be necessary for each of the 5 succeeding fiscal years.

I know all of us—particularly those of us with children—want to know how to keep our children safe, and want to know that anyone that endangers or harms our children will be punished. I am glad to be here to take this important step in protecting our children. I hope my colleagues will agree with me and we will pass the Project Safe Childhood Authorization Act this year.

By Mr. DODD:

S. 3449. A bill to amend the Public Health Service Act to improve the quality and availability of mental health services for children and adolescents; to the Committee on Health, Education, Labor, and Pensions,

Mr. DODD. Mr. President, I rise to introduce legislation that seeks to meet the mental health needs of children and adolescents.

I believe that the task of ensuring the emotional well-being and resiliency of our young people is one of paramount importance. We all know that mental health is a critical component contributing to a child's general health and ability to grow—both intellectually and physically. Yet, the task of ensuring the mental health of children and adolescents is not an easy one. In fact, it is arguably one of the most difficult and largely unspoken tasks facing our Nation today.

According to the Substance Abuse and Mental Health Services Administration, one in ten children and adolescents suffers from mental health disorders serious enough to cause some level of impairment. Out of these young people, only one in five receives the specialty mental health services they require.

These startling statistics prompted former Surgeon General Dr. David Satcher to convene a conference in 1999 that examined the mental health needs of children. The conference—composed of some of the Nation's leading experts in mental and public health—published a seminal report that concluded that '' . . . the burden of suffering experienced by children with mental illness and their families has created a health crisis in this country.'' The report further concluded that ''. . . there is broad evidence that the Nation lacks a unified infrastructure to help children suffering from mental illness.''

I would like to submit for the RECORD personal testimony offered by three families in Connecticut. I believe their words and experiences speak most directly to the ''burden of suffering'' described in Surgeon General Satcher's report—a burden endured by millions of children, adolescents, and then families nationwide. I ask unanimous consent that this testimony be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY

DEAR SENATOR DODD, I wanted to take a moment to share with you what my experience has been navigating services for my son who has been diagnosed with severe psychosis and bipolar disorder. Due to the lack of psychiatric services when the extended day program my son attended was closed down, my son as well as seven other kids where left without the services they so needed. After a couple of weeks they started to have meltdowns. My son was one of them. The fact that he attended a therapeutic school didn't at this point make a difference. After two short hospitalizations (one was for two weeks the other four weeks) my son, who is 12 years old, has been sitting at [a mental health services facility] for the past 9 weeks awaiting availability for sub-acute care. In the meantime he is not receiving the level of care that he needs.

Services are so limited at this point in time that because of time of delivery children who may have benefitted from less intensive intervention are being put in a position where by the time they receive care they are in need of higher level care that to me doesn't seem very cost effective when you look at long term care. I often think about what would be different if my child was diabetic. Would he only receive services when available, and would they be appropriate to his medical needs?

I can't explain in one letter what my son's illness has done to our family and how difficult it is for all of us. Mental Health is a cruel monster who enters your life in sometimes undetected ways and when it finally attacks the blow can be fatal. The media has succeeded in painting a picture of individuals like my son as real dangers to society if not in proper treatment but what they have failed to shed light on is the lack of such services. My son deserves a better quality of services as well as a better quality of life.

DEAR SENATOR DODD, The following is to share some of what my family is struggling with due to my son's mental illness. My son has been diagnosed with severe depression and mood disorder; he has mutilated himself various times and is a cutter. [My son] has been hospitalized three times due to this ongoing behavior; he is in need of sub-acute treatment but has only received stabilization services and out-patient services because the level of treatment that he needs is not available for boys 14 years or older. In the meantime we have extended day programs, voluntary services as well as systems of care in place yet the services he needs are not available. For a mother with three additional children with special needs I have serious concerns for my son's safety. Who will be accountable if at some point my son succeeds in taking his own life when I have seeked services and I am told over and over again that they are not available?

I really would like Congress to take a look at the great deal of families fighting our own personal battles with these unseen enemies.

We need weapons if we are to win these battles. We need more psychiatric services made available to all of our children regardless of age or gender.

SENATOR DODD, My son was always ''different,'' ''difficult,'' and ''didn't socialize well with the other children,'' according to the daycare centers, camps, after school programs and even in the early part of kindergarten. His kindergarten school teacher was concerned enough to refer us to the school social worker when he held a plastic knife up to a fellow classmates throat and said he was going to slit it. She suggested parenting classes and perhaps family therapy. Since it was only my son and I as I was divorced and his father was not in the picture, of course I eagerly complied. I brought him to his pediatrician as well, who suggested behavior modification and consistency. No one was more consistent than I was a parent. I learned this early on with my son.

I sat through hours of parenting tapes, learning nothing new, while my son played with Legos and puppets. This service was on a sliding fee scale offered by our town and even so all I could afford to go was every other week. When my son was seven years old I woke up in the wee hours of the morning to find him standing in the middle of the kitchen surrounded by knives holding onto one in each hand. Although I was shocked and more scared than I had ever been in my entire life I instinctively knew I had to stay calm, that this was something beyond his control. I asked him what he was doing up, maintaining eye contact, and he said that there was a devil on one side telling him to hurt himself and an angel on the other telling him not to. I gathered up the knives as he was talking and spoke gently to my son who was so clearly in such pain. He gave me the knives without even realizing he was doing it, and I scooped him up and we waited for his psychiatrist's office to open. He had been seeing a psychiatrist for 6 months or so, and was on stimulants for ADHD (the first diagnosis of choice as usual for children).

The doctor immediately added depression with psychotic features as another diagnosis and suggested hospitalization. The first of many hospitalizations my son would experience and the doctor also added an antipsychotic and antidepressant medication to the regiment. My son was in the hospital for 10 days and was no better, so additional diagnoses were added, oppositional defiant disorder, impulse control disorder and anxiety disorder as well as more medications. He started individual therapy regularly, seeing the psychiatrist and along with the medications the co-pays were more than I could afford, I applied for HUSKY. I was accepted, thankfully I thought at the time.

My son was rapidly becoming worse, so I went to the Department of Children and Families for help through Voluntary Services. This is insulting to caring parents trying to find help for their children as the request has to be made via the Hotline and is an embarrassment. However, it is the only way to gain access to certain services in the State that are not offered through private insurance companies. By now, my son is almost ten years old and has been hospitalized many times, in several partial hospitalizations, intensive outpatient hospitalization programs and extended day treatment programs. He has also been removed from the public school systems special education program and out-placed into a therapeutic day program for school out of district.

I made a call to the head of a psychiatric unit at a hospital who I had come to know through my work to ask for a referral for my son as I thought perhaps this was something more than what the doctors were saying. He referred me to Mass. General's Pediatric Psychopharmacology Unit. I called, my son was seen within 3 weeks and a diagnosis of Early Onset Bipolar Disorder as well as Major Multiple Anxiety Disorder was given. My son had already had an appointment with a new psychiatrist within the next couple of weeks and medications were changed to reflect the new diagnosis—unfortunately, too little too late.

My son, ended up in the hospital for 3 months and then in a sub-acute unit 4½ months, despite all of the in-home services we had on board, partially because the waiting time between services were detrimental and the length of the services were not long enough. When the service finally started to work, it was time to pull out. My son never engaged in any service because he knew if he got attached to anyone they were going to be gone in a short time anyway and his attitude was why bother? I can't say I blamed him. For a child who needed consistency in his life there wasn't a lot of it with the providers. He went to a residential setting for 18 months following the sub-acute unit and finally came back home. On his last day at the residential treatment center he was assaulted by a staff member who was found guilty and fired. At the same time, HUSKY notified me, that my premium would increase to 221.00 per month as I was over the income limit by 200.00 for a family of 2. I called and tried to plead my case, as they were unaware of my living expenses, such as rent, past medical bills I was trying to catch up on, etc. but they go by gross income and don't take into account any other issues. I placed my son on my work insurance once again. Try as I might, I ended up filing for bankruptcy two years later, the ultimate embarrassment as far as I was concerned.

When my son came home, the discharge plan was to send him to a summer program called the Wilderness School for the summer. Unbeknownst to us this program was for juvenile delinquents who were in trouble with the law for the majority of their lives and in and out of the system. My son was petrified, and refused to stay, even saying he would hurt himself if they made him stay. I picked him up 1½ days after dropping him off and scrambled to find childcare for the summer once again.

Whether a family uses their own insurance or State insurance and services, it is a catch 22. With private insurance, services are extremely limited; both time limited and the type of service that is available is limited. With HUSKY, finding providers is extremely difficult. There are no specialists that will take HUSKY patients, dentists, orthodontists, neuropsychologists, psychiatrists, therapists and the list goes on. As a parent trying to do the best for her child it was very frustrating getting the door shut in my face no matter where I turned for help. All I wanted was to get my son the medical attention he so desperately needed, and I had to fight for everything. In an already traumatic time in my little family's life, this was an unnecessary added burden.

My son is now a junior, still in special education, but in a public high school. He's doing remarkably and I can say that it isn't due to the services that he received but to his own strength and courage to fight his way back and make it on his own. His is truly an incredible young man and I am so proud of him. I have a bumper sticker that reads, ''I am a proud parent of an honor roll student'' which I never thought I would have. He earned that on his own.

Thank you for this opportunity to share my story.

Mr. DODD. I thank these families for sharing their personal experiences with me, and for following me to share their experiences publicly. More importantly, I commend their tenacity in facing the challenges they face each and every day in caring for their children. Their stories, along with the stories I have heard from other families in Connecticut and elsewhere in the country, have fueled my belief that child and adolescent mental health needs to be a top priority.

Recognizing the fragmentation of the Nation's mental health delivery system, Surgeon General Satcher's report concluded that one fundamental way to meet the mental—health needs of children and adolescents is to ''. . . move towards a community-based mental health delivery system that balances health promotion, disease prevention, early detection, and universal access to care.'' The report further stated eight goals to ensure the resiliency of children and adolescents. These goals were: first, to promote public awareness of children's mental health issues and reduce stigma associated with mental illness; second, to continue to develop, disseminate, and implement scientifically-proven prevention and treatment services in the field of children's mental health; third, to improve the assessment of and recognition of mental health needs in children; fourth, to eliminate racial, ethnic and socioeconomic disparities in access to mental health care services; fifth, to improve the infrastructure for children's mental health services, including support for scientifically-proven interventions across professions; sixth, to increase access to and coordination of quality mental health care services; seventh, to train frontline providers to recognize and manage mental health issues, and educate mental healthcare providers about scientifically-proven prevention and treatment services, and; finally, to monitor the access to and coordination of quality mental health care services.

In 2002, President Bush established the President's New Freedom Commission on Mental Health to study three obstacles identified by the President that prevent Americans with mental illness from getting the care they require. These obstacles were identified as the stigma that surrounds mental health care, a lack of mental health parity, and the fragmented mental health delivery system. In 2003, the President's New Freedom Commission issued a report that made a series of recommendations on how the Nation's mental health system could be transformed for the better. Like Surgeon General Satcher's report, this publication also set forth a series of goals. They were: first, to ensure Americans understand that mental health is essential to overall health; second, to ensure that mental health care is consumer- and family-driven; third, to eliminate disparities in mental health care services; fourth, to ensure that

early mental health screening, assessment, and referral services are common practices; fifth, to ensure that excellent mental health care is delivered and research is accelerated, and; finally, to ensure that technology is used to access mental health care and information.

I describe these two reports because the legislation I am introducing today seeks to address the recommendations they espouse. My legislation, the Child and Adolescent Mental Health Resiliency Act of 2006, authorizes $210 million in an effort to meet five principal objectives.

The first objective is to increase access to, and improve the quality of, mental health care services delivered to children and adolescents. My legislation seeks to meet this objective in several ways.

First, it authorizes a new grant of $50 million for States to develop and implement a comprehensive mental health plan exclusively for children and adolescents that provides community-based mental health early intervention and prevention services and relevant support services, such as primary health care, education, transportation and housing. The plan would have to meet a set of core operational and evaluative requirements and would have to be developed through extensive outside consultation with children and adolescents, their families, advocates and health professionals.

Second, my legislation authorizes two matching grants of $22.5 million each for community health centers—many of which primarily serve low-income populations and primary health care facilities, such as a pediatrician's office, to provide community-based mental health services in coordination with community mental health centers and/or trained mental health professionals.

Third, my legislation authorizes a new grant of $22.5 million for States, localities and private nonprofit organizations—e.g., school districts—to provide community-based mental health services in schools appropriate mental health training activities to relevant school and health professionals.

Fourth, my legislation authorizes a new grant of $20 million for States, localities and private nonprofit organizations to provide community-based mental health services specifically for at-risk mothers and their children.

Fifth, my legislation authorizes a new grant of $10 million for States, localities and private nonprofit organizations to provide community-based mental health services for children and adolescents in juvenile justice systems.

Sixth, my legislation authorizes $10 million for the Secretary of Health and Human Services to establish, run and evaluate a demonstration project that improves the ability of local case managers to work across the mental health, public health, substance abuse, child welfare, education, juvenile justice and social services systems in a State.

Finally, my legislation requires States to meet their statutory obligations to fund fully mental health screening services under the Early and Periodic Screening, Diagnostic and Treatment Services Program. It also requires current successful initiatives, such as the Comprehensive Community Mental Health Services for Children with Serious Emotional Disturbance Program, the Community Mental Health Services Performance Partnership Block Grant, the Community Mental Health Services Block Grant, and the Jail Diversion Program, to expand their scope with respect to certain reporting, evaluative, and service activities.

The second objective my legislation seeks to meet is ensuring greater public awareness and greater family participation in mental health services decision-making. Towards this end, my legislation does the following:

First, it authorizes a new grant of $10 million for States, localities and private nonprofit organizations to develop policies that enable families of children and adolescents with mental health disorders to have increased control and choice over mental health services provided and received through a publicly-funded mental health system.

Second, it authorizes a new grant of $10 million for private nonprofit organizations to provide information on child and adolescent mental health disorders, services, support services and respite care to families of children and adolescents with or who are at risk for mental health disorders.

Third, it authorizes a new grant of $10 million for private nonprofit organizations to develop community coalitions and public education activities that promote child and adolescent resiliency.

In addition, my legislation authorizes $10 million to establish two new technical assistance centers. These centers are designed to collect and disseminate information on mental health disorders, mental health disorder risk factors, mental health services, mental health service access, relevant support services, reducing seclusion and restraints, and family participation in mental health service decision-making—exclusively for children and adolescents with or at risk of mental health disorders.

The third objective that this legislation seeks to meet is for the Federal Government to develop a policy specifically designed to meet the unique mental health needs of children and adolescents. The legislation authorizes $10 million for the establishment of an interagency coordinating committee consisting of all Federal officials whose departments or agencies oversee mental health activities for children and adolescents. Modeled after language in the Garrett Lee Smith Memorial Act, my legislation requires the coordinating committee to consult with outside parties, develop a Federal policy exclusively pertaining to child and adolescent mental health, and report annually to Congress on specific challenges and solutions associated with comprehensively addressing the mental health needs of children and adolescents.

The fourth and final objective that this legislation seeks to meet is increasing the amount of research into child and adolescent mental health. Only through intensive research can we develop evidence-based best practices that allow us to develop services that fully meet the mental health needs of our children. Towards that end, my legislation authorizes a new grant of $12.5 million for States, localities, institutions of higher education and private nonprofit organizations to identify and research current service, training and information awareness gaps in mental health delivery systems for children and adolescents. My legislation also authorizes $12.5 million to enhance comprehensive Federal research and evaluation of promising best practices, existing disparities, psychotropic medications, trauma, recovery and rehabilitation, and co-occurring disorders as they relate to child and adolescent mental health.

My colleague on the Health, Education, Labor, and Pensions Committee, Chairman ENZI, has indicated a desire to bring up the Substance Abuse and Mental Health Services Administration reauthorization measure soon. It is my hope that this legislation can contribute to that reauthorization effort.

I would like to conclude by saying that this legislation, while comprehensive, is a first step—not a complete solution—towards fully meeting the challenge of ensuring the resiliency of our children and adolescents. We need to continue working together—young people, families, doctors, counselors, nurses, teachers, advocates, and policymakers—since we all have a stake, either professional or personal—in this issue. Only by working together can we develop effective and compassionate ways through which every young person in this nation is given a solid foundation upon which to reach his or her dreams in life.

I ask unanimous consent that the text of this legislation be printed in the CONGRESSIONAL RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Child and Adolescent Mental Health Resiliency Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—STATE AND COMMUNITY ACTIVITIES CONCERNING THE MENTAL HEALTH OF CHILDREN AND ADOLESCENTS
Sec. 101. Grants concerning comprehensive state mental health plans.
Sec. 102. Grants concerning early intervention and prevention.
Sec. 103. Activities concerning mental health services in schools.
Sec. 104. Activities concerning mental health services under the early and periodic screening, diagnostic, and treatment services program.
Sec. 105. Activities concerning mental health services for at-risk mothers and their children.
Sec. 106. Activities concerning interagency case management.
Sec. 107. Grants concerning consumer and family participation.
Sec. 108. Grants concerning information on child and adolescent mental health services.
Sec. 109. Activities concerning public education of child and adolescent mental health disorders and services.
Sec. 110. Technical assistance center concerning training and seclusion and restraints.
Sec. 111. Technical assistance centers concerning consumer and family participation.
Sec. 112. Comprehensive community mental health services for children and adolescents with serious emotional disturbances.
Sec. 113. Community mental health services performance partnership block grant.
Sec. 114. Community mental health services block grant program.
Sec. 115. Grants for jail diversion programs.
TITLE II—FEDERAL INTERAGENCY COLLABORATION AND RELATED ACTIVITIES
Sec. 201. Interagency coordinating committee concerning the mental health of children and adolescents.
TITLE III—RESEARCH ACTIVITIES CONCERNING THE MENTAL HEALTH OF CHILDREN AND ADOLESCENTS
Sec. 301. Activities concerning evidence-based or promising best practices.
Sec. 302. Federal research concerning adolescent mental health.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, mental health is a critical component of children's learning and general health.

(2) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, one in 10 children and adolescents suffer from mental illness severe enough to cause some level of impairment.

(3) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, only one in five children and adolescents who suffer from severe mental illness receive the specialty mental health services they require.

(4) According to the World Health Organization, childhood neuropsychiatric disorders will rise by over 50 percent by 2020, internationally, to become one of the five most common causes of morbidity, mortality, and disability among children.

(5) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, the burden of suffering experienced by children with mental illness and their families has created a health crisis in this country.

(6) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, there is broad evidence that the nation lacks a unified infrastructure to help children suffering from mental illness;

(7) According to the President's New Freedom Commission on Mental Health, President George Bush identified three obstacles preventing Americans with mental illness from getting the care they require: stigma that surrounds mental illness; unfair treatment limitations and financial requirements placed on mental health benefits in private health insurance, and; the fragmented mental health service delivery system.

(8) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, one way to ensure that the country's health system meets the mental health needs of children is to move towards a community-based mental health delivery system that balances health promotion, disease prevention, early detection, and universal access to care.

(9) According to the President's New Freedom Commission on Mental Health, transforming the country's mental health delivery system rests on two principles: services and treatments must be consumer and family-centered, and; care must focus on increasing a person's ability to successfully cope with life's challenges, on facilitating recovery, and building resiliency.

(10) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, the mental health and resiliency of children can be ensured by methods that: promote public awareness of children's mental health issues and reduce stigma associated with mental illness; continue to develop, disseminate, and implement scientifically-proven prevention and treatment services in the field of children's mental health; improve the assessment of and recognition of mental health needs in children; eliminate racial, ethnic and socioeconomic disparities in access to mental healthcare services; improve the infrastructure for children's mental health services, including support for scientifically-proven interventions across professions; increase access to and coordination of quality mental healthcare services; train frontline providers to recognize and manage mental health issues, and educate mental healthcare providers about scientifically-proven prevention and treatment services, and; monitor the access to and coordination of quality mental healthcare services.

(11) According to the President's New Freedom Commission on Mental Health, the country's mental health delivery system can be successfully transformed by methods that: ensure Americans understand that mental health is essential to overall health; ensure mental health care is consumer and family-driven; eliminate disparities in mental healthcare services; ensure early mental health screening, assessment, and referral services are common practices; ensure that excellent mental health care is delivered and research is accelerated, and; technology is used to access mental health care and information.

TITLE I—STATE AND COMMUNITY ACTIVITIES CONCERNING THE MENTAL HEALTH OF CHILDREN AND ADOLESCENTS

SEC. 101. GRANTS CONCERNING COMPREHENSIVE STATE MENTAL HEALTH PLANS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by inserting after section 520A, the following:

"SEC. 520B. COMPREHENSIVE STATE MENTAL HEALTH PLANS.

"(a) GRANTS.—The Secretary, acting through the Center for Mental Health Services, shall award a 1-year, non-renewable grant to, or enter into a 1-year cooperative agreement with, a State for the development and implementation by the State of a comprehensive State mental health plan that exclusively meets the mental health needs of children and adolescents, including providing for early intervention, prevention, and recovery oriented services and supports for children and adolescents, such as mental and primary health care, education, transportation, and housing.

"(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under this section a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a certification by the governor of the State that the governor will be responsible for overseeing the development and implementation of the comprehensive State mental health plan; and

"(2) the signature of the governor of the State.

"(c) REQUIREMENTS.—The Comprehensive State Plan shall include the following:

"(1) An evaluation of all the components of the current mental health system in the State, including the estimated number of children and adolescents requiring and receiving mental health services, as well as support services such as primary health care, education, and housing.

"(2) A description of the long-term objectives of the State for policies concerning children and adolescents with mental disorders. Such objectives shall include—

"(A) the provision of early intervention and prevention services to children and adolescents with, or who are at risk for, mental health disorders that are integrated with school systems, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, primary care programs, foster care systems, and other child and adolescent support organizations;

"(B) a demonstrated collaboration among agencies that provide early intervention and prevention services or a certification that entities will engage in such future collaboration;

"(C) implementing or providing for the evaluation of children and adolescents mental health services that are adapted to the local community;

"(D) implementing collaborative activities concerning child and adolescent mental health early intervention and prevention services;

"(E) the provision of timely appropriate community-based mental health care and treatment of children and adolescents in child and adolescent-serving settings and agencies;

"(F) the provision of adequate support and information resources to families of children and adolescents with, or who are at risk for, mental health disorders;

"(G) the provision of adequate support and information resources to advocacy organizations that serve children and adolescents with, or who are at risk for, mental health disorders, and their families;

"(H) identifying and offering access to services and care to children and adolescents and their families with diverse linguistic and cultural backgrounds;

''(I) identifying and offering equal access to services in all geographic regions of the State;

''(J) identifying and offering appropriate access to services in geographical regions of the State with above-average occurrences of child and adolescent mental health disorders;

''(K) identifying and offering appropriate access to services in geographical regions of the State with above-average rates of children and adolescents with co-occurring mental health and substance abuse disorders;

''(L) offering continuous and up-to-date information to, and carrying out awareness campaigns that target children and adolescents, parents, legal guardians, family members, primary care professionals, mental health professionals, child care professionals, health care providers, and the general public and that highlight the risk factors associated with mental health disorders and the life-saving help and care available from early intervention and prevention services;

''(M) ensuring that information and awareness campaigns on mental health disorder risk factors, and early intervention and prevention services, use effective and culturally-appropriate communication mechanisms that are targeted to and reach adolescents, families, schools, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, primary care programs, foster care systems, and other child and adolescent support organizations;

''(N) implementing a system to ensure that primary care professionals, mental health professionals, and school and child care professionals are properly trained in evidence-based best practices in child and adolescent mental health early intervention and prevention, treatment and rehabilitation services and that those professionals involved with providing early intervention and prevention services are properly trained in effectively identifying children and adolescents with or who are at risk for mental health disorders;

''(O) the provision of continuous training activities for primary care professionals, mental health professionals, and school and child care professionals on evidence-based or promising best practices;

''(P) the provision of continuous training activities for primary care professionals, mental health professionals, and school and child care professionals on family and consumer involvement and participation;

''(Q) conducting annual self-evaluations of all outcomes and activities, including consulting with interested families and advocacy organizations for children and adolescents.

''(3) A cost-assessment relating to the development and implementation of the State plan and a description of how the State will measure performance and outcomes across relevant agencies and service systems.

''(4) A timeline for achieving the objectives described in paragraph (2).

''(5) An outline for achieving the sustainability of the objectives described in paragraph (2).

''(d) APPLICATION OF OTHER REQUIREMENTS.—The authorities and duties of State mental health planning councils provided for under sections 1914 and 1915 with respect to State mental health block grant planning shall apply to the development and the implementation of the comprehensive State mental health plan.

''(e) PARTICIPATION AND IMPLEMENTATION.—

''(1) PARTICIPATION.—In developing and implementing the comprehensive State mental health plan under a grant or cooperative agreement under this section, the State shall ensure the participation of the State agency heads responsible for child and adolescent mental health, substance abuse, child welfare, medicaid, public health, developmental disabilities, social services, juvenile justice, housing, and education.

''(2) CONSULTATION.—In developing and implementing the comprehensive State mental health plan under a grant or cooperative agreement under this section, the State shall consult with—

''(A) the Federal interagency coordinating committee established under section 401 of the Child and Adolescent Mental Health Resiliency Act of 2006;

''(B) State and local agencies, including agencies responsible for child and adolescent mental health care, early intervention and prevention services under titles IV, V, and XIX of the Social Security Act, and the State's Children's Health Insurance Program under title XXI of the Social Security Act;

''(C) State mental health planning councils (described in section 1914);

''(D) local, State, and national advocacy organizations that serve children and adolescents with or who are at risk for mental health disorders and their families;

''(E) relevant national medical and other health professional and education specialty organizations;

''(F) children and adolescents with mental health disorders and children and adolescents who are currently receiving early intervention or prevention services;

''(G) families and friends of children and adolescents with mental health disorders and children and adolescents who are currently receiving early intervention or prevention services;

''(H) families and friends of children and adolescents who have attempted or completed suicide;

''(I) qualified professionals who possess the specialized knowledge, skills, experience, training, or relevant attributes needed to serve children and adolescents with or who are at risk for mental health disorders and their families; and

''(J) third-party payers, managed care organizations, and related employer and commercial industries.

''(3) SIGNATURE.—The Governor of the State shall sign the comprehensive State mental health plan application and be responsible for overseeing the development and implementation of the plan.

''(f) SATISFACTION OF OTHER FEDERAL REQUIREMENTS.—A State may utilize the comprehensive State mental health plan that meets the requirements of this section to satisfy the planning requirements of other Federal mental health programs administered by the Secretary, including as the Community Mental Health Services Block Grant and the Children's Mental Health Services Program, so long as the requirements of such programs are satisfied through the plan.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

SEC. 102. GRANTS CONCERNING EARLY INTERVENTION AND PREVENTION.

Title V of the Public Health Services Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''PART K—MISCELLANEOUS MENTAL HEALTH PROVISIONS

''SEC. 597. GRANTS FOR MENTAL HEALTH ASSESSMENT SERVICES.

''(a) IN GENERAL.—The Secretary shall award 5-year matching grants to, or enter into cooperative agreements with, community health centers that receive assistance under section 330 to enable such centers to provide child and adolescent mental health early intervention and prevention services to eligible children and adolescents, and to provide referral services to, or early intervention and prevention services in coordination with, community mental health centers and other appropriately trained providers of care.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a community health center that receives assistance under section 330;

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

''(3) provide assurances that the entity will have appropriately qualified behavioral health professional staff to ensure prompt treatment or triage for referral to a speciality agency or provider; and

''(4) provide assurances that the entity will encourage formal coordination with community mental health centers and other appropriate providers to ensure continuity of care.

''(c) IDENTIFICATION.—In providing services with amounts received under a grant or cooperative agreement under this section, an entity shall ensure that appropriate screening tools are used to identify at-risk children and adolescents who are eligible to receive care from a community health centers.

''(d) MATCHING REQUIREMENT.—With respect to the costs of the activities to be carried out by an entity under a grant or cooperative agreement under this section, an entity shall provide assurances that the entity will make available (directly or through donations from public or private entities) non-Federal contributions towards such costs in an amount that is not less than $1 for each $1 of Federal funds provided under the grant or cooperative agreement.

''SEC. 597A. GRANTS FOR PRIMARY CARE AND MENTAL HEALTH EARLY INTERVENTION AND PREVENTION SERVICES.

''(a) IN GENERAL.—The Secretary shall award 5-year matching grants to, or enter into cooperative agreements with, States, political subdivisions of States, consortium of political subdivisions, tribal organizations, public organizations, or private nonprofit organizations to enable such entities to provide assistance to mental health programs for early intervention and prevention services to children and adolescents with, or who are at-risk of, mental health disorders and that are in primary care settings.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a State, a political subdivision of a State, a consortia of political subdivisions, a tribal organization, a public organization, or private nonprofit organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant or cooperative agreement under this section to—

''(1) provide appropriate child and adolescent mental health early intervention and prevention assessment services;

''(2) provide appropriate child and adolescent mental health treatment services;

''(3) provide monitoring and referral for specialty treatment of medical or surgical conditions for children and adolescents ; and

''(4) facilitate networking between primary care professionals, mental health professionals, and child care professionals for—

''(A) case management development;

''(B) professional mentoring; and

''(C) enhancing the provision of mental health services in schools.

''(d) MATCHING REQUIREMENTS.—With respect to the costs of the activities to be carried out by an entity under a grant or cooperative agreement under this section, an entity shall provide assurances that the entity will make available (directly or through donations from public or private entities) non-Federal contributions towards such costs in an amount that is not less than $1 for each $1 of Federal funds provided under the grant or cooperative agreement.

''SEC. 597B. GRANTS FOR MENTAL HEALTH AND PRIMARY CARE EARLY INTERVENTION AND PREVENTION SERVICES.

''(a) IN GENERAL.—The Secretary shall award 5-year matching grants to, or enter into cooperative agreements with, States, political subdivisions of States, consortium of political subdivisions, tribal organizations, public organizations, or private nonprofit organizations to enable such entities to provide assistance to primary care programs for children and adolescents with, or who are at-risk of, mental health disorders who are in mental health settings.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a State, a political subdivision of a State, a consortia of political subdivisions, a tribal organization, or a private nonprofit organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant or cooperative agreement under this section to—

''(1) provide appropriate primary health care services, including screening, routine treatment, monitoring, and referral for specialty treatment of medical or surgical conditions;

''(2) provide appropriate monitoring of medical conditions of children and adolescents receiving mental health services from the applicant and refer them, as needed, for specialty treatment of medical or surgical conditions; and

''(3) facilitate networking between primary care professionals, mental health professionals and child care professionals for—

''(A) case management development; and

''(B) professional mentoring.

''(d) MATCHING FUNDS.—With respect to the costs of the activities to be carried out by an entity under a grant or cooperative agreement under this section, an entity shall provide assurances that the entity will make available (directly or through donations from public or private entities) non-Federal contributions towards such costs in an amount that is not less than $1 for each $1 of Federal funds provided under the grant or cooperative agreement.

''SEC. 597C. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this part $22,500,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

SEC. 103. ACTIVITIES CONCERNING MENTAL HEALTH SERVICES IN SCHOOLS.

(a) EFFORTS OF SECRETARY TO IMPROVE THE MENTAL HEALTH OF STUDENTS.—The Secretary of Education, in collaboration with the Secretary of Health and Human Services, shall—

(1) encourage elementary and secondary schools and educational institutions to address mental health issues facing children and adolescents by—

(A) identifying children and adolescents with, or who are at-risk for, mental health disorders;

(B) providing or linking children and adolescents to appropriate mental health services and supports; and

(C) assisting families, including providing families with resources on mental health services for children and adolescents and a link to relevant local and national advocacy and support organizations;

(2) collaborate on expanding and fostering a mental health promotion and early intervention strategy with respect to children and adolescents that focuses on emotional well being and resiliency and fosters academic achievement;

(3) encourage elementary and secondary schools and educational institutions to use positive behavioral support procedures and functional behavioral assessments on a school-wide basis as an alternative to suspending or expelling children and adolescents with or who are at risk for mental health needs; and

(4) provide technical assistance to elementary and secondary schools and educational institutions to implement the provisions of paragraphs (1) through (3).

(b) GRANTS.—

(1) IN GENERAL.—The Secretary of Education, in collaboration with the Secretary of Health and Human Services, shall award grants to, or enter into cooperative agreements with, States, political subdivisions of States, consortium of political subdivisions, tribal organizations, public organizations, private nonprofit organizations, elementary and secondary schools, and other educational institutions to provide directly or provide access to mental health services and case management of services in elementary and secondary schools and other educational settings.

(2) APPLICATION.—To be eligible to receive a grant or cooperative agreement under paragraph (1) an entity shall—

(A) be a State, a political subdivision of a State, a consortia of political subdivisions, a tribal organization, a public organization, a private nonprofit organization, an elementary or secondary school, or an educational institution; and

(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the entity will—

(i) provide directly or provide access to early intervention and prevention services in settings with an above average rate of children and adolescents with mental health disorders;

(ii) provide directly or provide access to early intervention and prevention services in settings with an above average rate of children and adolescents with co-occurring mental health and substance abuse disorders; and

(iii) demonstrate a broad collaboration of parents, primary care professionals, school and mental health professionals, child care processionals including those in educational settings, legal guardians, and all relevant local agencies and organizations in the application for, and administration of, the grant or cooperative agreement.

(3) USE OF FUNDS.—An entity shall use amounts received under a grant or cooperative agreement under this subsection to provide—

(A) mental health identification services;

(B) early intervention and prevention services to children and adolescents with or who are at-risk of mental health disorders; and

(C) mental health-related training to primary care professionals, school and mental health professionals, and child care professionals, including those in educational settings.

(c) COUNSELING AND BEHAVIORAL SUPPORT GUIDELINES.—The Secretary of Education, in collaboration with the Secretary of Health and Human Services, shall develop and issue guidelines to elementary and secondary schools and educational institutions that encourage such schools and institutions to provide counseling and positive behavioral supports, including referrals for needed early intervention and prevention services, treatment, and rehabilitation to children and adolescents who are disruptive or who use drugs and show signs or symptoms of mental health disorders. Such schools and institutions shall be encouraged to provide such services to children and adolescents in lieu of suspension, expulsion, or transfer to a juvenile justice system without any support referral services or system of care.

(d) STUDY.—

(1) IN GENERAL.—The Government Accountability Office shall conduct a study to assess the scientific validity of the Federal definition of a child or adolescent with an ''emotional disturbance'' as provided for in the regulations of the Department of Education under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and whether, as written, such definition now excludes children and adolescents inappropriately through a determination that those children and adolescents are ''socially maladjusted''.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Government Accountability Office shall submit to the appropriated committees of Congress a report concerning the results of the study conducted under paragraph (1).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to supercede the provisions of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), including the requirement of prior parental consent for the disclosure of any education records; and

(2) to modify or affect the parental notification requirements for programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $22,500,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.

SEC. 104. ACTIVITIES CONCERNING MENTAL HEALTH SERVICES UNDER THE EARLY AND PERIODIC SCREENING, DIAGNOSTIC, AND TREATMENT SERVICES PROGRAM.

(a) NOTIFICATION.—The Secretary of Health and Human Services, acting through the Director of the Centers for Medicare and Medicaid Services, shall notify State Medicaid agencies of—

(1) obligations under section 1905(r) of the Social Security Act with respect to the identification of children and adolescents with mental health disorders and of the availability of validated mechanisms that aid pediatricians and other primary care professionals to incorporate such activities; and

(2) information on financing mechanisms that such agencies may use to reimburse primary care professionals, mental health professionals, and child care professionals who provide mental health services as authorized under such definition of early and period screening, diagnostic, and treatment services.

(b) REQUIREMENTS.—State Medicaid agencies who receive funds for early and period screening, diagnostic, and treatment services funding shall provide an annual report to the Secretary of Health and Human Services that—

(1) analyzes the rates of eligible children and adolescents who receive mental health identification services of the type described in subsection (a)(1) under the medicaid program in the State;

(2) analyzes the ways in which such agency has used financing mechanisms to reimburse primary care professionals, mental health

professionals, and child care professionals who provide such mental health services;

(3) identifies State program rules and funding policies that may impede such agency from meeting fully the Federal requirements with respect to such services under the medicaid program; and

(4) makes recommendations on how to overcome the impediments identified under paragraph (3).

SEC. 105. ACTIVITIES CONCERNING MENTAL HEALTH SERVICES FOR AT-RISK MOTHERS AND THEIR CHILDREN.

Title V of the Social Security Act (42 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 511. ENHANCING MENTAL HEALTH SERVICES FOR AT-RISK MOTHERS AND THEIR CHILDREN.

''(a) GRANTS.—The Secretary shall award grants to, or enter into cooperative agreements with, States, political subdivisions of States, consortium of political subdivisions, tribal organizations, public organizations, and private nonprofit organizations to provide appropriate mental health promotion and mental health services to at-risk mothers, grandmothers who are legal guardians, and their children.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a State, a political subdivision of a State, a consortia of political subdivisions, a tribal organization, a public organization, or a private nonprofit organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—Amounts received under a grant or cooperative agreement under this section shall be used to—

''(1) provide mental health early intervention, prevention, and case management services;

''(2) provide mental health treatment services; and

''(3) provide monitoring and referral for specialty treatment of medical or surgical conditions.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

SEC. 106. ACTIVITIES CONCERNING INTERAGENCY CASE MANAGEMENT.

Part L of title V of the Public Health Service Act, as added by section 102, is amended by adding at the end the following:

"SEC. 597C. INTERAGENCY CASE MANAGEMENT.

''(a) IN GENERAL.—The Secretary shall establish a program to foster the ability of local case managers to work across the mental health, substance abuse, child welfare, education, and juvenile justice systems in a State. As part of such program, the Secretary shall develop a model system that—

''(1) establishes a training curriculum for primary care professionals, mental health professionals, school and child care professionals, and social workers who work as case managers;

''(2) establishes uniform standards for working in multiple service systems; and

''(3) establishes a cross-system case manager certification process.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

SEC. 107. GRANTS CONCERNING CONSUMER AND FAMILY PARTICIPATION.

Part K of title V of the Public Health Service Act, as added by section 102 and amended by section 106, is further amended by adding at the end the following:

"SEC. 597D. CONSUMER AND FAMILY CONTROL IN CHILD AND ADOLESCENT MENTAL HEALTH SERVICE DECISIONS.

''(a) GRANTS.—The Secretary shall award grants to, or enter into cooperative agreements with, States, political subdivisions of States, consortium of political subdivisions, and tribal organizations for the development of policies and mechanisms that enable consumers and families to have increased control and choice over child and adolescent mental health services received through a publicly-funded mental health system.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a State, a political subdivision of a State, a consortia of political subdivisions, or a tribal organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant or cooperative agreement under this section to carry out the activities described in subsection (a). Such activities may include—

''(1) the facilitation of mental health service planning meetings by consumer and family advocates, particularly peer advocates;

''(2) the development of consumer and family cooperatives; and

''(3) the facilitation of national networking between State political subdivisions and tribal organizations engaged in promoting increased consumer and family participation in decisions regarding mental health services for children and adolescents.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

SEC. 108. GRANTS CONCERNING INFORMATION ON CHILD AND ADOLESCENT MENTAL HEALTH SERVICES.

Part K of title V of the Public Health Service Act, as added by section 102 and amended by section 107, is further amended by adding at the end the following:

"SEC. 597E. INCREASED INFORMATION ON CHILD AND ADOLESCENT MENTAL HEALTH SERVICES.

''(a) GRANTS.—The Secretary shall award grants to, or enter into cooperative agreements with, private nonprofit organizations to enable such organizations to provide information on child and adolescent mental health and services, consumer or parent-to-parent support services, respite care, and other relevant support services to—

''(1) parents and legal guardians of children or adolescents with or who are at risk for mental health disorders; and

''(2) families of adolescents with or who are at risk for mental health disorders.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a private, nonprofit organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

SEC. 109. ACTIVITIES CONCERNING PUBLIC EDUCATION OF CHILD AND ADOLESCENT MENTAL HEALTH DISORDERS AND SERVICES.

Part K of title V of the Public Health Service Act, as added by section 102 and amended by section 108, is further amended by adding at the end the following:

"SEC. 597F. ACTIVITIES CONCERNING PUBLIC EDUCATION OF CHILD AND ADOLESCENT MENTAL HEALTH DISORDERS AND SERVICES.

''(a) EDUCATIONAL CAMPAIGN.—The Secretary shall develop, coordinate, and implement an educational campaign to increase public understanding of mental health promotion, child and adolescent emotional well-being and resiliency, and risk factors associated with mental health disorders in children and adolescents.

''(b) GRANTS.—

''(1) IN GENERAL.—The Secretary shall award grants to, or enter into cooperative agreements with, public and private nonprofit organizations with qualified experience in public education to build community coalitions and increase public awareness of mental health promotion, child and adolescent emotional well-being and resiliency, and risk factors associated with mental health disorders in children and adolescents.

''(2) APPLICATION.—To be eligible to receive a grant or cooperative agreement under paragraph (1), an entity shall—

''(A) be a public or private nonprofit organization; and

''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(3) USE OF FUNDS.—Amounts received under a grant or contract under this subsection shall be used to—

''(A) develop community coalitions to support the purposes of paragraph (1); and

''(B) develop and implement public education activities that compliment the activities described in subsection (a) and support the purposes of paragraph (1).

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

SEC. 110. TECHNICAL ASSISTANCE CENTER CONCERNING TRAINING AND SECLUSION AND RESTRAINTS.

Part K of title V of the Public Health Service Act, as added by section 102 and amended by section 109, is further amended by adding at the end the following:

"SEC. 597G. TECHNICAL ASSISTANCE CENTER CONCERNING SECLUSION AND RESTRAINTS.

''(a) SECLUSION AND RESTRAINTS.—Acting through the technical assistance center established under subsection (b), the Secretary shall—

''(1) develop and disseminate educational materials that encourage ending the use of seclusion and restraints in all facilities or programs in which a child or adolescent resides or receives care or services;

''(2) gather, analyze, and disseminate information on best or promising best practices that can minimize conflicts between parents, legal guardians, primary care professionals, mental health professionals, school and child care professionals to create a safe environment for children and adolescents with mental health disorders; and

''(3) provide training for primary professionals, mental health professionals, and school and child care professionals on effective techniques or practices that serve as alternatives to coercive control interventions, including techniques to reduce challenging, aggressive, and resistant behaviors, that require seclusion and restraints.

''(b) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

''(1) local and national advocacy organizations that serve children and adolescents who may require the use of seclusion and restraints, and their families;

''(2) relevant national medical and other health and education specialty organizations; and

''(3) qualified professionals who possess the specialized knowledge, skills, experience, and relevant attributes needed to serve children and adolescents who may require the use of seclusion and restraints, and their families.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

SEC. 111. TECHNICAL ASSISTANCE CENTERS CONCERNING CONSUMER AND FAMILY PARTICIPATION.

Part K of title V of the Public Health Service Act, as added by section 102 and amended by section 110, is further amended by adding at the end the following:

''SEC. 597H. TECHNICAL ASSISTANCE CENTERS CONCERNING CONSUMER AND FAMILY PARTICIPATION.

''(a) GRANTS.—The Secretary shall award 5-year grants to, or enter into cooperative agreements with, private nonprofit organizations for the development and implementation of three technical assistance centers to support full consumer and family participation in decision-making about mental health services for children and adolescents.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a private, nonprofit organization that demonstrates the ability to establish and maintain a technical assistance center described in this section; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant or cooperative agreement under this section to establish a technical assistance center of the type referred to in subsection (a). Through such center, the entity shall—

''(1) collect and disseminate information on mental health disorders and risk factors for mental health disorders in children and adolescents;

''(2) collect and disseminate information on available resources for specific mental health disorders, including co-occurring mental health and substance abuse disorders;

''(3) disseminate information to help consumers and families engage in illness self management activities and access services and resources on mental health disorder self-management;

''(4) support the activities of self-help organizations;

''(5) support the training of peer specialists, family specialists, primary care professionals, mental health professionals, and child care professionals;

''(6) provide assistance to consumer and family-delivered service programs and resources in meeting their operational and programmatic needs; and

''(7) provide assistance to consumers and families that participate in mental health system advisory bodies, including state mental health planning councils.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

SEC. 112. COMPREHENSIVE COMMUNITY MENTAL HEALTH SERVICES FOR CHILDREN AND ADOLESCENTS WITH SERIOUS EMOTIONAL DISTURBANCES.

Section 561 of the Public Health Service Act (42 U.S.C. 290ff) is amended—

(1) in subsection (b)(1)(A), by inserting before the semicolon the following: ''and provides assurances that the State will use grant funds in accordance with the comprehensive State mental health plan submitted under section 520B''; and

(2) in subsection (b), by adding at the end the following:

''(4) REVIEW OF POSSIBLE IMPEDIMENTS.—A State may use amounts received under a grant under this section to conduct an interagency review of State mental health program rules and funding policies that may impede the development of the comprehensive State mental health plan submitted under section 520B.''.

SEC. 113. COMMUNITY MENTAL HEALTH SERVICES PERFORMANCE PARTNERSHIP BLOCK GRANT.

Section 1912(b) of the Public Health Service Act (42 U.S.C. 300x–2(b)) is amended by adding at the end the following:

''(6) PERFORMANCE MEASURES.—The plan requires that performance measures be reported for adults and children separately.

''(7) OTHER MENTAL HEALTH SERVICES.—In addition to reporting on mental health services funded under a community mental health services performance partnership block grant, States are encouraged to report on all mental health services provided by the State mental health agency.''.

SEC. 114. COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Section 1912(b) of the Public Health Service Act (42 U.S.C. 300x–2(b)) is amended by adding at the end the following:

''(8) CO-OCCURRING TREATMENT SERVICES.—The plan provides for a system of support for the provision of co-occurring treatment services, including early intervention and prevention, and integrated mental health and substance abuse and services, for adolescents with co-occurring mental health and substance abuse disorders. Services shall be provided through the system under this paragraph in accordance with the Substance Abuse Prevention Treatment Block Grant program under subpart II.''.

(b) GUIDELINES FOR INTEGRATED TREATMENT SERVICES.—Section 1915 of the Public Health Service Act (42 U.S.C. 300x–4) is amended by adding at the end the following:

''(c) GUIDELINES FOR INTEGRATED TREATMENT SERVICES.—The Secretary shall issue written policy guidelines for use by States that describe how amounts received under a grant under this subpart may be used to fund integrated treatment services for children and adolescents with mental health disorders and with co-occurring mental health and substance abuse disorders.

''(d) MODEL SERVICE SYSTEMS FORUM.—The Secretary, in consultation with the Attorney General, shall periodically convene forums to develop model service systems and promote awareness of the needs of children and adolescents with co-occurring mental health disorders and to facilitate the development of policies to meet those needs.''.

(c) SUBSTANCE ABUSE GRANTS.—Section 1928 of the Public Health Service Act (42 U.S.C. 300x–28) is amended by adding at the end the following:

''(e) CO-OCCURRING TREATMENT SERVICES.—A State may use amounts received under a grant under this subpart to provide a system of support for the provision of co-occurring treatment services, including early intervention and prevention, and integrated mental health and substance abuse services, for children and adolescents with co-occurring mental health and substance abuse disorders. Services shall be provided through the system under this paragraph in accordance with the Community Mental Health Services Block Grant program under subpart I.

''(f) GUIDELINES FOR INTEGRATED TREATMENT SERVICES.—The Secretary shall issue written policy guidelines, for use by States, that describe how amounts received under a grant under this section may be used to fund integrated treatment for children and adolescents with co-occurring substance abuse and mental health disorders.''.

SEC. 115. GRANTS FOR JAIL DIVERSION PROGRAMS.

Section 520G of the Public Health Service Act (42 U.S.C. 290bb–38)—

(1) in subsection (a), by striking ''up to 125'';

(2) in subsection (d)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(5) provide appropriate community-based mental health and co-occurring mental illness and substance abuse services to children and adolescents determined to be at risk of contact with the law; and

''(6) provide for the inclusion of emergency mental health centers as part of jail diversion programs.''; and

(3) in subsection (h), by adding at the end the following: ''As part of such evaluations, the grantee shall evaluate the effectiveness of activities carried out under the grant and submit reports on such evaluations to the Secretary.''.

SEC. 116. ACTIVITIES CONCERNING MENTAL HEALTH SERVICES FOR JUVENILE JUSTICE POPULATIONS.

(a) GRANTS.—The Secretary shall award grants to, or enter into cooperative agreements with, States, tribal organizations, political subdivisions of States, consortia of political subdivisions, public organizations, and private nonprofit organizations to provide mental health promotions and mental health services to children and adolescents in juvenile justice systems.

(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a), an entity shall—

(1) be a State, a tribal organization, a political subdivision of a State, a consortia of political subdivisions, a public organization, or a private nonprofit organization; and

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Amounts received under a grant or cooperative agreement under this section shall be used to—

(1) provide mental health early intervention, prevention, and case management services;

(2) provide mental health treatment services; and

(3) provide monitoring and referral for specialty treatment of medical or surgical conditions.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.

TITLE II—FEDERAL INTERAGENCY COLLABORATION AND RELATED ACTIVITIES

SEC. 201. INTERAGENCY COORDINATING COMMITTEE CONCERNING THE MENTAL HEALTH OF CHILDREN AND ADOLESCENTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary''), in collaboration with the Federal officials described in subsection (b), shall establish an interagency coordinating committee (referred to in this section as the ''Committee'') to carry out the activities described in this section relating to the mental health of children and adolescents.

(b) FEDERAL OFFICIALS.—The Federal officials described in this subsection are the following:

(1) The Secretary of Education.
(2) The Attorney General.
(3) The Surgeon General.
(4) The Secretary of the Department of Defense.
(5) The Secretary of the Interior.
(6) The Commissioner of Social Security.
(7) Such other Federal officials as the Secretary determines to be appropriate.

(c) CHAIRPERSON.—The Secretary shall serve as the chairperson of the Committee.

(d) DUTIES.—The Committee shall be responsible for policy development across the Federal Government with respect to child and adolescent mental health.

(e) COLLABORATION AND CONSULTATION.—In carrying out the activities described in this Act, and the amendments made by this Act, the Secretary shall collaborate with the Committee (and the Committee shall collaborate with relevant Federal agencies and mental health working groups responsible for child and adolescent mental health).

(f) CONSULTATION.—In carrying out the activities described in this Act, and the amendments made by this Act, the Secretary and the Committee shall consult with—

(1) State and local agencies, including agencies responsible for child and adolescent mental health care, early intervention and prevention services under titles V and XIX of the Social Security Act, and the State Children's Health Insurance Program under title XXI of the Social Security Act;

(2) State mental health planning councils (as described in section 1914);

(3) local and national organizations that serve children and adolescents with or who are at risk for mental health disorders and their families;

(4) relevant national medical and other health professional and education specialty organizations;

(5) children and adolescents with mental health disorders and children and adolescents who are currently receiving early intervention or prevention services;

(6) families and friends of children and adolescents with mental health disorders and children and adolescents who are currently receiving early intervention or prevention services;

(7) families and friends of children and adolescents who have attempted or completed suicide;

(8) qualified professionals who possess the specialized knowledge, skills, experience, training, or relevant attributes needed to serve children and adolescents with or who are at risk for mental health disorders and their families; and

(9) third-party payers, managed care organizations, and related employer and commercial industries.

(g) POLICY DEVELOPMENT.—In carrying out the activities described in this Act, and the amendments made by this Act, the Secretary shall—

(1) coordinate and collaborate on policy development at the Federal level with the Committee, relevant Department of Health and Human Services, Department of Education, and Department of Justice agencies, and child and adolescent mental health working groups; and

(2) consult on policy development at the Federal level with the private sector, including consumer, medical, mental health advocacy groups, and other health and education professional-based organizations, with respect to child and adolescent mental health early intervention and prevention services.

(h) REPORTS.—

(1) INITIAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Committee shall submit to the appropriate committees of Congress a report that includes—

(A) the results of an evaluation to be conducted by the Committee to analyze the effectiveness and efficacy of current activities concerning the mental health of children and adolescents;

(B) the results of an evaluation to be conducted by the Committee to analyze the effectiveness and efficacy of the activities carried out under grants, cooperative agreements, collaborations, and consultations under this Act, the amendments made by this Act, and carried out by existing Federal agencies

(C) the results of an evaluation to be conducted by the Committee to analyze identified problems and challenges, including—

(i) fragmented mental health service delivery systems for children and adolescents;

(ii) disparities between Federal agencies in mental health service eligibility requirements for children and adolescents;

(iii) disparities in regulatory policies of Federal agencies concerning child and adolescent mental health;

(iv) inflexibility of Federal finance systems to support evidence-based child and adolescent mental health;

(v) insufficient training of primary care professionals, mental health professionals, and child care professionals;

(vi) disparities and fragmentation of collection and dissemination of information concerning child and adolescent mental health services;

(vii) inability of State Medicaid agencies to meet Federal requirements concerning child and adolescent mental health under the early and period screening, diagnostics and treatment services requirements under the medicaid program under title XIX of the Social Security Act; and

(viii) fractured Federal interagency collaboration and consultation concerning child and adolescent mental health;

(D) the recommendations of the Secretary on models and methods with which to overcome the problems and challenges described in subparagraph (B) for the purposes of improving Federal interagency coordination and the development of Federal mental health policy.

(2) ANNUAL REPORT.—Not later than 1 year after the date on which the initial report is submitted under paragraph (1), an annually thereafter, the Committee shall submit to the appropriate committees of Congress a report concerning the results of updated evaluations and recommendations described in paragraph (1).

(i) PERSONNEL MATTERS.—

(1) STAFF AND COMPENSATION.—Except as provided in paragraph (2), the Secretary may employ, and fix the compensation of an executive director and other personnel of the Committee without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(2) MAXIMUM RATE OF PAY.—The maximum rate of pay for the executive director and other personnel employed under paragraph (1) shall not exceed the rate payable for level IV of the Executive Schedule under section 5316 of title 5, United States Code.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.

TITLE III—RESEARCH ACTIVITIES CONCERNING THE MENTAL HEALTH OF CHILDREN AND ADOLESCENTS

SEC. 301. ACTIVITIES CONCERNING EVIDENCE-BASED OR PROMISING BEST PRACTICES.

Part K of title V of the Public Health Service Act, as added by section 102 and amended by section 111, is further amended by adding at the end the following:

"SEC. 597I. ACTIVITIES CONCERNING EVIDENCE-BASED OR PROMISING BEST PRACTICES.

"(a) GRANTS.—

"(1) IN GENERAL.—The Secretary shall award grants to, and enter into cooperative agreements with, States, political subdivisions of States, consortia of political subdivisions, tribal organizations, institutions of higher education, or private nonprofit organizations for the development of child and adolescent mental health services and support systems that address widespread and critical gaps in a needed continuum of mental health service-delivery with a specific focus on encouraging the implementation of evidence-based or promising best practices.

"(2) APPLICATION.—To be eligible to receive a grant or cooperative agreement under paragraph (1) an entity shall—

"(A) be a State, a political subdivision of a State, a consortia of political subdivisions, a tribal organization, an institution of higher education, or a private nonprofit organization; and

"(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(3) USE OF FUNDS.—Amounts received under a grant or cooperative agreement under this subsection shall be used to provide for the development and dissemination of mental health supports and services described in paragraph (1), including—

"(A) early intervention and prevention services, treatment and rehabilitation particularly for children and adolescents with co-occurring mental health and substance abuse disorders;

"(B) referral services;

"(C) integrated treatment services, including family therapy, particularly for children and adolescents with co-occurring mental health and substance abuse disorders;

"(D) colocating primary care and mental health services in rural and urban areas;

"(E) mentoring and other support services;

"(F) transition services;

"(G) respite care for parents, legal guardians, and families; and

"(H) home-based care.

"(b) TECHNICAL ASSISTANCE CENTER.—The Secretary shall establish a technical assistance center to assist entities that receive a grant or cooperative agreement under subsection (a) in—

"(1) identifying widespread and critical gaps in a needed continuum of child and adolescent mental health service-delivery;

"(2) identifying and evaluating existing evidence-based or promising best practices with respect to child and adolescent mental health services and supports;

"(3) improving the child and adolescent mental health service-delivery system by implementing evidence-based or promising best practices;

"(4) training primary care professionals, mental health professionals, and child care professionals on evidence-based or promising best practices;

"(5) informing children and adolescents, parents, legal guardians, families, advocacy organizations, and other interested consumer organizations on such evidence-based or promising best practices; and

"(6) identifying financing structures to support the implementation of evidence-based or promising best practices and providing assistance on how to build appropriate financing structures to support those services.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $12,500,000 for fiscal

year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

SEC. 302. FEDERAL RESEARCH CONCERNING ADOLESCENT MENTAL HEALTH.

Part K of title V of the Public Health Service Act, as added by section 201 and amended by section 301, is further amended by adding at the end the following:

''SEC. 597J. FEDERAL RESEARCH CONCERNING ADOLESCENT MENTAL HEALTH.

''(a) BEST PRACTICES.—The Secretary shall provide for the conduct of research leading to the identification and evaluation of evidence-based or promising best practices, including—

''(1) early intervention and prevention mental health services and systems, particularly for children and adolescents with co-occurring mental health and substance abuse disorders;

''(2) mental health referral services;

''(3) integrated mental health treatment services, particularly for children and adolescents with co-occurring mental health and substance abuse disorders;

''(4) mentoring and other support services;

''(5) transition services; and

''(6) respite care for parents, legal guardians, and families of children and adolescents.

''(b) IDENTIFICATION OF EXISTING DISPARITIES.—The Secretary shall provide for the conduct of research leading to the identification of factors contributing to the existing disparities in children and adolescents mental health care in areas including—

''(1) evidence-based early intervention and prevention, diagnosis, referral, treatment, and monitoring services;

''(2) psychiatric and psychological epidemiology in racial and ethnic minority populations;

''(3) therapeutic interventions in racial and ethnic minority populations;

''(4) psychopharmacology;

''(5) mental health promotion and child and adolescent emotional well-being and resiliency;

''(6) lack of adequate service delivery systems in urban and rural regions; and

''(7) lack of adequate reimbursement rates for evidence-based early intervention and prevention, diagnosis, referral, treatment, and monitoring services.

''(c) PSYCHOTROPIC MEDICATIONS.—The Secretary shall provide for the conduct of research leading to the identification of the long-term effects of psychotropic medications and SSRIs and other pyschotropic medications for children and adolescents.

''(d) TRAUMA.—The Secretary shall provide for the conduct of research leading to the identification of the long-term effects of trauma on the mental health of children and adolescents, including the effects of—

''(1) violent crime, particularly sexual abuse;

''(2) physical or medical trauma;

''(3) post-traumatic stress disorders; and

''(4) terrorism and natural disasters.

''(e) ACUTE CARE.—The Secretary shall provide for the conduct of research leading to the identification of factors contributing to problems in acute care. Such research shall address—

''(1) synthesizing the acute care knowledge data base;

''(2) assessing existing capacities and shortages in acute care;

''(3) reviewing existing model programs that exist to ensure appropriate and effective acute care;

''(4) developing new models when appropriate; and

''(5) proposing workable solutions to enhance the delivery of acute care and crisis intervention services.

''(f) RECOVERY AND REHABILITATION.—The Secretary shall provide for the conduct of research leading to the identification of methods and models to enhance the recovery and rehabilitation of children and adolescents with mental health disorders.

''(g) CO-OCCURRING DISORDERS.—The Secretary shall provide for the conduct of research leading to the identification of methods and models to enhance services and supports for children and adolescents with co-occurring mental health and substance abuse and disorders.

''(h) RESEARCH COLLABORATION.—The Secretary shall provide for the conduct of research that reviews existing scientific literature on the relationship between mental and physical health, particularly identifying new methods and models to enhance the balance between mental and physical health in children and adolescents.

''(i) COLLABORATION.—In carrying out the activities under this section, the Secretary shall collaborate with the Federal interagency coordinating committee established under section 401 of the Child and Youth Equitable Health Act of 2005, and relevant Federal agencies and mental health working groups responsible for child and adolescent mental health.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $12,500,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

By Mr. BROWNBACK (for himself and Mr. TALENT):

S. 3454. A bill to amend the Internal Revenue Code of 1986 to improve the exchange of healthcare information through the use of technology, to encourage the creation, use and maintenance of lifetime electronic health records that may contain health plan and debit card functionality in independent health record banks, to use such records to build a nationwide health information technology infrastructure, and to promote participation in health information exchange by consumers through tax incentives and for other purposes; to the Committee on Finance.

Mr. BROWNBACK. Mr. President, I rise today to introduce legislation that would address one of the most critical issues facing Americans today, that of rising health care costs. America's collective health care bill represents an increasing percentage of the GDP and, at the same time, mortality rates remain stubbornly high. It is apparent that the time has come for innovative health care solutions that will save money and save lives.

Today, I am introducing the Independent Health Record Bank Act of 2006, a market-driven approach that will save both money and lives by creating a self-sustaining National Health Information Network for doctors and patients. Rather than continuing to get by with a patchwork system of paper records that contributes to medical errors and high cost, this legislation creates a nationwide system of secure electronic health records. Under the Independent Health Record Bank Act, ownership of the record is truly independent and consumer-focused, as this type of bank provides the objective service of sustaining individual electronic health records, much like the way financial institutions maintain assets. This consumer-driven approach will offer Americans portable and electronic health records over their lifetime at little to no cost, with specific, established measures for privacy and security.

We saw in the aftermath of Hurricane Katrina, when medical records and lab results were literally washed away, that the current system of paper records can prove to be cumbersome at best, and fatal at worst. Americans should have the ability to access their health records as easily as they access their bank accounts—through the use of a national IT network administered by cooperative, not-for-profit institutions. I urge my colleagues to support this effort through cosponsorship of this important legislation.

By Mr. SANTORUM:

S. 3455. A bill to establish a program to transfer surplus computers of Federal agencies to schools, nonprofit community-based educational organizations, and families of members of the Armed Forces who are deployed, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. SANTORUM. Mr. President, I rise today to introduce a bill which is intended to ensure that more surplus government computers are put to good use in our schools and by families of deployed service members.

Each year, it is becoming more and more evident that, especially for our youth, computer knowledge is essential for success. While many Americans have computers at home, there are still many Americans who do not have that easy access to computer technology. In addition, not all of our schools have or can afford up-to-date computer technology to aid their students in their learning. This bill is intended to bridge this gap.

It has been estimated that each week, the Federal Government disposes of 10,000 computers. Thanks in part to Executive Order 12999, which was issued in 1996, some of these computers are placed in schools that would otherwise not have access to this technology. The Executive order directs that federal agencies shall safeguard and identify potentially educationally useful federal equipment that is no longer needed or declared surplus. This equipment shall then be transferred directly or through the Government Services Administration Computers for Learning program to public and private schools and nonprofit organizations, including community-based educational organizations. Schools and nonprofits in enterprise communities or empowerment zones are prioritized in receiving these computers.

I have been pleased to be able to work through the related program in the Senate to place excess computers in several Pennsylvania schools where

they are being put to good use. Unfortunately, I have heard from those working in Pennsylvania to obtain such computers that not enough of them are getting through to schools. They are experiencing increased difficulty in maintaining the number and quality of computers they were previously able to get from the government for refurbishment and donation. In some cases, hard drives are being needlessly destroyed before they are turned over.

One of the problems that has prevented schools from getting and using these computers is that many times they are not able to be immediately put into use by the school. Schools may not have the technical ability or storage space to take computers directly from the government if they need maintenance before they can be placed into service. It has been estimated that if schools get the computers directly from the government, only 10 percent can be put into use. However, if they are first refurbished, 40 percent can be used.

The hope is that this legislation would result in federal agencies making more surplus computers available for schools by codifying the previous Executive order. The bill would also allow computers to go directly to nonprofits for refurbishing before going to the school, making is easier for more schools to participate in the program. Currently, a school has to take title to the computer and then can transfer it to a nonprofit refurbisher to be fixed up, an additional step for them. This bill would allow nonprofit organizations like Computers for Schools that can refurbish computers at low-cost to participate in the process, getting computers ready to use and sending them out to schools where they last three more years, enabling more children to learn and profit by them. To prevent the needless destruction of hard drives, the bill also references federal standards on how to completely and securely erase hard drives without destroying them.

Lastly, this bill includes language that would make it possible to distribute these computers to the families of deployed service men and women who do not have a computer in their homes so that they can stay in better touch with their family members while they are fighting for our country.

I believe this legislation is an important step to help ensure that surplus federal computers are put to good use by allowing more of our youth to have access to computers in school. I am hopeful that this legislation will be enacted into law.

By Mr. MENENDEZ:

S. 3456. A bill to ensure the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States; to the Committee on Foreign Relations.

Mr. MENENDEZ. Mr. President, first, I congratulate my colleagues in the House, Representatives SHAYS and MALONEY, for their hard work on this legislation and for introducing H.R. 5017, the companion legislation to the bill I am introducing today.

Almost 5 years ago, our country was attacked by terrorists on September 11, 2001. This attack on our cities, on our symbols, on our democracy, and on our way of life killed nearly 3,000 Americans and over 700 people from my home State of New Jersey. But this attack could not kill our determination to preserve our freedom, our values, and our democratic system.

Almost 2 years ago, the 9/11 Commission published their riveting account of what happened on that terrible day and made 41 unanimous and bipartisan recommendations to make our country safer from future terrorist attacks.

Six months ago, the 9/11 Public Discourse Project published a disturbing report card giving more F's than A's on the implementation of those 41 recommendations.

Today, I am introducing legislation to finally and fully implement the 41 bipartisan and unanimous recommendations of the 9/11 Commission. The former Chairman of the 9/11 Commission, Thomas Kean, and the former Vice Chairman, Lee Hamilton, endorsed this same legislation in the House, H.R. 5017 Shays-Maloney. In a letter, Mr. Kean and Mr. Hamilton said that the legislation ''represents a comprehensive approach to carry out each of the recommendations of the Commission . . . [and] focuses on urgent unfinished business before the Nation . . .''

It is the responsibility of the Congress to carry out this urgent unfinished business. We certainly need this comprehensive legislation at a time when the disastrous Dubai Ports World deal made it clear that our ports are not safe and those who live and work near them are not secure; the Department of Homeland Security is increasing homeland security funding for small cities while cutting it to New York and Washington, DC; first responders still don't have the ability to communicate with each other during a disaster; nuclear weapons in the hands of a terrorist remain one of the greatest threats to our Nation, yet the 9/11 Public Discourse Project gave the administration a D on progress towards fixing this problem; and hundreds of Afghans have been killed in the recent violent resurgence of the Taliban.

Since immediately after September 11, many of us in Congress have been working to learn the hard lessons from those attacks so we can prepare for and prevent future terrorist acts. Shortly after the attacks, I introduced comprehensive homeland security legislation and served on the first ad-hoc Homeland Security Committee in the House.

I was a strong supporter of the creation of the 9/11 Commission and introduced a proposal on the House floor to fully implement the 9/11 Commission recommendation in 2004 during the initial debate on the recommendations. I then served as a House negotiator on and helped secure passage of the final landmark intelligence reform bill that was the first step in implementing the 9/11 Commission recommendations. Introducing this legislation today is the next important step in protecting our country against terrorism. I certainly agree with the former heads of the 9/11 Commission that passing this bill should be a top priority for this Congress.

I think all of us were shocked last week when the Department of Homeland Security actually slashed overall homeland security grant funding for New York, Washington, DC, and New Jersey, while increasing funding for much smaller areas with fewer terrorist targets.

DHS slashed these funds in spite of the 9/11 Commission recommendation which said that ''Homeland Security assistance should be based strictly—strictly—on an assessment of risks and vulnerabilities.''

And that is exactly what I fought for when I introduced the Menendez substitute to the intelligence reform bill in 2004. That is exactly what I fought for in the conference report on that legislation and what I sought to accomplish in the House when I introduced the Risk-Based Homeland Security Funding Act with Senators Corzine and LAUTENBERG. And that is exactly what the legislation I am introducing today would do.

As many of you know, New Jersey faces unique terrorism threats that require a greater portion of homeland security aid due to its proximity to New York City and to its vast number of potential targets of terror, such as the largest container seaport on the east coast, one of the busiest airports in the country, an area known as the ''chemical coastway,'' our four nuclear power plants, and the six tunnels and bridges that connect New Jersey to New York City.

And if that were not enough, the Federal Bureau of Investigation has placed more than a dozen New Jersey sites on the National Critical Infrastructure List and has called the area in my former congressional district between Port Elizabeth and Newark International Airport the ''most dangerous two miles in the United States when it comes to terrorism.'' An article in The New York Times pointed out that this 2-mile area provides ''a convenient way to cripple the economy by disrupting major portions of the country's rail lines, oil storage tanks and refineries, pipelines, air traffic, communications networks and highway system.''

The bottom line is that States and municipalities, like New Jersey, which are under the greatest risk should receive homeland security dollars based solely on that risk. The funding awarded to Newark and Jersey City clearly proves that New Jersey is well served when Federal homeland security dollars are awarded based on risk. Yet I

cannot understand why the Department of Homeland Security would not use a risk-based formula when awarding all of their grants. So long as Homeland Security grants are awarded based on factors other than risk, those States most at risk will continue to lack the necessary resources to protect the people they serve.

I know that many Americans would also be shocked to learn that almost 5 years after 9/11 and almost 1 year after Hurricane Katrina, many first responders still cannot communicate with each other during a disaster.

In fact, when I speak to firefighters in my home State of New Jersey, they consistently tell me that this remains a serious impediment to their work. In our port in New Jersey, the largest container port in the east coast, firefighters, Coast Guard, police, and other law enforcement officials often still cannot communicate with each other. When Hurricane Katrina hit, emergency personnel were on at least five different channels and were hampered in communicating with one another. As the Washington Post reported on September 2, 2005, ''Police officers and National Guard members, along with law officers imported from around the State, rarely knew more than what they could see with their own eyes.''

It is astonishing that our firefighters, police, and paramedics still do not have the ability to communicate in an emergency. How is it possible that almost 5 years after September 11, our local first responders still do not have interoperable communications systems that can talk with each other as they carry out their lifesaving work?

That is why my legislation would provide adequate radio spectrum for first responders and a status report on creating a unified incident command system during disasters.

In its final report card, the 9/11 Public Discourse Project gave the administration a D for its efforts to secure WMDs. The former Commissioners then recommended that the U.S. Government make this issue the top national security priority to counter what it called ''the greatest threat to America's security.''

I certainly believe that a nuclear weapon in the hands of a terrorist is one of the greatest threats to our national security. Osama Bin Laden himself has said that it is al-Qaida's ''religious duty'' to acquire weapons of mass destruction.

According to CNN, in January 2002, documents found in a house in Kabul, Afghanistan, reportedly used by al-Qaida operatives included a 25-page document filled with information about nuclear weapons. That document included a design for a nuclear weapon that would require hard-to-obtain materials like plutonium to create a nuclear explosion.

One document appeared to be plans to create a nuclear device. Although experts contended that the design in this document labeled ''superbombs'' is unworkable, the author, noted CNN, was clearly knowledgeable of various ways to set off a nuclear bomb.

In combination with the discovery of AQ Khan's clandestine nuclear supermarket, the potential of al-Qaida building a nuclear weapon is not a fairytale. In fact, according to CNN, al-Qaida may have had some help in its efforts to develop a nuclear device from two Pakistani nuclear scientists.

This bill works to ensure that the fairytale does not become a cataclysmic reality.

The bill specifically implements the 9/11 Commission's recommendation to expand programs to stop shipments of weapons of mass destruction. With this legislation, the United States would also be able to extend our assistance to help countries control, protect, and dismantle their nuclear programs to countries outside of the former Soviet Union. It would also create an Office of Nonproliferation Programs in the Executive Office of the President to prevent terrorist access to WMDs. Finally, the bill includes a provision to enhance the Global Threat Reduction Initiative and would require the President to establish a Department of Energy task force on nuclear materials removal.

I believe we all want to make sure that a nuclearized al-Qaida never becomes a reality. And we should spare absolutely no effort in pursuing this goal.

Many of us have been horrified as we have watched the resurgence of the Taliban and strong anti-American sentiment in Afghanistan. Over just the past few weeks, over 250 people have been killed in the upsurge in violence, and we see techniques borrowed from Iraq, like the use of improvised explosive devices, in Afghanistan. According to the New York Times, Pentagon officials say that 32 suicide bombs were exploded in 2006, which is already 6 more than exploded in all of 2005. Roadside bombs are up 30 percent over last year, and the Taliban are fighting in groups triple the size of last year. And after a deadly traffic accident involving the U.S. military, an anti-American riot exploded in Kabul last week.

The 9/11 Commission made it clear in their recommendations that Afghanistan must be a priority stating that the ''United States and the international community should make a long-term commitment to a secure and stable Afghanistan to improve life and make sure it is not a terrorist sanctuary.'' Unfortunately, we are clearly a long way from achieving that goal.

The administration never finished the job in Afghanistan, the birthplace of the Taliban, the home to al-Qaida, the land of Osama bin Laden, and the place where the attacks of 9/11 were planned.

That is why this legislation is an important step to help us move in the right direction in Afghanistan. My bill urges a new commitment to a long-term economic plan to ensure Afghanistan's stability as well as a report on progress towards achieving the goals in the Afghanistan Freedom Support Act.

This bipartisan, bicameral legislation is the next step to finally implementing all of the 41 recommendations of the 9/11 Commission. Their report was a call to action. Their report card was a reminder of what still needed to be done. Their work cannot be left unfinished.

We must all heed advice of the 9/11 Commission and learn from the hard lessons of 9/11. We cannot wait any longer to take action, and I urge my colleagues to join me in supporting this legislation.

By Mrs. BOXER:

S.J. Res. 39. A joint resolution to spur a political solution in Iraq and encourage the people of Iraq to provide for their own security through the redeployment of the United States military forces; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, I rise today to introduce a resolution to spur a political solution in Iraq and encourage the people of Iraq to provide for their own security through the redeployment of U.S. military forces.

I introduce this resolution with the hope and prayer that we will redeploy U.S. troops from Iraq and end this ill-fated war that has resulted in more than 20,000 U.S. troops killed or wounded.

This resolution speaks for itself. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 39

Whereas the United States military forces have served bravely in Iraq and deserve the heartfelt support of the United States;

Whereas more than 2,450 members of the United States military forces have been killed and more than 18,000 wounded in support of military operations in Iraq;

Whereas more than 200 coalition personnel have been killed in support of military operations in Iraq;

Whereas it is estimated that at least 40,000 people of Iraq have been killed during the military intervention in Iraq;

Whereas much of the intelligence used by the Bush Administration to justify the use of force in Iraq was either exaggerated or simply wrong;

Whereas President George W. Bush stated that the mission in Iraq was to rid that country of weapons of mass destruction;

Whereas weapons of mass destruction have not been found in Iraq;

Whereas President George W. Bush then stated that the mission in Iraq was to end the regime of Saddam Hussein and free the people of Iraq;

Whereas Saddam Hussein is in custody and standing trial for crimes against humanity;

Whereas President George W. Bush then stated that the mission in Iraq was to establish a free, self governing, and democratic Iraq;

Whereas the people of Iraq elected their first permanent democratically elected government on December 15, 2005, and the cabinet of Prime Minister Nouri al-Maliki has been approved by the Parliament of Iraq, concluding the transition of Iraq to full political sovereignty;

Whereas President George W. Bush then stated that the mission in Iraq was to train the security forces of Iraq so that they can do the fighting in Iraq;

Whereas the Pentagon reports that more than 240,000 military and police personnel of Iraq are now trained and equipped;

Whereas on May 1, 2003, President George W. Bush stood under a banner proclaiming ''Mission Accomplished'' and declared that Iraq was an ally of al Qaeda;

Whereas the report of the 9/11 Commission found no collaborative operational relationship between Iraq and al Qaeda;

Whereas the commander of the Multinational Forces Iraq, General George Casey, testified before the Senate Committee on Armed Services on September 29, 2005, that ''[i]ncreased coalition presence feeds the notion of occupation . . . contributes to the dependency of Iraqi security forces on the coalition . . . [and] extends the amount of time that it will take for Iraqi security forces to become self reliant'';; and

Whereas, according to a January 2006 poll, 64 percent of Iraqis believe that crime and violent attacks will decrease when the United States redeploys from Iraq, 67 percent of Iraqis believe that their day-to-day security will increase if the United States redeploys from Iraq, and 73 percent of Iraqis believe that there will be greater cooperation among the political factions of Iraq when the United States redeploys from Iraq: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) United States military forces in Iraq are to be redeployed from Iraq by December 31, 2006, or earlier if practicable;

(2) nothing in this resolution prohibits the use of United States military forces from training Iraqi security forces in the region outside of Iraq; and

(3) nothing in this resolution prohibits the use of United States military forces based outside of Iraq to—

(A) conduct targeted and specialized counter-terrorism missions in Iraq; and

(B) protect military and civilian personnel of the United States in Iraq.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 500—EXPRESSING THE SENSE OF CONGRESS THAT THE RUSSIAN FEDERATION SHOULD FULLY PROTECT THE FREEDOMS OF ALL RELIGIOUS COMMUNITIES WITHOUT DISTINCTION, WHETHER REGISTERED OR UNREGISTERED, AS STIPULATED BY THE RUSSIAN CONSTITUTION AND INTERNATIONAL STANDARDS

Mr. BROWNBACK (for himself, Mr. BIDEN, Mr. SMITH, and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on Foreign Relations:

Mr. BROWNBACK. Mr. President, I rise today to introduce a resolution whereby the Senate calls upon the Government of the Russian Federation to fully protect the right of individuals to worship and to practice their faith as they see fit. This resolution reiterates provisions on religious freedom that are contained within the Russian Constitution of 1993 and international agreements to which the Russian Federation is a party.

I am especially appreciative for the co-sponsorship of this important resolution by my colleagues and friends, the senior Senator from Delaware, Mr. BIDEN, the junior Senator from Oregon, Mr. SMITH, and the senior Senator from Florida, Mr. NELSON.

It is true that religious practice in Russia today is much freer than during the Soviet era. However, many minority religious communities throughout the Russian Federation continue to suffer harassment and discrimination on the part of some local officials who, either through personal prejudice or misplaced paranoia, see a threat to their society by religious faiths with whom they are unfamiliar.

Until fairly recently, the U.S. Helsinki Commission, which I chair, was receiving troubling reports of several instances of violence against religious minorities in Russia. Arson attacks against churches in Russia have occurred in several towns and cities with little or no police response. I would note that reports of such attacks have decreased in number of late.

I would like to quote from the International Religious Freedom Report for 2005, which is published by the State Department Office on International Religions Freedom annually:

> Some Federal agencies and many local authorities continue to restrict the rights of various religious minorities. Moreover, contradictions between Federal and local laws and varying interpretations of the law provide regional officials with opportunities to restrict the activities of religious minorities. Many observers attribute discriminatory practices at the local level to the greater susceptibility of local governments than the Federal Government to discriminatory attitudes in lobbying by local majority religious groups. The government only occasionally intervenes to prevent or reverse discrimination at the local level.

Mr. President, on April 14, 2005, the Helsinki Commission held hearings on the treatment of religious minorities in Russia. Mr. Larry Uzzell, a journalist and researcher specializing in religious liberty issues, noted that Russian bureaucrats had increased the pressure on minority religious confessions, especially by denying them places to worship.

In March 2004, a city court banned the religious activity of Jehovah's Witnesses in Moscow. Since that time, officials in St. Petersburg have been threatening to ''liquidate'' the Jehovah's Witnesses Administration Center in that city. If the administrative center were to cease to exist, the effect on local congregations could be devastating. Just this month, police in Ivanovo, Russia, reportedly broke up an evangelical event where Bibles were being distributed and detained three members. Catholic parishes in the cities of Sochi and Rostov-on-Don have also had difficulty with local officials in obtaining official permission to use their new church buildings.

Concerning anti-Semitism, on January 11 of this year a ''skinhead'' attacked worshipers with a knife and wounded eight persons in the Moscow Headquarters and Synagogue of Agudas Chasidei Chabad of the Former Soviet Union. Thankfully, the Moscow City Court sentenced the attacker to 13 years in prison for attempted murder. However, a copycat attack that followed in Rostov-on-Don was not handled as well, with the perpetrator only being charged with ''hooliganism'' and given 5 days administrative detention. I urge Russian authorities to be more consistent with their response to these heinous crimes.

Another difficult situation is that of Muslim believers in Russia today, with officials often harassing communities practicing outside of government approved mosques. For instance, there are repeated and credible reports that police are arresting Russian Muslim citizens on charges of terrorism on the basis of fabricated evidence. Certainly Russia has a right to defend itself from terrorism, but I would urge authorities not to sow the seeds of further bitterness and violence through wholesale arrests and unjust trials.

Mr. President, I certainly don't want to suggest that all Russian officials are hostile to religious faith and practice. There are countries with worse far records, and there are many areas of the Russian Federation where the principles of religious freedom are genuinely observed and still others where progress is being made. Moreover, many officials at the federal level have made sincere efforts to see that their government observes its own laws as well as international standards.

This resolution reminds the leadership of the Russian Federation of the critical importance of enforcing Russian constitution and Russia's international commitments on religious freedom. Considering Russia's presidency of the G–8, a grouping of the world's major industrialized democracies, it is time to live up to the standards of religious liberty that characterize the nations of the G–8 and the community of democracies as a whole.

I urge my colleagues to support this resolution.

S. RES. 500

Whereas the Russian Federation is a participating State of the Organization for Security and Cooperation in Europe (OSCE) and has freely committed to fully respect the rights of individuals, whether alone or in community with others, to profess and practice religion or belief;

Whereas the 1989 Vienna Concluding Document calls on OSCE participating States to ''take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief'' and to ''grant upon their request to communities of believers, practicing or prepared to practice their faith within the constitutional framework of their States, recognition of the status provided for them in the respective countries'';

Whereas Article 28 of the Constitution of the Russian Federation declares that ''everyone shall be guaranteed the right to freedom of conscience, to freedom of religious worship, including the right to profess, individually or jointly with others, any religion''

and Article 8 of the 1997 Law on Freedom of Conscience and Religious Associations provides for registration for religious communities as ''religious organizations,'' if they have at least 10 members and have operated within the Russian Federation with legal status for at least 15 years;

Whereas religious freedom has advanced significantly for the vast majority of people in Russia since the collapse of the Soviet Union;

Whereas many rights and privileges afforded to religious communities in the Russian Federation remain contingent on the ability of the communities to obtain government registration;

Whereas some religious groups have not attempted to register with government authorities due to theological considerations, and other communities have been unjustly denied registration or had their registration improperly terminated by local authorities;

Whereas many of the unregistered communities in the Russian Federation today were never registered under the Soviet system because they refused to collaborate with that government's anti-religious policies and they are now experiencing renewed discrimination and repression by authorities of the Russian Federation;

Whereas over the past 2 years there have been an estimated 10 arson attacks on unregistered Protestant churches, with little or no effective response by law enforcement officials to bring the perpetrators to justice;

Whereas the Government of the Russian Federation reacted swiftly in response to the January 2006 attack on a Moscow synagogue, but there have been numerous other anti-Semitic attacks against Jews and Jewish institutions in the Russian Federation, and there is increasing tolerance of anti-Semitism in certain segments of society in that country;

Whereas there has been evidence of an increase in the frequency and severity of oppressive actions by security forces and federal and local officials against some Muslim communities and their members;

Whereas there are many cases involving restitution for religious property seized by the Soviet regime that remain unresolved;

Whereas in some areas of the Russian Federation law enforcement personnel have carried out acts of harassment and oppression against members of religious communities peacefully practicing their faith and local officials have put overly burdensome restrictions on the ability of some religious communities to engage in religious activity; and

Whereas the United States has sought to protect the fundamental and inalienable right of individuals to profess and practice their faith, alone or in community with others, according to the dictates of their conscience, and in accordance with international agreements committing nations to respect individual freedom of thought, conscience, and belief: Now, therefore, be it

Now, therefore, be it

Resolved, That it is the sense of Congress that the United States Government should—

(1) urge the Government of the Russian Federation to ensure full protection of freedoms for all religious communities without distinction, whether registered or unregistered, and end the harassment of unregistered religious groups by the security apparatus and other government agencies, thereby building upon the progress made over the past 15 years in promoting religious freedom in the Russian Federation;

(2) urge the Government of the Russian Federation to ensure that law enforcement officials vigorously investigate and prosecute acts of violence, arson, and desecration perpetrated against registered and unregistered religious communities, as well as make certain that government authorities are not complicit in such incidents;

(3) continue to raise concerns with the Government of the Russian Federation over violations of religious freedom, including those against unregistered religious communities, especially indigenous denominations not well known in the United States;

(4) ensure that United States Embassy officials engage local officials throughout the Russian Federation, especially when violations of freedom of religion occur, and undertake outreach activities to educate local officials about the rights of unregistered religious communities;

(5) urge the Government of the Russian Federation to invite the three Personal Representatives of the OSCE Chair-in-Office and the United Nations Special Rapporteur on Freedom of Religion or Belief to visit the Russian Federation and discuss with federal and local officials concerns about the religious freedom of both registered and unregistered religious communities; and

(6) urge the Council of Europe, its member countries, and the other members of the G–8 to raise issues relating to religious freedom with Russian officials in the context of the Russian Federation's responsibilities both as President of the Council in 2006 and as a member of the G–8.

SENATE RESOLUTION 501—COMMENDING THE UNIVERSITY OF VIRGINIA CAVALIERS MEN'S LACROSSE TEAM FOR WINNING THE 2006 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I NATIONAL LACROSSE CHAMPIONSHIP.

Mr. ALLEN (for himself and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 501

Whereas the students, alumni, faculty, and supporters of the University of Virginia are to be congratulated for their commitment to, and pride in, the University of Virginia Cavaliers national champion men's lacrosse team;

Whereas the University of Virginia Cavaliers men's lacrosse team won the National Collegiate Athletic Association (NCAA) championship game 15–7 against the University of Massachusetts Amherst Minutemen, and became the first team in NCAA history to finish with a 17–0 record and the 12th team in NCAA history to win the national championship with an undefeated record;

Whereas the University of Virginia Cavaliers men's lacrosse team won the 2006 NCAA Division I National Championship, which was dominated by the Cavaliers possession, due to the impressive play of Drew Thompson who won 8 out of 12 face offs, goals scored by Matt Poskay, Ben Rubeor, Kyle Dixon, and Danny Glading, sparkling goaltending by Kip Turner, and the outstanding performance of NCAA Men's Division I Lacrosse Tournament's Most Outstanding Player Matt Ward;

Whereas the University of Virginia Cavaliers men's lacrosse team added the Division I title to 5 previous national championships;

Whereas every player on the University of Virginia lacrosse team, Will Barrow, Garrett Billings, Mike Britt, Douglas Brody, Patrick Buchanan, Kevin Coale, Chris Conlon, Michael Culver, Joe Dewey, Kyle Dixon, Adam Fassnacht, Drew Garrison, Steve Giannone, Foster Gilbert, Gavin Gill, Danny Glading, Charlie Glazer, Pike Howard, Drew Jordan, Matt Kelly, Ryan Kelly, James King, Jared Little, J.J. Morrissey, Chris Ourisman, Matt Paquet, Michael ''Bud'' Petit, Derek Pilipiak, Max Pomper, Matt Poskay, Jack Riley, Ben Rubeor, Tim Shaw, Ricky Smith, Drew Thompson, Mike Timms, Kip Turner, Mark Wade, and Matt Ward, contributed to the team's success in this undefeated championship season;

Whereas the University of Virginia Cavaliers outstanding, creative, and motivational lacrosse Head Coach Dom Starsia has had a successful 14-year tenure as the University of Virginia's head lacrosse coach that includes 3 NCAA Division I Men's Lacrosse National Championships; and

Whereas Assistant Coaches Marc Van Arsdale and Hannon Wright deserve high commendation for their strong leadership and superb coaching support, as well as the dedication of team staff members Lorenzo Rivers, Katie Serenelli, Matt Diehl, Jade White, and Dr. Danny Mistry to the University of Virginia Cavaliers men's lacrosse team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Virginia Cavaliers men's lacrosse team for winning the 2006 National Collegiate Athletic Association Division I, National Championship; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to Dom Starsia of the National Champion University of Virginia Cavaliers and a copy to John T. Casteen III, the president of the University of Virginia.

SENATE RESOLUTION 502—CONGRATULATING ALL THE CONTESTANTS OF THE 2006 SCRIPPS NATIONAL SPELLING BEE

Mr. LAUTENBERG (for himself and Mr. MENDENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 502

Whereas the Scripps National Spelling Bee is the largest and longest-running educational promotion in the United States, and is administered by the E.W. Scripps Company and 268 local sponsors, most of whom publish daily and weekly newspapers;

Whereas the 2006 Scripps National Spelling Bee began with 275 competitors from across the United States, American Samoa, the Bahamas, Canada, Europe, Guam, Jamaica, New Zealand, Puerto Rico, and the Virgin Islands, each of whom had qualified for the contest by winning locally-sponsored spelling bees;

Whereas Miss Katharine ''Kerry'' Close is an 8th-grade student at the H.W. Mountz School in Spring Lake, New Jersey;

Whereas the 13-year-old Miss Close first competed in the Scripps National Spelling Bee as a 9-year-old, tied for 7th place in 2005, and competed for the 5th time this year, sponsored by the Asbury Park Press and the Home News Tribune;

Whereas Miss Close has spent between 1 hour and 2 hours a day looking up words and their origins during the previous 5 years, yet has still found time for sailing, playing soccer, and going to the mall and the movies with her friends;

Whereas Miss Close survived 19 rounds of fierce competition this year and won the 2006 Scripps National Spelling Bee in the 20th round by correctly spelling ''ursprache'', which is defined as ''a parent language, especially one reconstructed from the evidence of later languages''; and

Whereas the achievement of Miss Close brings an immense sense of pride to H.W. Mountz School, her hometown of Spring

Lake, and the entire State of New Jersey: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates all of the contestants of the 2006 Scripps National Spelling Bee; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the H.W. Mountz School, located in Spring Lake, New Jersey.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4189. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2012, to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2006 through 2012, and for other purposes; which was ordered to lie on the table.

SA 4190. Mr. McCONNELL (for Mr. STEVENS) proposed an amendment to the bill S. 2013, to amend the Marine Mammal Protection Act of 1972 to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population.

SA 4191. Mr. McCONNELL (for Ms. SNOWE) proposed an amendment to the bill S. 457, to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide commercial purchase cards, and for other purposes.

TEXT OF AMENDMENTS

SA 4189. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2012, to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2006 through 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, line 10, insert ''(a) IN GENERAL.—'' before ''Title''.

On page 68, between line 2 and 3, insert the following:

(b) OREGON AND CALIFORNIA SALMON FISHERY.—Within 30 days after the date of enactment of this Act, the Secretary of Commerce shall initiate assistance under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)) for the 2006 Oregon and California fall Chinook salmon fishery to the same extent and in the same manner as if the Secretary had determined on the date of enactment of this Act that, with respect to that fishery, there is—

(A) a commercial fishery failure under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)); and

(B) a fishery resource disaster under section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)).

SA 4190. Mr. McCONNELL (for Mr. STEVENS) proposed an amendment to the bill S. 2013, to amend the Marine Mammal Protection Act of 1972 to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population; as follows:

On page 20, line 16, strike ''$3,000,000'' and insert ''$1,000,000''.

On page 20, line 20, strike ''$500,000'' and insert ''$150,000''.

On page 20, line 25, strike ''$500,000'' and insert ''$150,000''.

SA 4191. Mr. McCONNELL (for Ms. SNOWE) proposed an amendment to the bill S. 457, to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide commercial purchase cards, and for other purposes; as follows:

On page 3, between lines 3 and 4, insert the following:

(6) Analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in micro-purchases consistent with the national policy on small business participation in Federal procurements set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''Examining DOJ's Investigation of Journalists Who Publish Classified Information: Lessons from the Jack Anderson Case'' on Tuesday, June 6, 2006 at 9:30 a.m. in Dirksen Senate Office Building room 226.

Witness list

Panel I: Matthew Friedrich, Chief of Staff for the Criminal Division, Department of Justice, Washington, DC.

Panel II: Rodney Smolla, Dean and Professor, University of Richmond School of Law, Richmond, VA; Gabriel Schoenfeld, Senior Editor, Commentary, New York, NY; Kevin N. Anderson, Fabian & Clendenin, Salt Lake City, UT; Mark Feldstein, Director of Journalism Program and Associate Professor of Media and Public Affairs, School of Media and Public Affairs, George Washington University, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Tuesday, June 6, 2006, at 2:30 p.m. in the Dirksen Senate Office Building room 226. The agenda will be provided when it becomes available.

Matters

Discussion of the possibility of subpoenas and a closed session for a Telecom/NSA Information Sharing hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS, PRODUCT SAFETY, AND INSURANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation Subcommittee on Consumer Affairs, Product Safety, and Insurance be authorized to meet on Tuesday, June 6, 2006, at 10 a.m. on Compliance with All-Terrain Vehicle Standards.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent Kumar Garg, an intern from the Senate Judiciary Committee Subcommittee on Constitution, be granted floor privileges for the duration of the debate on Senate Joint Resolution 1, the Federal Marriage Amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that floor privileges be granted to two legal fellows on my staff, Jon Donenberg and Norah Bringer, for the remainder of the Senate session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Scott McDonald of my staff be granted the privileges of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Kentucky.

UNANIMOUS CONSENT REQUEST—H.R. 5403

Mr. McCONNELL. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act, that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, on behalf of Democrats, I must object.

The PRESIDING OFFICER. Objection is heard.

DEATH TAX REPEAL PERMANENCY ACT OF 2005—MOTION TO PROCEED

CLOTURE MOTION

Mr. McCONNELL. I now move to proceed to Calendar No. 84, H.R. 8, related to the repeal of the death tax. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 84, H.R. 8: to make the repeal of the estate tax permanent.

Bill Frist, Jon Kyl, Jim Bunning, Conrad Burns, Richard Burr, Tom Coburn, Wayne Allard, Craig Thomas, George Allen, Judd Gregg, Johnny Isakson, David Vitter, John Thune, Mike Crapo, Jeff Sessions, John Ensign, Rick Santorum.

Mr. McCONNELL. I now withdraw my motion to proceed.

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2005—MOTION TO PROCEED

CLOTURE MOTION

Mr. McCONNELL. I move to proceed to Calendar No. 101, S. 147, a bill related to Native Hawaiians.

On behalf of the Democratic minority, I send a motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 101, S. 147, Native Hawaiians Governing Entity.

Daniel K. Akaka, Daniel K. Inouye, Charles Schumer, Jack Reed, Patrick Leahy, Joe Biden, Barbara Mikulski, Evan Bayh, Barbara Boxer, Frank Lautenberg, Harry Reid, Jay Rockefeller, Richard Durbin, Jeff Bingaman, Edward Kennedy, Herb Kohl, James M. Jeffords, Mark Dayton, Jon Kyl, Norm Coleman.

Mr. McCONNELL. Mr. President, I ask unanimous consent the live quorums required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President and Members of the Senate, a clarification. These cloture votes will occur on Thursday. We will set aside some time for debate on both of these issues tomorrow afternoon.

COMMENDING THE UNIVERSITY OF VIRGINIA CAVALIERS MEN'S LACROSSE TEAM

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 501, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 501) commending the University of Virginia Cavaliers men's lacrosse team for winning the 2006 National Collegiate Athletic Association Division I National Lacrosse Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider by laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 501) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 501

Whereas the students, alumni, faculty, and supporters of the University of Virginia are to be congratulated for their commitment to, and pride in, the University of Virginia Cavaliers national champion men's lacrosse team;

Whereas the University of Virginia Cavaliers men's lacrosse team won the National Collegiate Athletic Association (NCAA) championship game 15–7 against the University of Massachusetts Amherst Minutemen, and became the first team in NCAA history to finish with a 17–0 record and the 12th team in NCAA history to win the national championship with an undefeated record;

Whereas the University of Virginia Cavaliers men's lacrosse team won the 2006 NCAA Division I National Championship, which was dominated by the Cavaliers possession, due to the impressive play of Drew Thompson who won 8 out of 12 face offs, goals scored by Matt Poskay, Ben Rubeor, Kyle Dixon, and Danny Glading, sparkling goaltending by Kip Turner, and the outstanding performance of NCAA Men's Division I Lacrosse Tournament's Most Outstanding Player Matt Ward;

Whereas the University of Virginia Cavaliers men's lacrosse team added the Division I title to 5 previous national championships;

Whereas every player on the University of Virginia lacrosse team, Will Barrow, Garrett Billings, Mike Britt, Douglas Brody, Patrick Buchanan, Kevin Coale, Chris Conlon, Michael Culver, Joe Dewey, Kyle Dixon, Adam Fassnacht, Drew Garrison, Steve Giannone, Foster Gilbert, Gavin Gill, Danny Glading, Charlie Glazer, Pike Howard, Drew Jordan, Matt Kelly, Ryan Kelly, James King, Jared Little, J.J. Morrissey, Chris Ourisman, Matt Paquet, Michael ''Bud'' Petit, Derek Pilipiak, Max Pomper, Matt Poskay, Jack Riley, Ben Rubeor, Tim Shaw, Ricky Smith, Drew Thompson, Mike Timms, Kip Turner, Mark Wade, and Matt Ward, contributed to the team's success in this undefeated championship season;

Whereas the University of Virginia Cavaliers outstanding, creative, and motivational lacrosse Head Coach Dom Starsia has had a successful 14-year tenure as the University of Virginia's head lacrosse coach that includes 3 NCAA Division I Men's Lacrosse National Championships; and

Whereas Assistant Coaches Marc Van Arsdale and Hannon Wright deserve high commendation for their strong leadership and superb coaching support, as well as the dedication of team staff members Lorenzo Rivers, Katie Serenelli, Matt Diehl, Jade White, and Dr. Danny Mistry to the University of Virginia Cavaliers men's lacrosse team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Virginia Cavaliers men's lacrosse team for winning the 2006 National Collegiate Athletic Association Division I, National Championship; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to Dom Starsia of the National Champion University of Virginia Cavaliers and a copy to John T. Casteen III, the president of the University of Virginia.

CONGRATULATING CONTESTANTS OF THE 2006 SCRIPPS SPELLING BEE

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 502, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 502) congratulating all of the contestants of the 2006 Scripps National Spelling Bee.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LAUTENBERG. Mr. President, I rise today to congratulate the young men and women who competed in the 79th annual Scripps National Spelling Bee last week. I would like to extend special praise to Miss Katharine ''Kerry'' Close for winning this demanding competition. Miss Close is an eighth grade student at the H.W. Mountz School in Spring Lake, NJ, and was sponsored by the Asbury Park Press and the Home News Tribune. Other New Jersey participants included Serenity Fung of Faith Hope Love Academy in Somerset, Joseph Reed of Deerfield Township Elementary School in Rosenhayn, Austin Tamutus of MacFarland Junior School in Bordentown, Tianqi Wang of Ramapo Ridge Middle School in Mahwah, and Nisha Sadanand Naik of St. Anne's Parish School in Jersey City. I am proud of all of them.

Miss Close—showing true grace under pressure—won in the 20th round by correctly spelling ''ursprache,'' which is defined as ''a parent language, especially one reconstructed from the evidence of later languages.'' Miss Close is a five-time veteran of the National Spelling Bee, first competing when she was 9. She tied for seventh place last year. Over the past 5 years, Miss Close has spent between 1 and 2 hours each day looking up words and their origins in order to prepare for the contests. Her dedication should serve as an inspiration to all of us.

The 2006 Scripps National Spelling Bee, which is administered by the E.W. Scripps Company and 268 local sponsors, is the largest and longest running educational promotion in the United States. This competition began with 275 competitors from across the United States, American Samoa, the Bahamas, Canada, Europe, Guam, Jamaica, New Zealand, Puerto Rico, and the U.S. Virgin Islands who qualified for the contest by winning locally sponsored spelling bees.

I hope that my colleagues will join me in congratulating Miss Close and the other 274 competitors in this year's Scripps National Spelling Bee.

Mr. McCONNELL. Mr. President, I ask unanimous consent the resolution

be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 502) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 502

Whereas the Scripps National Spelling Bee is the largest and longest-running educational promotion in the United States, and is administered by the E.W. Scripps Company and 268 local sponsors, most of whom publish daily and weekly newspapers;

Whereas the 2006 Scripps National Spelling Bee began with 275 competitors from across the United States, American Samoa, the Bahamas, Canada, Europe, Guam, Jamaica, New Zealand, Puerto Rico, and the Virgin Islands, each of whom had qualified for the contest by winning locally-sponsored spelling bees;

Whereas Miss Katharine ''Kerry'' Close is an 8th-grade student at the H.W. Mountz School in Spring Lake, New Jersey;

Whereas the 13-year-old Miss Close first competed in the Scripps National Spelling Bee as a 9-year-old, tied for 7th place in 2005, and competed for the 5th time this year, sponsored by the Asbury Park Press and the Home News Tribune;

Whereas Miss Close has spent between 1 hour and 2 hours a day looking up words and their origins during the previous 5 years, yet has still found time for sailing, playing soccer, and going to the mall and the movies with her friends;

Whereas Miss Close survived 19 rounds of fierce competition this year and won the 2006 Scripps National Spelling Bee in the 20th round by correctly spelling ''ursprache'', which is defined as ''a parent language, especially one reconstructed from the evidence of later languages''; and

Whereas the achievement of Miss Close brings an immense sense of pride to H.W. Mountz School, her hometown of Spring Lake, and the entire State of New Jersey: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates all of the contestants of the 2006 Scripps National Spelling Bee; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the H.W. Mountz School, located in Spring Lake, New Jersey.

UNITED STATES-RUSSIA POLAR BEAR CONSERVATION AND MANAGEMENT ACT OF 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 365, S. 2013.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2013) to amend the Marine Mammal Protection Act of 1972 to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4190) was agreed to, as follows:

(Purpose: To reduce the amount authorized to be appropriated for each of the fiscal years)

On page 20, line 16, strike ''$3,000,000'' and insert ''$1,000,000''.

On page 20, line 20, strike ''$500,000'' and insert ''$150,000''.

On page 20, line 25, strike ''$500,000'' and insert ''$150,000''.

The bill (S. 2013), as amended, was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 2013

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 ''United States-Russia Polar Bear Conservation and Management Act of 2005''.

SEC. 2. AMENDMENT OF MARINE MAMMAL PROTECTION ACT OF 1972.

(a) IN GENERAL.—The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end thereof the following:

''TITLE V—ALASKA-CHUKOTKA POLAR BEARS

''SEC. 501. DEFINITIONS.

''In this title:

''(1) AGREEMENT.—The term 'Agreement' means the Agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population, signed at Washington, D.C., on October 16, 2000.

''(2) ALASKA NANUUQ COMMISSION.—The term 'Alaska Nanuuq Commission' means the Alaska Native entity, in existence on the date of enactment of this Act, that represents all villages in the State of Alaska that engage in the annual subsistence taking of polar bears from the Alaska-Chukotka population and any successor entity.

''(3) IMPORT.—The term 'import' means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, without regard to whether the landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

''(4) NATIVE PEOPLE.—The term 'Native people' has the meaning given the term in the Agreement.

''(5) POLAR BEAR PART OR PRODUCT.—The term 'part or product of a polar bear' means any polar bear part or product, including the gall bile and gall bladder.

''(6) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(7) TAKING.—The term 'taking' means hunting, capturing, or killing a polar bear.

''(8) UNITED STATES-RUSSIA POLAR BEAR COMMISSION.—The term 'United States-Russia Polar Bear Commission' means the binational commission established under article 8 of the Agreement.

''(9) UNITED STATES SECTION.—The term 'United States Section' means the commissioners appointed by the President under section 505 of this title.

''SEC. 502. PROHIBITIONS.

''(a) IN GENERAL.—It is unlawful for any person—

''(1) to take any polar bear in violation of the Agreement;

''(2) to take any polar bear in violation of any annual taking limit or other restriction on the taking of polar bears that is adopted by the United States-Russia Polar Bear Commission pursuant to the Agreement;

''(3) to import, export, possess, transport, sell, receive, acquire, purchase, exchange, barter, or offer to sell, exchange, or barter any polar bear, or any part or product of a polar bear, that is taken in violation of the Agreement or any limit or restriction on taking that is adopted by the United States-Russia Polar Bear Commission;

''(4) to import, export, possess, transport, sell, receive, acquire, purchase, exchange, or barter, offer to sell, exchange, or barter, polar bear gall bile or a polar bear gall bladder;

''(5) to attempt to commit, solicit another person to commit, or cause to be committed, any offense under this subsection; or

''(6) to violate any regulation promulgated by the Secretary to implement any of the prohibitions established in this subsection.

''(b) EXCEPTIONS.—For the purpose of forensic testing or any other law enforcement purpose, a government official may import a polar bear or any part or product of a polar bear.

''SEC. 503. ADMINISTRATION AND ENFORCEMENT.

''(a) IN GENERAL.—The Secretary, acting through the United States Fish and Wildlife Service, shall do all things necessary and appropriate, including the promulgation of regulations, to implement, enforce, and administer the provisions of the Agreement on behalf of the United States. The Secretary shall consult with the Secretary of State, the Marine Mammal Commission, and the Alaska Nanuuq Commission on matters involving the implementation of the Agreement. The Secretary may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency, any State agency, or the Alaska Nanuuq Commission for purposes of carrying out this title or the Agreement. Any person authorized by the Secretary under this subsection to enforce this title or the Agreement shall have the powers and authorities that are enumerated in section 6(b) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(b)).

''(b) FORFEITURE.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—A polar bear, or any part or product of a polar bear, that is (or attempted to be) imported, exported, taken, possessed, transported, sold, received, acquired, purchased, exchanged, or bartered or offered for sale, exchange, or barter, or purchase, in violation of this title, shall be subject to seizure and forfeiture to the United States without any showing that may be required for assessment of a civil penalty or for criminal prosecution.

''(B) EQUIPMENT.—Each gun, trap, net, or other equipment used, and any vessel, vehicle, aircraft, or other means of transportation used, to aid in the violation or attempted violation of this title shall be subject to forfeiture to the United States upon conviction of a criminal violation in accordance with subsection (e).

''(2) INSPECTION.—

''(A) IN GENERAL.—Any person authorized by the Secretary, the Secretary of the Treasury, the Secretary of Homeland Security, or the Secretary of Commerce to enforce this title may—

''(i) detain and inspect any container, including the contents of the container, and all accompanying documents, upon importation or exportation of the container;

''(ii) search and, if the container is found to contain a polar bear or part or product of

a polar bear, seize the package, crate, or container, and any documentation associated with it, with or without a warrant.

''(B) TREATMENT OF SEIZED MATERIALS.—

''(i) IN GENERAL.—Except as provided in clause (ii), any polar bear, or any part or product of a polar bear, seized under this section shall be held by any person authorized by the Secretary, the Secretary of the Treasury, the Secretary of Homeland Security, or the Secretary of Commerce pending disposition of civil or criminal proceedings, or the institution of an action in rem for forfeiture of the polar bear, part, or product, in accordance with this subsection.

''(ii) BOND.—Subject to clause (iii), in lieu of holding a polar bear or any part or product of a polar bear described in clause (i), the Secretary may permit the owner to post a bond or other surety satisfactory to the Secretary.

''(iii) DISPOSAL.—Upon forfeiture of any property to the United States under this subsection, or the abandonment or waiver of any claim to any such property, the property shall be disposed of by the Secretary in such a manner, consistent with the purposes of this title, as the Secretary shall by regulation prescribe.

''(3) APPLICABLE LAW.—

''(A) IN GENERAL.—Subject to subparagraph (B), the following provisions of law described in subparagraph (B) shall apply to all seizures and forfeitures carried out under this title:

''(i) All provisions of law relating to the seizure, forfeiture, and condemnation of property for violation of the customs laws.

''(ii) All provisions of law relating to the disposition of seized or forfeited property or the proceeds from the sale of that property.

''(iii) All provisions of law relating to the remission or mitigation of that forfeiture.

''(iv) Section 981 of title 18, United States Code.

''(B) EXCEPTION.—All powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of Treasury shall, for the purpose of this title, be exercised or performed by—

''(i) the Secretary or the Secretary's designee; or

''(ii) such persons as the Secretary may designate.

''(c) CIVIL PENALTIES.—

''(1) PENALTIES.—

''(A) IN GENERAL.—Any person who knowingly engages in conduct prohibited by section 502, or who in the exercise of due care should know that the person is engaging in conduct prohibited by section 502, may be assessed a civil penalty by the Secretary of not more than $50,000 for each violation.

''(B) NOTICE AND OPPORTUNITY FOR HEARING.—No penalty may be assessed against a person under this paragraph unless the person is given notice and opportunity for a hearing with respect to the violation for which the penalty is assessed.

''(C) SEPARATE OFFENSES.—Each violation shall be a separate offense.

''(D) REMISSION AND MITIGATION.—A civil penalty assessed under this paragraph may be remitted or mitigated by the Secretary.

''(E) CIVIL ACTION.—Upon any failure by a person to pay a civil penalty assessed under this paragraph—

''(i) the Secretary may request the Attorney General to bring a civil action in the United States district court for any district in which the person is found, resides, or transacts business to collect the penalty; and

''(ii) the court shall have jurisdiction to hear and decide any such action.

''(F) STANDARD.—A court shall hear and sustain a civil action by the Secretary under subparagraph (E) if the civil action is supported by substantial evidence on the record considered as a whole.

''(2) PROCEDURE.—

''(A) IN GENERAL.—A hearing held during proceedings for the assessment of a civil penalty under paragraph (1) shall be conducted in accordance with section 554 of title 5, United States Code.

''(B) SUBPOENAS.—The Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths.

''(C) REIMBURSEMENT OF WITNESSES.—A witness summoned to appear in a proceeding under this paragraph shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

''(D) CONTUMACY.—In case of contumacy or refusal to obey a subpoena served upon any person under this paragraph—

''(i) the United States district court for any district in which the person is found, resides, or transacts business, upon application by the United States and after notice to the person, shall have jurisdiction to issue an order requiring the person to appear and give testimony before the Secretary, to appear and produce documents before the Secretary, or both; and

''(ii) any failure to obey such an order of the court may be punished by the court as a contempt of the court.

''(d) CRIMINAL PENALTIES.—A person who knowingly violates section 502 shall be fined not more than $100,000 for each such violation, imprisoned not more than 1 year, or both.

''(e) DISTRICT COURT JURISDICTION.—

''(1) IN GENERAL.—The United States district courts, including the courts specified in section 460 of title 28, United States Code, shall have jurisdiction over any action arising under this title.

''(2) ALASKAN CASES.—Notwithstanding paragraph (1), the United States District Court for the district of Alaska shall have exclusive original jurisdiction of any action arising under this title for any violation committed, or alleged to have been committed, in Alaska.

''(f) OTHER ENFORCEMENT.—The importation or exportation of a polar bear, or any part or product of a polar bear, that is taken, possessed, transported, sold, received, acquired, purchased, exchanged, or bartered or offered for sale, exchange, or barter, or purchase, in violation of the Agreement or any limitation or restriction of the United States-Russia Polar Bear Commission shall be considered to be transportation of wildlife for the purpose of section 3(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3372(a)).

''(g) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary to carry out this title and the Agreement.

''(2) ORDINANCES AND REGULATIONS.—If necessary to carry out this title and the Agreement, and to improve compliance with the annual taking limit or other restriction on taking adopted by the United States-Russia Polar Bear Commission and implemented by the Secretary in accordance with this title, the Secretary may promulgate regulations that adopt any ordinance or regulation that restricts the taking of polar bears for subsistence purposes if the ordinance or regulation has been promulgated by the Alaska Nanuuq Commission.

''(h) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).

''(i) SEVERABILITY.—If any provision of this title is, for any reason, found to be invalid by a court of competent jurisdiction, the judgment of the court—

''(1) shall not affect, impair, or invalidate the remaining provisions of this title; and

''(2) shall instead be confined in its operation to provision of the Act directly involved in the controversy in which the judgment is rendered.

''SEC. 504. DESIGNATION AND APPOINTMENT OF MEMBERS OF THE UNITED STATES SECTION OF THE COMMISSION; COMPENSATION, TRAVEL EXPENSES, AND CLAIMS.

''(a) DESIGNATION AND APPOINTMENT.—

''(1) IN GENERAL.—The United States shall be represented on the United States-Russia Polar Bear Commission by 2 United States commissioners.

''(2) APPOINTMENT.—The United States commissioners shall be appointed by the President, after taking into consideration the recommendations of—

''(A) the Secretary;

''(B) the Secretary of State;

''(C) the Speaker of the House of Representatives and the President pro tempore of the Senate; and

''(D) the Alaska Nanuuq Commission.

''(3) QUALIFICATIONS.—With respect to the United States commissioners appointed under this subsection, in accordance with paragraph 2 of article 8 of the Agreement—

''(A) 1 United States commissioner shall be an official of the Federal Government;

''(B) 1 United States commissioner shall be a representative of the Native people of Alaska, and, in particular, the Native people for whom polar bears are an integral part of their culture; and

''(C) both commissioners shall be knowledgeable of, or have expertise in, polar bears.

''(4) SERVICE AND TERM.—Each United States commissioner shall serve—

''(A) at the pleasure of the President; and

''(B) for an initial 4-year term and such additional terms as the President shall determine.

''(5) VACANCIES.—

''(A) IN GENERAL.—Any individual appointed to fill a vacancy occurring before the expiration of any term of office of a United States commissioner shall be appointed for the remainder of that term.

''(B) MANNER.—Any vacancy on the United States-Russia Polar Bear Commission shall be filled in the same manner as the original appointment.

''(b) ALTERNATE COMMISSIONERS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State, the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Alaska Nanuuq Commission, shall designate an alternate commissioner for each member of the United States Section.

''(2) DUTIES.—In the absence of a commissioner, an alternate commissioner may exercise all functions of the commissioner at any meetings of the United States-Russia Polar Bear Commission or of the United States Section.

''(3) REAPPOINTMENT.—An alternate commissioner—

''(A) shall be eligible for reappointment by the President; and

''(B) may attend all meetings of the United States Section.

''(c) DUTIES.—The members of the United States Section may carry out the functions and responsibilities described in article 8 of the Agreement in accordance with this title and the Agreement.

''(d) COMPENSATION AND EXPENSES.—

''(1) COMPENSATION.—A member of the United States Section shall serve without compensation.

''(2) TRAVEL EXPENSES.—A member of the United States Section shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee

of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the United States-Russia Polar Bear Commission.

''(e) AGENCY DESIGNATION.—The United States Section shall, for the purpose of title 28, United States Code, relating to claims against the United States and tort claims procedure, be considered to be a Federal agency.

''SEC. 505. VOTES TAKEN BY THE UNITED STATES SECTION ON MATTERS BEFORE THE COMMISSION.

In accordance with paragraph 3 of article 8 of the Agreement, the United States Section shall vote on any issue before the United States-Russia Polar Bear Commission only if there is no disagreement between the 2 United States commissioners regarding the vote.

''SEC. 506. IMPLEMENTATION OF ACTIONS TAKEN BY THE COMMISSION.

''(a) IN GENERAL.—The Secretary shall take all necessary and appropriate actions to implement the decisions and determinations of the United States-Russia Polar Bear Commission under paragraph 7 of article 8 of the Agreement.

''(b) TAKING LIMITATION.—Not later than 60 days after the date on which the Secretary receives notice of the determination of the United States-Russia Polar Bear Commission of an annual taking limit, or of the adoption by the United States-Russia Polar Bear Commission of other restriction on the taking of polar bears for subsistence purposes, the Secretary shall publish a notice in the Federal Register announcing the determination or restriction.

''SEC. 507. COOPERATIVE MANAGEMENT AGREEMENT; AUTHORITY TO DELEGATE ENFORCEMENT AUTHORITY.

''(a) IN GENERAL.—The Secretary, acting through the United States Fish and Wildlife Service, may share authority under this title for the management of the taking of polar bears for subsistence purposes with the Alaska Nanuuq Commission.

''(b) DELEGATION.—To be eligible for the cooperative management authority described in subsection (a), the Alaska Nanuuq Commission—

''(1) shall have an active cooperative agreement with the Secretary under section 119 of this title for the conservation of polar bears;

''(2) shall meaningfully monitor compliance with this title and the Agreement by Alaska Natives; and

''(3) shall administer its co-management program for polar bears in accordance with—

''(A) this title;

''(B) the Agreement; and

''(C) the Agreement on the Conservation of Polar Bears, done at Oslo, November 15, 1973 (27 UST 3918; TIAS 8409).

''SEC. 508. APPLICATION WITH OTHER TITLES OF ACT.

''(a) IN GENERAL.—The authority of the Secretary under this title is in addition to, and shall not affect the authority of the Secretary under, the other titles of this Act or the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) or the exemption for Alaskan natives under section 101(b) of this Act.

''(b) CERTAIN PROVISIONS INAPPLICABLE.—The provisions of titles I through IV of this Act do not apply with respect to the implementation, enforcement, or administration of this title.''.

''SEC. 509. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out the functions and responsibilities of the Secretary under this title and the Agreement $1,000,000 for each of fiscal years 2006 through 2010.

''(b) COMMISSION.—There are authorized to be appropriated to the Secretary to carry out functions and responsibilities of the United States Section $150,000 for each of fiscal years 2006 through 2010.

''(c) ALASKAN COOPERATIVE MANAGEMENT PROGRAM.—There are authorized to be appropriated to the Secretary to carry out this title and the Agreement in Alaska $150,000 for each of fiscal years 2006 through 2010.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end the following:

TITLE V—ALASKA-CHUKOTKA POLAR BEARS

''Sec. 501. Definitions.
''Sec. 502. Prohibitions.
''Sec. 503. Administration and enforcement.
''Sec. 504. Designation and appointment of members of the United States Section of the Commission; compensation, travel expenses, and claims.
''Sec. 505. Votes taken by the United States Section on matters before the Commission.
''Sec. 506. Implementation of actions taken by the Commission.
''Sec. 507. Cooperative management agreement; authority to delegate enforcement authority.
''Sec. 508. Application with other titles of Act.
''Sec. 509. Authorization of appropriations.''.

PURCHASE CARD WASTE ELIMINATION ACT OF 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 438, S. 457.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 457) to require the director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide commercial purchase cards, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 457

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 ''Purchase Card Waste Elimination Act of 2006''.

SEC. 2. REQUIREMENT FOR GUIDANCE.

(a) OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue guidelines to assist the heads of executive agencies in improving the management of the use of the Governmentwide commercial purchase card for making micropurchases. The Director shall include guidelines on the following matters:

(1) Analysis of purchase card expenditures to identify opportunities for achieving savings through micropurchases made in economical volumes.

(2) Negotiation of discount agreements with major vendors accepting the purchase card.

(3) Establishment of communication programs to ensure that purchase card holders receive information pertaining to the availability of discounts, including programs for the training of purchase card holders on the availability of discounts.

(4) Assessment of cardholder purchasing practices, *including use of discount agreements.*

(5) Collection and dissemination of best practices and successful strategies for achieving savings in micropurchases.

(b) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall **[**direct the purchase card program manager of the General Services Administration**]**—

(1) **[**to continue**]** *continue* efforts to improve reporting by financial institutions that issue the Governmentwide commercial purchase card so that the General Services Administration has the data needed to identify opportunities for achieving savings; and

(2) **[**to ensure that the acquisition center contracting officers of the General Services Administration**]** actively pursue point-of-sale discounts with major vendors accepting the purchase card so that any Federal Government purchaser using the purchase card can benefit from such point-of-sale discounts.

(c) AGENCY REPORTING REQUIREMENT.—**[**The purchase card program manager**]** *The senior procurement executive* for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director periodic reports on the actions taken in such executive agency pursuant to the guidelines issued under subsection (a).

(d) CONGRESSIONAL OVERSIGHT.—Not later than December 31 of the year following the year in which this Act is enacted, and December 31 of each of the ensuing three years, the Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report summarizing the progress made during the fiscal year ending in the year in which such report is due—

(1) in improving the management of the use of the Governmentwide commercial purchase card for making micropurchases; and

(2) in achieving savings in micropurchases made with such card, expressed in terms of **[**savings achieved by each executive agency**]** *average savings achieved by each executive agency in the use of discount agreements identified in subsection (a)* and the total savings achieved Governmentwide.

(e) DEFINITIONS.—In this section:

(1) The term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term ''micropurchase'' means a purchase in an amount not in excess of the micropurchase threshold, as defined in section 32 of such Act (41 U.S.C. 428).

SEC. 3. PAYMENTS TO FEDERAL CONTRACTORS WITH FEDERAL TAX DEBT.

The General Services Administration, in conjunction with the Internal Revenue Service and the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contractors to the Federal Payment Levy program.

SEC. 4. REPORTING OF AIR TRAVEL BY FEDERAL GOVERNMENT EMPLOYEES.

(a) ANNUAL REPORTS REQUIRED.—The Administrator of the General Services shall submit annually to the Committee on Homeland Security

and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report on all first class and business class travel by employees of each executive agency undertaken at the expense of the Federal Government.

(b) CONTENT.—The reports submitted pursuant to subsection (a) shall include, at a minimum, with respect to each travel by first class or business class—

(1) the names of each traveler;

(2) the date of travel;

(3) the points of origination and destination;

(4) the cost of the first class or business class travel; and

(5) the cost difference between such travel and travel by coach class.

(c) EXECUTIVE AGENCY DEFINED.—In this section, the term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

Mr. MCCONNELL. I ask unanimous consent that the committee-reported amendments be agreed to, the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 4191) was agreed to, as follows:

(Purpose: To require the Director of the Office of Management and Budget to issue guidelines identifying opportunities for achieving and accurately measuring fair participation of small business concerns in micro-purchases)

On page 3, between lines 3 and 4, insert the following:

(6) Analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in micro-purchases consistent with the national policy on small business participation in Federal procurements set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

The bill (S. 457), as amended, was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 457

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 ''Purchase Card Waste Elimination Act of 2006''.

SEC. 2. REQUIREMENT FOR GUIDANCE.

(a) OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue guidelines to assist the heads of executive agencies in improving the management of the use of the Governmentwide commercial purchase card for making micropurchases. The Director shall include guidelines on the following matters:

(1) Analysis of purchase card expenditures to identify opportunities for achieving savings through micropurchases made in economical volumes.

(2) Negotiation of discount agreements with major vendors accepting the purchase card.

(3) Establishment of communication programs to ensure that purchase card holders receive information pertaining to the availability of discounts, including programs for the training of purchase card holders on the availability of discounts.

(4) Assessment of cardholder purchasing practices, including use of discount agreements.

(5) Collection and dissemination of best practices and successful strategies for achieving savings in micropurchases.

(6) Analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in micro-purchases consistent with the national policy on small business participation in Federal procurements set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

(b) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall—

(1) continue efforts to improve reporting by financial institutions that issue the Governmentwide commercial purchase card so that the General Services Administration has the data needed to identify opportunities for achieving savings; and

(2) actively pursue point-of-sale discounts with major vendors accepting the purchase card so that any Federal Government purchaser using the purchase card can benefit from such point-of-sale discounts.

(c) AGENCY REPORTING REQUIREMENT.—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director periodic reports on the actions taken in such executive agency pursuant to the guidelines issued under subsection (a).

(d) CONGRESSIONAL OVERSIGHT.—Not later than December 31 of the year following the year in which this Act is enacted, and December 31 of each of the ensuing three years, the Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report summarizing the progress made during the fiscal year ending in the year in which such report is due—

(1) in improving the management of the use of the Governmentwide commercial purchase card for making micropurchases; and

(2) in achieving savings in micropurchases made with such card, expressed in terms of average savings achieved by each executive agency in the use of discount agreements identified in subsection (a) and the total savings achieved Governmentwide.

(e) DEFINITIONS.—In this section:

(1) The term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term ''micropurchase'' means a purchase in an amount not in excess of the micropurchase threshold, as defined in section 32 of such Act (41 U.S.C. 428).

SEC. 3. PAYMENTS TO FEDERAL CONTRACTORS WITH FEDERAL TAX DEBT.

The General Services Administration, in conjunction with the Internal Revenue Service and the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contractors to the Federal Payment Levy program.

SEC. 4. REPORTING OF AIR TRAVEL BY FEDERAL GOVERNMENT EMPLOYEES.

(a) ANNUAL REPORTS REQUIRED.—The Administrator of the General Services shall submit annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report on all first class and business class travel by employees of each executive agency undertaken at the expense of the Federal Government.

(b) CONTENT.—The reports submitted pursuant to subsection (a) shall include, at a minimum, with respect to each travel by first class or business class—

(1) the names of each traveler;

(2) the date of travel;

(3) the points of origination and destination;

(4) the cost of the first class or business class travel; and

(5) the cost difference between such travel and travel by coach class.

(c) EXECUTIVE AGENCY DEFINED.—In this section, the term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

APPOINTMENT OF COMMITTEE TO ESCORT HER EXCELLENCY, DR. VAIRA VIKE-FREIBERGA, PRESIDENT OF THE REPUBLIC OF LATVIA

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort Her Excellency Dr. Vaira Vike-Freiberga, President of the Republic of Latvia, to the House Chamber for a joint meeting on Wednesday, June 7, 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JUNE 7, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Wednesday, June 7; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of the motion to proceed to S.J. Res. 1 and the time until 9:40 be equally divided between the two leaders or their designees; provided further that the time from 9:40 to 9:50 be allocated to the Democratic leader or his designee, and the final 10 minutes be allocated to the majority leader or his designee; further, that the vote on the motion to invoke cloture on the motion to proceed occur at 10 o'clock in the morning. I further ask that following the vote, the Senate stand in recess until 12 noon to accommodate the joint meeting I was referring to earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I further ask consent that the time from noon until 3 o'clock be allocated for debate on the motion to proceed to H.R. 8, the death

tax relief bill, with the time divided as follows: 12 to 12:30, majority control; 12:30 to 1, minority control; alternating between the two sides every 30 minutes until 3 o'clock. I further ask consent that the time from 3 until 6 tomorrow afternoon be allocated for debate on the motion to proceed to S. 147, the Native Hawaiians bill, with the time divided as follows: 3 to 3:30, majority control; 3:30 to 4, minority control; alternating between the two sides every 30 minutes until 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, tomorrow morning at 10:00, we will have a cloture vote on the motion to proceed to the Marriage Protection Amendment. We have had a good debate during the last few days on that matter. It is my hope that cloture will be invoked in order to address this important issue.

As a reminder to Members, as I indicated, we have a joint meeting in the House at 11 o'clock to hear an address by the President of the Republic of Latvia. We will gather at 10:40 in the Chamber and proceed as a body to the House. After that is completed, we will debate the motions to proceed to the death tax relief bill and the Native Hawaiian bill.

Moments ago, I filed cloture on both those motions, the death tax and Native Hawaiians. Those votes will be occurring sometime on Thursday.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:06 p.m., adjourned until Wednesday, June 7, 2006, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 6, 2006:

DEPARTMENT OF STATE

CESAR BENITO CABRERA, OF PUERTO RICO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

FEDERAL LABOR RELATIONS AUTHORITY

WAYNE CARTWRIGHT BEYER, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 2010, VICE OTHONIEL ARMENDARIZ.

DEPARTMENT OF DEFENSE

COLLEEN CONWAY-WELCH, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 2011, VICE L. D. BRITT, TERM EXPIRED.

C. THOMAS YARINGTON, JR., OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 2011, VICE IKRAM U. KHAN, TERM EXPIRED.

THE JUDICIARY

MARCIA MORALES HOWARD, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE HARVEY E. SCHLESINGER, RETIRED.

LESLIE SOUTHWICK, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, VICE WILLIAM H. BARBOUR, JR., RETIRED.

NATIONAL TRANSPORTATION SAFETY BOARD

ROBERT L. SUMWALT III, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2006, VICE RICHARD F. HEALING, RESIGNED.

ROBERT L. SUMWALT III, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2011. (REAPPOINTMENT)

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES N. MATTIS, 0000

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, June 6, 2006:

THE JUDICIARY

RENEE MARIE BUMB, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

EXTENSIONS OF REMARKS

HONORING JOSEPH DiMENNA ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the community of Stratford, Connecticut as they pay tribute to an outstanding member of their community, Joseph DiMenna. After 51 years of dedicated service, Joe DiMenna will retire from his distinguished career in education.

I have often spoken of our Nation's need for talented, creative educators ready to help our children learn and grow. Joe DiMenna has been just that kind of teacher and administrator. After receiving a Bachelor's Degree in education from Western Connecticut State University, Mr. DiMenna began his teaching career at the Eli Whitney School where he taught fourth grade. During his time as a teacher, he taught at a variety of levels as well as teaching Americanization and summer school in Bridgeport. Upon being awarded a National Science Fellowship in Geology and Astronomy, he spent a summer in class and field study at the Delaware Water Gap. Through his unique dedication to education, both for his students and himself, Joe DiMenna exemplified all that we look for in a teacher.

After further pursuing his studies at the University of Connecticut and Southern Connecticut State University, Mr. DiMenna received his masters and sixth year degrees from Fairfield University. He would first serve as principal of the old Honeyspot School in Stratford where he oversaw the construction of the new Honeyspot School. On moving day, he joined with his students as they carried their desks from the old building to the new. Upon leaving Honeyspot, he would go on to serve as principal at Eli Whitney School, Chapel Street School, and Second Hill Lane School. Over the course of his 51-year career, Joe DiMenna has served with both integrity and distinction, earning him the respect of faculty, administrators, and Board of Education members. His dedication, commitment, and energy has touched the lives of thousands of our young people, helping to shape not only the foundation of their education but their character as well. We, as a community, owe Joe DiMenna a great debt of gratitude for all of his good work.

I am proud to stand today to join his wife of 47 years, Frances, their two sons, three grandchildren, family, friends, colleagues and community members in extending my very best wishes to Joseph DiMenna as he celebrates his retirement. I understand that Joe and Frances plan to travel more extensively, opening new opportunities for learning and teaching. My very best wishes to them for many more years of health and happiness.

RECOGNIZING AWARD-WINNING SUSTAINABLE HOUSING AT STANFORD UNIVERSITY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. FARR. Mr. Speaker, I rise today to honor Jennifer Tobias and Stanford University's Green Dorm team for winning the Environmental Protection Agency's 2006 P3 award.

Tobias and her colleagues designed a sustainable facility for research, housing, and community space. The building forges together practical functionality while eliminating carbon emissions, closing the water cycle, and optimizing material resources.

This national competition, sponsored by EPA's Office of Research and Development, enables college students to research, develop and design scientific, technical, and policy solutions to sustainability challenges. Sustainable solutions are environmentally friendly, efficiently use natural resources and are economically competitive. The P3 award includes funding up to $75,000 that gives the students an opportunity to further develop their designs and move them to the marketplace.

I commend Jennifer and her colleagues for their innovative project design, and I hope they continue their important research and development on sustainable solutions to human endeavors. Jennifer and her colleagues are role-models who demonstrate that environmental and economical interests can be brought together in tomorrow's designs.

CELEBRATING THE 140TH ANNIVERSARY OF THE SANTA BARBARA SCHOOL DISTRICTS

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mrs. CAPPS. Mr. Speaker, today I rise to honor the Santa Barbara School Districts as we celebrate the 140th anniversary of their founding on June 6, 1866.

Santa Barbara's educational tradition is one of the oldest in the state. This tradition is rooted in the 18th century Spanish era where historical records indicate that in 1795 Santa Barbara had the second school in Alta, California (San Jose had the first, which was opened one year earlier). Santa Barbara's first school was located at the Presidio where the teacher was paid $125 per year, with each soldier of the Presidio paying a tribute of one dollar toward the teacher's salary.

When the Santa Barbara School District was formed in 1866, County Superintendent Alpheus B. Thompson reported that there were three school districts in Santa Barbara County: San Buenaventura, Montecito and Santa Barbara. By 1866, the schools had moved from county control to control by the electorate of the city.

The three school districts had two schools each and together there were a total of six teachers. By 1867, the three districts served 340 students, with 243 of them in the Santa Barbara district. The average salary in the county was $70 per month for male teachers and $62 per month for female teachers and the length of the school year varied from 3 to 5 months.

In 1870 a new school house was built on Cota Street and the first playground was established in the city. The playground was turned over to the school by the city council after the school trustees agreed to plant at least 20 shade trees and care for their growth. Voters decided, in April of 1870, to impose a tax to construct Lincoln School. In 1884, Eugene Fawcett sold a tract of land to the school district for the construction of Franklin School. The school district paid $1,000 for the property where Parma School is located.

As a former school nurse in the Santa Barbara school district, I am absolutely delighted to celebrate the 140 years of strong public education that the district has provided. I am proud of the district for its vision and dedication to quality over the years and I look forward to the continued success of the district and its many programs. Congratulations on 140 years well done!

TALL AFAR MAYOR AND TROOP BRAVERY

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise this evening to commend one of the bravest acts of personal courage that I have seen in many years.

In the face of deadly car bombings, suicide attacks and assassination attempts, there are some Iraqi leaders who are willing to tell the truth about the successes of our American troops in Iraq and to share the stories of their generosity and courage.

Earlier this month, one of my constituents named Roger Hattersley sent me a letter written by the mayor of Tall Afar, Iraq. Roger's son is an enlisted soldier serving in Iraq as part of the 3rd Armored Cavalry Regiment, and had sent his father a copy of this letter.

Having personally visited Tall Afar just this winter on a CODEL with the Government Reform Committee, I was very interested to read what the mayor had to say.

Mr. Speaker, I am going to read the letter here on the House floor so that all Americans can hear the bravery and courage of Mayor Najim Abdullah Abid Al-Jibouri and also the good works of our young men and women in uniform.

To the courageous men and women of the 3rd Armored Cavalry Regiment, who have

changed the city of Tall Afar from a ghost town, in which terrorists spread death and destruction, to a secure city flourishing with life.

To the lion-hearts who liberated our city from the grasp of terrorists who were beheading men, women and children in the streets for many months, to those who spread smiles on the faces of our children, and gave us restored hope, through their personal sacrifice and brave fighting, and gave new life to the city after hopelessness darkened our days, and stole our confidence in our ability to reestablish our city.

Our city was the main base of operations for Abu Mousab Al zarqa wi. The city was completely held hostage in the hands of his henchmen. Our schools, governmental services, businesses and offices were closed. Our streets were silent, and no one dared to walk them. Our people were barricaded in their homes out of fear; death awaited them around every corner, terrorists occupied and controlled the only hospital in the city. Their savagery reached such a level that they stuffed the corpses of children with explosives and tossed them into the streets in order to kill grieving parents attempting to retrieve the bodies of their young. This was the situation of our city until God prepared and delivered unto them the courageous soldiers of the 3rd Armored Cavalry Regiment, who liberated this city, ridding it of Zarqawi's followers after harsh fighting, killing many terrorists, and forcing the remaining butchers to flee the city like rats to the surrounding areas, where the bravery of other 3rd ACR soldiers in Sinjar, Rabiaft, Zumar and Avgani finally destroyed them.

I have met many soldiers of the 3rd Armored Cavalry Regiment; they are not only courageous men and women, but avenging angels sent by the God himself to fight the evil of terrorism.

The leaders of this regiment; COL McMaster, COL Armstrong, LTC Hickey, LTC Gibson, and LTC Reilly embody courage, strength, vision and wisdom. Officers and soldiers alike bristle with the confidence and character of knights in a bygone era. The mission they have accomplished, by means of a unique military operation, stands among the finest military feats to date in Operation Iraqi Freedom, and truly deserves to be studied in military science. This military operation was clean, with little collateral damage, despite the ferocity of the enemy. With the skill and precision of surgeons they dealt with the terrorist cancers in the city without causing unnecessary damage!

God bless this brave regiment; God bless the families who dedicated these brave men and women. From the bottom of our hearts we thank the families. They have given us something we will never forget. To the families of those who have given their holy blood for our land, we all bow to you in reverence and to the souls of your loved ones. Their sacrifice was not in vain. They are not dead, but alive, and their souls hovering around us every second of every minute. They will never be forgotten for giving their precious lives. They have sacrificed that which is most valuable. We see them in the smile of every child, and in every flower growing in this land. Let America, their families, and the world be proud of their sacrifice for humanity and life.

Finally, no matter how much I write or speak about this brave regiment, I haven't the words to describe the courage of its officers and soldiers, I pray to God to grant happiness and health to these legendary heroes and their brave families.

Mr. Speaker, as you have just heard, the mayor of Tall Afar exhibited personal courage in daring to speak out in support of American troops.

I recently read in the papers of a horrific homicide bomber who attacked a police recruitment station in Tall Afar.

The terrorist killed more than 20 Iraqis, and there is no doubt in my mind that this attack was motivated in part by the outspoken support for the American 3rd Armored Cavalry regiment by the mayor.

My constituent Roger Hattersley and I spoke about his son and his service in Iraq. he told me that like so many of the young men and women serving there, his son is totally committed to the cause of freedom and liberty in this far away land.

It is heartwarming for me to read the words of mayor Al-Jibouri. It is clear that he is willing to put his life on the line to recognize the commitment and bravery of our men and women in uniform.

While you will probably never hear about the courage of mayor Al-Jibouri on the evening news or in your local newspaper, I wanted to take this opportunity tonight to make sure that the mayor received recognition for his outspokenness and honesty.

Mr. Speaker, once again I would like to say how much I support the mission and work of our troops, especially the 3rd Armored Cavalry regiment.

CONGRATULATING JAMES A. MAGEE WHO WAS CHOSEN TO BE GUEST OF HONOR AT A TESTIMONIAL DINNER

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my distinguished colleagues in the House of Representatives to pay tribute to James A. Magee, of Bloomsburg, Pennsylvania, who was honored recently by the Bloomsburg Chapter of the American Red Cross at a testimonial dinner.

Born in Bloomsburg on August 20, 1928, to Harry L. and Alice Hartman Magee, he attended Bloomsburg public schools and went on to higher education at Gettysburg College and the Philadelphia College of Textiles and Science.

Mr. Magee served our Nation on active duty in the United States Army from 1952 to 1954 and in the Army Reserves from 1954 to 1956.

He married Audrey Rehm and had three children, Drue A. Magee and James R. Magee, both of Bloomsburg and Elizabeth Hausske, of Phoenix, Arizona. Mr. Magee also has a sister, Joanne Katerman, of Bloomsburg.

Mr. Magee started working in the family carpet business in 1950. He was elected president of the Magee Carpet Company in 1969. In 1967, Magee Industrial Enterprises, Inc. was created and, in 1976, was merged with and became the parent company of Magee Carpet Company. Mr. Magee continued as president of the parent corporation until his retirement in 1993.

Mr. Magee was involved in numerous service and community organizations. He was a director of the First Columbia Bank and Trust Company; Bloomsburg Area Industrial Development Association; Bloomsburg Water Company; Pennsylvania Chamber of Business and Industry, Ben Franklin Partnership and the Carpet and Rug Institute.

He served as a member of the executive committee of the Columbia-Montour Council of the Boy Scouts of America; was a trustee of Wesley United Methodist Church and was vice president of the Bloomsburg Chamber of Commerce.

Mr. Magee also served as president of the Magee Christian Education Foundation, Bloomsburg Rotary Club and the Bloomsburg Hospital.

One of Bloomsburg's first "Men of the Year," Mr. Magee was awarded the Boy Scouts of America Silver Beaver Award in 1987 and the Bloomsburg University Medallion Award in 1989.

Mr. Speaker, please join me in congratulating James A. Magee on this auspicious occasion. His business acumen and devotion to community service has provided the greater Bloomsburg region with exceptional leadership for more than 40 years. Without a doubt, Mr. Magee has greatly improved the quality of life for thousands of people during his very fruitful career.

HONORING JUANA SEQUEIRA SOLIS ON HER 80TH BIRTHDAY

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Ms. SOLIS. Mr. Speaker, it is with great pride that I rise tonight to honor my mother, Juana Sequeira Solis, who celebrated her 80th birthday yesterday.

My mom was born in Jinotega, Nicaragua, on June 5, 1928, to Ramon Sequeira Arauz and Lucia Diaz Möeller. As a young child, she faced many obstacles due to the death of her father Ramon. At the age of 17, she immigrated to the United States and resided for a time in New Orleans, LA. After a few years, she moved to Los Angeles, CA, where she met her husband Raul Sanchez Solis. They married in 1953, and had 7 children, which led to 10 grandchildren, and 7 great-grandchildren. While raising her children in La Puente, CA, she took classes to improve her English and culinary skills. In addition, she was active in the PTA at the schools attended by her children.

When the youngest of her children turned 5, my mom began work at Mattel Inc. After 22 years of service, Juana retired from her job as an assembler. Although she had a double shift, working full-time and raising a large family along with her husband, she never regretted the sacrifices she made to maintain family cohesion, which has been a major driving force in her life.

Throughout her life, my mom made every effort to instill strong values in her children, including a strong work ethic and the ability to overcome adversity. Her life demonstrates that people can rise above unfortunate circumstances and humble beginnings. She has proven this by her charity work with the elderly residents of her neighborhood and others in need. The abundance of compassion and love that she has to offer to others has been unrestricted throughout her life and she has modeled qualities that have been inculcated in everyone she comes in contact with.

Mr. Speaker, on behalf of my six siblings and our extended family, I rise today to send happy birthday wishes to our beloved mom, Juana Sequeira Solis. Feliz cumpleanos.

IN MEMORY OF ELINOR MUSICK ANDERSON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. BURGESS. Mr. Speaker, I rise today to give tribute to Elinor Musick Anderson, from the 26th Congressional District of Texas, for her lifelong contributions to her community and to her fellow citizens.

Mrs. Anderson was born in Galveston, TX. She graduated from Ball High School in Galveston and attended Rice University. As the wife of a career officer, she traveled extensively both within the United States and abroad. One of her proudest achievements was when she gained her pilot's license.

When she decided to pursue her longtime goal to be a writer, Elinor Musick Anderson attended Tarrant County Junior College majoring in journalism and served as the editor of the college magazine ''The Reflector.'' After graduation she joined the staff of ''New Woman'' magazine and served with that publication the entire time it was published in Fort Worth. She was also the founding editor of ''Fort Worth Woman'' and edited ''Colonial Columns'' for a number of years.

Mrs. Anderson also founded and served as the writer-editor for her own company, ''Monarch Media,'' and was the first editor of the Woodhaven Association monthly newsletter and yearly edited the directions for that association and the Woodhaven Woman's Club.

Mrs. Anderson was an active member of the Women's Club of Fort Worth and served in numerous leadership roles with the Historical Preservation Trust Committee, the Roundtable, Sydnor Bridge Study Club and the Tuesday Sun Parlor Contract Bridge Club.

Elinor Musick Anderson passed late Saturday, May 27, 2006 at a Fort Worth hospital from complications due to a pulmonary embolism. Her husband, daughter, son, granddaughters, a grandson and numerous other family members were with her when she passed.

I join in mourning the loss of Elinor and extend my deepest sympathies to her friends and family. She will be deeply missed and her service to her community will always be greatly appreciated.

MILL RUN ELEMENTARY DARE PROGRAM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. WOLF. Mr. Speaker, it is an honor for me today to recognize the recent DARE graduates from Mill Run Elementary School in Centreville, VA. DARE—Drug Abuse Resistance Education—has a long history of providing children with the information and skills they need to live drug-and-violence-free lives and I was pleased to recently visit the fifth graders at Mill Run as they completed this program.

I would like to recognize Mill Run Principal Paul Vickers and fifth grade teachers, Ms. Garofalo, Ms. Neely, Ms. Page, Ms. Sovereign, Ms. Williams, Ms. Wolff, and Mr. Wolslayer. Special acknowledgment also goes to DARE officer, Deputy Lynette Ridgley, who is specially trained to work with students, answer their questions, and establish a positive relationship between students, law enforcement, and the community. The DARE program, supported by dedicated school faculty, has helped to address the critical need to educate our youth on the consequences of involvement in drugs, gangs, and violence, and how to avoid risky behavior.

Several students at Mill Run Elementary received special awards for poster and essay submissions. Poster winners include Krista Sanders-Mason, Manik Dayal, William Kim, Ryan Orr, Rob Kramer, Renato Mazzei, Ellie Ferguson, and Brigitte Ganzer. Essay winners include Rachael Williams, Brandon Greer, Francesca Beller, T.J. Soroka, Nick Carroll, Emily Ready, and Colin Ceresa. I have inserted for the RECORD these students' essays because I feel it is important to hear from the students themselves about how much of an impact the DARE program has made.

One student, T.J. Soroka, says it plain and simple, ''The information taught in the DARE program has given me the knowledge to make good decisions in my life.''

(By T.J. Soroka)

When you go to school, you take many subjects, but this year I took one program unlike any other. That was DARE which stands for Drug Abuse Resistance Education. It's not taught by any ordinary teacher, in fact, DARE is taught by a Deputy Sheriff who works in Loudoun County. When we started DARE, I thought it would only be about smoking and drugs. But we also learned about inhalants, making good decisions, friendship qualities, being confident, and much more. But I gained the most knowledge in DARE while learning about tobacco and the qualities of a good friend.

Before you smoke a cigarette, think of all the bad things you're doing, such as putting 200 poisons in your body. Also, you aren't just hurting yourself, you're hurting the environment and the people around you. If you're under 18, it's against the law to smoke. I hope you don't smoke a cigarette, now knowing the affects of it.

Do you think your friends have good traits? Do they treat you like a friend? True friends have these qualities. They are loyal to you and you can trust them. Also, they have a bright personality so they can cheer you up. Last, if your friend asks you to smoke, you should have a second thought about them being your friend, after making a bad decision.

The information taught in the DARE program has given me knowledge to make good decisions. DARE also teaches you how to say no to drugs and other substances. Next, DARE has taught me affects of drugs and everything else. DARE has gave me the knowledge to make good decisions in my life.

(By Francesca Beller)

What exactly is D.A.R.E.? D.A.R.E. means Drug Abuse Resistance Education. It teaches kids to make smart decisions and teaches them about drugs and alcohol. Our teacher was Deputy Ridgley. She taught us several interesting facts about tobacco, marijuana, peer pressure, and other things that may or may not scare you.

Tobacco, the killer of over 400,000 peoples a year. It is illegal to anyone under the age of 18, but even though it is, children still do it! Tobacco affects your body development, so it really affects kids! There are also many diseases that tobacco can cause, such as heart disease, lung cancer, and mouth cancer. So, tobacco is very dangerous to people young and old with its 200 known poisons.

Inhalants, something that can cause sudden death is not what anyone wants. Inhalants have become a big problem now. Teens are using inhalants a lot. They use super glue, paint thinner, and other things. Inhalants can suffocate you and cause diarrhea. They also starve the body of oxygen and force the heart to beat irregularly. Some chronic users may have reduced muscle tone of strength. So if inhalants are so bad, why do it?

Advertisements, they trick people into buying bad products. Some tobacco commercials or advertisements may have you knocking on the wrong door. If tobacco turns your teeth yellow, then why do people in the ads have such white teeth? Beer ads do the same thing. They do not tell you the consequences most of the time. All they care about is you buying the product! Also, a tobacco company gave a ton of money to a charity, then spent more money then what they gave to charity telling people about it! Don't be fooled by advertisements, it may cut your life short.

I think D.A.R.E. has really made an impact on my life. Now I know everything I need to know about things from drugs to alcohol to peer pressure. I really think that everyone should take D.A.R.E, because it will probably lead most people down the right path for their lives. D.A.R.E. is very fun and is just a great program!

(By Brandon Greer)

''Click, click.'' The teenager was just handcuffed for smoking marijuana in a bathroom. I will never make this decision because of D.A.R.E. D.A.R.E is a program that teaches you about drugs, the D.A.R.E decision. making model, advertising, friendship qualities. peer pressure. personal pressure, ways to say no, and being confident. Our D.A.R.E teacher was Deputy Ridgley. She was truly kind and comical. She told our class interesting stories in relation to her experiences about drugs.

One main drug we talked about was tobacco. Tobacco is found in cigarettes and in chewing tobacco. Tobacco is responsible for more than 400,000 deaths in America each year. Tobacco shoots your body right in the foot because it causes some major health problems. One is you could suffer shortness of breath and dizziness. It also hurts the people around you, because approximately 3,000 nonsmokers die each year from lung cancer. If you want to be beautiful, don't smoke. The 200 known poisons in the cigarette's smoke can affect your appearance. One way smoking affects your appearance is it dries your skin out and causes wrinkles. Smoking also causes yellow teeth and gives you terrible breath. Yuck!

Another major issue we spoke about was being confident. You need to be confident when a friend asks you a question, such as ''Do you want to smoke?'' Do not speak in a weak voice or have poor posture while you tell your friend you are not interested. Your friend will just keep nagging at you to smoke because he knows that you are unsure. To show your confidence, you must have excellent posture by standing up straight with shoulders back and chin up. Look your friend right in the eye and maintain eye contact. You then must speak clearly and respectfully. Remember to stay calm

and say no thank you. If you are confident your friend will stop asking you to smoke. Hopefully, your friend will ask you if you want to do some other activity.

I really loved D.A.R.E. I think that D.A.R.E will actually help me in the future by knowing how to say no to drugs. I believe that it is extremely important to be drug free. If you take drugs you are basically throwing away your life because you might become addicted and think you must have drugs. I also think it is important that my friends and family do not do drugs. If you are drug free you can enjoy sports like, skiing, soccer, football, basketball, hockey, and other activities. You will also live a longer and have a better life if you don't do drugs. I have truthfully enjoyed learning about drugs and other D.A.R.E topics. I will always continue to be 100% drug free.

(By Rachael T. Williams)

D.A.R.E. is something everybody can listen to, Drug Abuse Resistance Education. D.A.R.E. helps kids understand the cautions of drugs and alcohol from the start, and that nothing is real on advertising. Those are only two of the millions of things that D.A.R.E. teaches you!

Alcohol isn't something that helps you grow or something to play with. Alcohol is loss of self-control or even coma and death! Yes, you can drink once you're over twenty-one, but that doesn't give you the right to go party until four in the morning! Alcohol is a very dangerous thing. It is something you should never drink if you're under age, not even if someone calls you chicken. Even if they try to act tougher than you are, they're not. They're not stronger than you are, or cooler, or smarter than you are. It may seem like they're cooler but truly they're not.

You may look into a magazine and flip a few pages and then see an advertisement, and you will see people smoking cigarettes and having a great time. Well guess what, that is not reality. Reality is yellow teeth and sickness and your lungs turning black and failing. Cigarettes or cigars aren't a pool filled with fun. It causes breathing problems or heart disease and even cancer in your lungs, mouth, throat, bladder, and kidney! Smoking is just a big black hole of emptiness! So, don't listen to advertisements.

Peer pressure happens to everybody. It can happen on the bus, at recess, or even walking home from school. Sometimes people will be pressuring you about drugs or sometimes alcohol. They will make it seem fun and make it look like the answer to your prayers. Well, it's not. There are a lot of ways to say no like using humor or standing up for yourself. Those are just two ways to say no. D.A.R.E. will teach you many other ways.

D.A.R.E. is an awesome place to learn about drugs and how they can hurt you. I love going to D.A.R.E. Before D.A.R.E., I didn't even know half of the cautions of drugs and alcohol and how risky it is to drink or smoke. I know now that one day I'm going to be offered a cigarette or some alcohol, and I know exactly what to say: ''NO!'' I'll walk away and never trust a person like that again. Now I'll remember that no is the way to go.

(By Colin Ceresa)

In fifth grade we take a special class called D.A.R.E. D.A.R.E. stands for Drug Abuse Resistance Education. My D.A.R.E. teacher, Deputy Ridgley, teaches us the dangers of drugs and alcohol, how to say no, and how to avoid dangerous situations.

Smoking can do horrible things to your body. Did you know smoking can turn your lungs black? Smoking makes it hard to breathe and makes you dizzy. It makes your breath smell, turns your teeth yellow, dries your skin out and causes wrinkles. There are 200 known poisons in cigarette smoke. Smoking is the most common cause of lung cancer. I feel that smoking is very wrong. My Pop-Pop started smoking during the Viet Nam War and then smoked for 40 years. Luckily he quit a few years ago and is doing fine.

If you want to avoid all these bad things you need to be able to say no!!! Saying no can help you avoid many dangerous situations. You can say no in many ways. You could ignore the person offering you drugs. You could give a reason or fact to the person who is offering you drugs and tell them why they are bad for you, or you could walk away from the person who is offering you drugs. Saying no can change your life in so many ways. Saying no could even save your life.

I feel that all of the information that I learned in D.A.R.E. will help me a lot in the future. I know how bad alcohol, drugs and tobacco are for you. I also learned that you need to be confident and not let your friends pressure you into doing something that is illegal or will hurt you. D.A.R.E. has helped show me the importance of just saying NO!

(By: Emily Ready)

''Good afternoon, guys. Today we're going to talk about...'' Every single year, fifth graders in Loudon County take a class called D.A.R.E. D.A.R.E. stands for Drug Abuse Resistance Education. A deputy from Loudon County Sheriff's office comes and teaches you. Some of my favorite things that we learned about were tobacco, alcohol, and peer pressure.

Coughing, yellow teeth, cancer? These are just some of the things tobacco does to you. Cigarettes contain tobacco, and smoking is the main cause of heart disease. More than 400,000 people die every year from smoking. It can also turn your lungs from natural pink to sickening black. My thoughts on tobacco are tobacco is a horrible thing, and if you use it, you are ruining your life!

Jail, comas, and possible death are only a few of the things too much alcohol can get you. Alcohol is in beer, wine, and liquor. It slows down your brain and your body. In case you're wondering, most teenagers DON'T drink alcohol. I think if people were more responsible with alcohol, it wouldn't be a problem.

Peer pressure is when other people, friends or not, try to get you to do something you may or may not wish to do. Some people can be mean about it, or some will be nice and it can be something good for you. If it's bad, just say NO! I think if it's mean or bad peer pressure, we don't need it! It can hurt people's feelings and make them do something dangerous or awful that can hurt them or other people.

I really enjoyed the D.A.R.E. program this year. It showed me just how dangerous smoking and underage drinking really are. I believe it is important to stay drug-free because you can destroy yourself, your family, and your future. So, I, Emily Ready, promise to stay drug-free and stay a non-tobacco user and a nonunderage drinker.

(By Nick Carroll)

'' Lost another one to drugs because of over use of alcohol,'' sighed Dr. Smith. That won't happen to me because I took D.A.R.E class. D.A.R.E. stands for Drug Abuse Resistance Education. During D.A.R.E. we learned about alcohol, inhalants, marijuana, and tobacco. We learned about more than just drugs. We learned how to say no and about the D.A.R.E. decision making model. We also learned about how dangerous inhalants can be and the tricks of advertisement.

Inhalants can be used as a type of drug. It can be made using household products concentrated in the certain place (like in a paperbag). They are very dangerous! It can kill you instantly even if you're doing it for the first time. Inhalants can damage your brain and liver. You might suffer from a loss of smell, depression, and can cause a heart attack! It can also suffocate you. It will starve your body of oxygen and force your heart to beat irregularly and more rapidly. You could get sores in the mouth and nose. Chronic users can have muscle wasting and reduced muscle tone and strength. Inhalants can cause nausea and nosebleeds. Inhalants are one of the things that kill many children each year. Inhalants can cause most of these problems without you knowing it until it's to late.

Advertising is one of the ways drug companies get people to buy their stuff. One of the ways they do it is to show famous celebrities drinking beer or smoking a cigarette. They also show happy people with beer, wine, or a cigarette. They put advertisement almost everywhere you could look. They put them on TV commercials, in magazines, billboards, and many other places. They think that by putting them in a lot of places they are getting more costumers and it works, people go for the advertisements.

I think D.A.R.E. was an exciting subject. We learned many things from our instructor, Deputy Ridgley. She made it enjoyable to learn about drugs and how to stay drug free. Deputy Ridgley told us many stories, which made it exciting. I think that it is important to stay drug free to keep from getting sick or hurt from different drugs. I will stay drug free to keep from getting sick or hurt by drugs!

TRIBUTE TO JOYCE ROMANOW

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many family, friends and colleagues who have gathered to honor a very special woman, and my dear friend, Joyce Romanow, as she celebrates her retirement. After more than thirty-seven years of giving our young people the best educational opportunities possible, Joyce will leave the teaching arena to pursue her own personal goals.

I often speak of our nation's need for talented, creative, enthusiastic teachers who are ready to help our children learn and grow. My dear friend Joyce is just that kind of educator. Throughout her career, she has touched the lives of thousands of children from elementary school to high school. Joyce began her teaching career in the town of West New York, located in New Jersey, where she taught second and third grade students, many of Cuban decent, for nine years. She then moved to New Haven, Connecticut and began teaching at Kimberly Avenue School at City Point. After consulting with colleagues, and thinking about her own personal teaching experience, she decided to become an English to Speakers of Other Languages (ESOL) teacher—working with some of our community's most vulnerable children. Here she had the opportunity to travel to many schools within the New Haven public school system, enabling the children of immigrant families to find success in the learning process based upon his or her individual needs and strengths. Naturally paired with the

educational program, Joyce also focused on the importance of positive development of not only our children's intellect, but their character development as well. She has placed great emphasis on the importance of team work, providing a productive environment, and has been an outstanding role model. For the last five years, she has been an ESOL teacher at Hillhouse High School, working with high school students in grades nine through twelve. Although Joyce has enjoyed working with students at all grade levels, she has a special place in her heart for high school students. I know she will be sorely missed by her students, friends and colleagues at Hillhouse High School.

Public education is the cornerstone of the American dream—leveling the playing field and providing every child with the opportunity to make the most of his or her talents. This is what Joyce has dedicated her life to doing for the past thirty-seven years. It is talented professionals like Joyce who truly shape the leaders of tomorrow.

In addition to her outstanding teaching career, Joyce has raised an exceptional son Danny, whom I adore. She is certainly more than a friend—she is family. Words cannot begin to express my appreciation and gratitude for the tireless support she has shown to me and my family over the years.

And so, it is with deep admiration and affection that I stand today to join her son Danny, her family, friends and colleagues in extending my sincere congratulations to Joyce Romanow as she celebrates her retirement. Joyce is a remarkable woman whose generosity and compassion has left an indelible mark on so many children whose lives she has transformed. Though she will be enjoying her retirement years, I am certain that Joyce will continue to keep a hand in teaching—her extraordinary dedication and kind heart making all the difference. I am happy to extend my very best wishes to her for many more years of health and happiness.

IN HONOR OF JOHN J. ROBOTTI

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. FARR. Mr. Speaker, I rise today to honor a tremendous public servant. Mr. John J. Robotti will retire this month after 65 years of service to our nation. Beginning with his enlistment as a soldier in 1941 until his retirement as a civilian in 2006, John has made public service his life's work. I must say that it is truly remarkable to find a person retiring at age 85. I am proud to note that most of those productive years were spent in my Central California District.

John was selected for Officer Candidate School in 1943. His tours of duty included Europe, Asia, and the United States. In 1950 he met his wife, Marion, in Paris, France. They were married in Palo Alto, California in 1953, and now reside in Carmel. In 1960, he was the Executive Officer for the Squaw Valley Olympic Games, which are still remembered as one of the most successful games ever held. The following year he retired with the rank of Major from 20 years of active duty while stationed at Fort Ord, California. He served as Chief of the Consolidated Supply Section of G4 at that time.

John began his civilian career immediately as the G4 Logistical Services Officer at Fort Ord. He went on to act as Administrative Officer, Chief of Maintenance, and Housing Manager at Fort Ord. He retires as Director of Logistics at the Defense Language Institute in Monterey, the premier language training institution in the world. In all, his civilian career spanned 45 years.

During his civil service years, John received exceptional evaluation ratings and numerous recognitions. He received the Meritorious Civilian Service A ward in 1991, the Achievement Medal for Civilian Service in 1994, the Exceptional Service Award in 1995, and in 1996 he was given a 55 Year Award for Federal Service.

Mr. Speaker, it is my pleasure to applaud John J. Robotti, a person who has served his country with great distinction for so many years. I join with all his friends and family in honoring this talented man and his many achievements.

HONORING DR. JARRELL JACKMAN FOR 25 YEARS OF SERVICE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mrs. CAPPS. Mr. Speaker, today I rise to pay tribute to Dr. Jarrell Jackman upon his retirement from his position as Executive Director of the Santa Barbara Trust for Historic Preservation.

Dr. Jackman has been a leader of the Trust for Historic Preservation for twenty-five years, as Historic Projects Administrator and, since 1987, Executive Director. In a unique partnership with the State of California Department of Parks and Recreation, the Trust operates El Presidio de Santa Barbara State Historic Park that attracts 50,000 visitors annually from Santa Barbara and around the world.

Under Dr. Jackman's leadership, the Trust bought and maintains the Mission Santa Inez Mills, preserving significant remains of mission-period grist and fulling mills. In addition to acquiring and maintaining historic sites, the Trust preserves the diverse cultural heritage of Santa Barbara through its research, interpretation, educational programs, archeological work, historic restoration and preservation efforts. They work cooperatively with local jurisdictions and with dozens of State agencies, museums, private foundations, schools, and businesses to ensure that the rich cultural history of the central coast not only lives on for future generations, but is accessible today.

The Trust has completed major construction projects for El Presidio de Santa Barbara State Historic Park: the Chapel, the Comandancia, the Northeast Corner and (the soon to be completed) Northwest Corner, making El Presidio the most fully restored Presidio in the United States. The restored Casa de la Guerra and El Presidio have become significant museums, hosting many lectures, performances, visiting exhibits and celebrations, due in large part to the dedication and expertise of Dr. Jackman.

Dr. Jackman served honorably on the Santa Barbara County Historic Landmarks Advisory Commission and has consistently been a forceful voice for the preservation of county historical structures. Among Dr. Jackman's honors are the prestigious Norman Neuerburg Award from the California Mission Studies Association in February 2001 and the 2006 California League of Park Associations' Dewitt Award for outstanding partnership.

I have seen firsthand many of the great programs and preservation efforts of the Trust. We, as a community, have benefited greatly from the skill and leadership of Dr. Jackman. I am pleased to commend Dr. Jarrell Jackman for his dedicated service to the Trust for Historic Preservation and to the Central Coast.

HONORING JAMES D. DAUGHERTY OF BROOKSVILLE, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to honor James D. Daugherty, a brave firefighter from Brooksville, Florida who is retiring after more than thirty years of service to our community.

Chief Daugherty was born in Kentucky on October 10, 1947 to Lilburn and Irene Daugherty. Serving in active duty in the U.S. Army from 1966 to 1969, James was stationed in Vietnam during the war. Later he joined the Florida National Guard and served there with distinction for seventeen years.

While stationed at Fort Stewart, Georgia, James came with a fellow soldier to Brooksville, Florida. He met his wife Juanita on a blind date and they were married on July 3, 1969. James and Juanita have one son, Jeff, and two grandchildren.

While Chief Daugherty has had a long and distinguished career, one specific incident with the Brooksville Fire Department in January 1978 had a lasting effect on him. Responding to an emergency call at a ditch cave-in while off duty, James dug in the dirt to help rescue the trapped men. Caught in the second cave-in, the one thing that stayed with him was the fact that they were communicating with the man that died when the second cave-in caught him in its wake. They were so close to saving him when the unthinkable second cave-in happened.

Promoted to Chief in 1999, James has had a long and distinguished firefighting career. In addition to his basic fire training, James has gone out of his way to advance his knowledge of life-saving techniques and procedures. He has an Associates Degree in Fire Science from St. Petersburg Junior College, is certified as an EMT, has attended Florida Smoke Divers School, is a Certified Wildland Firefighter, and has trained extensively in Emergency Management, Disaster Response, WMD, and in Hazardous Materials Response through the National Fire Academy and the Department of Homeland Security.

The dedication James has shown to the Fire Department is truly outstanding. Following open heart surgery in October 2002, Chief Daugherty went back to work as soon as his doctor would release him. He was determined that this surgery would not keep him down.

Mr. Speaker, throughout his years of responding to accidents and fighting fires,

James has shown his compassion and caring for the families who lost loved ones and cherished friends. It is that caring that Chief Daugherty will be remembered for by the entire Hernando County community.

CONGRATULATING MARY ERWINE ON THE OCCASION OF HER RECEIVING THE LEADERSHIP WILKES-BARRE DISTINGUISHED ALUMNI AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my distinguished colleagues in the House of Representatives to join me in paying tribute to Mary Erwine, president of Erwine Home Health and Hospice, Inc., who is the 2006 recipient of Leadership Wilkes-Barre's Distinguished Alumni Award.

Ms. Erwine will be honored at the 25th annual Leadership Wilkes-Barre dinner to be held on Thursday, June 8. She was chosen for this award because of her commitment and dedication to the community and her ongoing support of Leadership Wilkes-Barre and its programs.

Ms. Erwine founded Erwine's Home Care in 1993 and expanded with the addition of Erwine's Private Health Care in 1995.

Under her leadership and professional training, the company has grown from three employees to more than 100. Her company serves patients in five Pennsylvania counties.

In 2005, she added a hospice division to afford patients continuity of care.

Her community involvement includes participating in organizations such as the Northeast Regional Cancer Institute, the greater Wilkes-Barre Association for the Blind, St. Vincent De Paul Kitchen, F.M. Kirby Center for the Performing Arts, Osterhout Library, Circle 200, Pennsylvania Council on Aging, St. Jude Children's Research Hospital Fundraising, Executive Women's Council, Wilkes-Barre Chamber of Commerce, National Honor Society of Nursing, Sigma Theta Tau, National Association of Millennium Circle Fund of the Luzerne Foundation, College Misericordia Advisory Council, PNC Bank Northeast Region Advisory Board, Blue Cross of Northeastern Pennsylvania Corporate Board, Leadership Wilkes-Barre and the Greater Wyoming Valley Leadership Forum.

Ms, Erwine has also been the recipient of several awards including the Athena Award from the Greater Wilkes-Barre Chamber of Commerce; Quality of Life Advocacy Award from the Eastern Pennsylvania Chapter Arthritis Foundation; Benefactor Award from the Greater Wilkes-Barre Association for the Blind; Distinguished Career in Nursing Administration Alumni Award from College Misericordia; Community Leaders of the Year Spirit of Business and Industry Award from the Arthritis Foundation and the 25th Anniversary Star Award from Leadership Wilkes-Barre.

Mr. Speaker, please join me in congratulating Mary Erwine on this auspicious occasion. Her entrepreneurial spirit and her devotion to community service have helped to improve the quality of life in the entire region.

HONORING JET CLEANERS AS THEY CELEBRATE THEIR 50TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to congratulate the Amore Family as they celebrate the 50th anniversary of Jet Cleaners—the family owned and operated laundry and dry cleaning business which has become a local landmark in my hometown of New Haven, Connecticut. In August of 1956 came the opening of an innovative new laundry service which offered the families of New Haven 1-hour service. Gracing the outside of the new store was a high-tech neon sign and behind the counter customers would find Nicholas, Michael and Vincent ("Jim") Amore—Jet Cleaners, aptly named for the fast service customers would come to know, was open for business.

After operating the Chapel Laundry and Dry Cleaners for twenty-seven years, Nicholas Amore and his two sons opened Jet Cleaners with the vision of bringing fast, efficient service to their customers. Built on the corner of State and Trumbull Streets in downtown New Haven, Jet Cleaners would quickly become known for their dedication and vision. The Amore family were well known for looking to the future, so it was no surprise when they ensured they would be able to expand their business by leasing the adjacent space and purchasing the property across the street from the original plant. In the leased space, the Amores established the largest coin laundry in New Haven with 40 washers and twenty dryers.

As the business continued to expand, Nicholas, Michael, and Vincent looked to build a larger plant in a new location across the street. Though founder Nicholas Amore would not see the opening of the new store, Jet Cleaners moved to its new home in 1966 where it continues to stand today. Family, friends, and customers brought a variety of plants to celebrate the opening of the new store which were placed in the counter area in front of the two large plateglass windows. Over the years, customers have left more and more plants and a large dracaena was even rescued from a local pub. Thriving in the steam-filled environment, their collection of greenery soon became the trademark of Jet Cleaners

Three generations later, Jet Cleaners is still owned and operated by the Amore family. Michael Amore's sons, Mike, Jr. and Douglas took over operation in 1998 and continue the family's legacy. Customers of Jet Cleaners can experience the small touches each generation has made to the store. Today you still find the same dedication to fast, efficient customer service, the array of beautiful plants still meet customers as they enter the store, and Mike, Jr. and Douglas have continued to expand the business branching out into wholesale markets and becoming the first area dry cleaner to offer credit and debit card service. They have even opened a satellite store in Cheshire. Perhaps the most special contribution Mike, Jr. and Douglas have made is that which gives back to the community. In 1995, Jet Cleaners joined with WTNH Channel 8 to promote a Holiday Coat Drive which became the catalyst for future coat drives and a number of community service activities.

I have always believed that our small businesses are the backbone of our economies. Jet Cleaners is a shining example of all that our small businesses can contribute—they not only provide a service to their customers, but dedicate themselves to making our community a better place to live and work. Today, as the Amore family and the New Haven community celebrate the 50th anniversary of Jet cleaners, I am proud to stand to congratulate them on this very special occasion and extend my sincere thanks and appreciation to them for all that they have brought to our community.

IN HONOR OF STEPHEN MAGYAR

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. FARR. Mr. Speaker, I rise today to honor the memory of my close friend Stephen Magyar. Steve passed away in Monterey on March 29 after a long life full of accomplishments and service to his community. He was known as an outgoing and friendly man, the first to greet you on the street and always ready to tell a good story or funny joke.

Steve grew up in Detroit and stayed there until he enlisted in the Army to fight in the Second World War. He left the snow of Detroit to serve in the heat of the Pacific at Christmas Island. After the war he was stationed at Camp Callan north of La Jolla, CA, where, after being pressured to go on a blind date, he met a girl named Peggy. This girl became the love of his life for the next 62 years. His last stop as an active duty member of the U.S. Army was in my district at Fort Ord.

He retired from the Army 20 years later and moved on to his own business, the Stephen G. Magyar Co. The company started out of his garage in 1947 and he was always proud to say that his first customer was Bing Crosby. Steve left his business to work for Mary and Robert Littlefield in building their Monterey Savings and Loan branch office at the former Jefferson Hotel in downtown Salinas. Always a quick thinker and great decision maker, Steve came up with an idea to get some customers in the door. He decided to raffle off an airplane, and the idea worked. He had traffic backed up for blocks in both directions as drivers stopped to look at the plane in the parking lot.

Involved throughout his community, Steve was able to make quite an impact. He also looked into public service through involvement in the State senate, but was defeated by someone I must admit I would have voted for, my father Fred Farr.

Today I extend my condolences to his wife Peggy, his two sons Rodger and Jeff, and cherish the memory of this great man.

ON THE PASSING OF IRVING WILLNER

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Ms. SOLIS. Mr. Speaker, I rise today to pay tribute to one of my constituents, Irv Willner, a life-long resident and community leader in the city of Monterey Park. Mr. Willner was a model of patriotism and his contributions to his community have inspired many, including myself.

As a native of New York City and a celebrated veteran of the U.S. Navy, Mr. Willner earned his bachelors degree in Aeronautical Engineering from Rensselaer Polytechnic Institute in New York City. He served in the Los Angeles Department of Water and Power as a mechanical engineer for 35 years of his life.

Mr. Willner was a longtime Democratic Party leader, a pioneer member of the Monterey Park Environmental Commission, and a member of the city personnel board. With his leadership skills and enduring devotion, Mr. Willner has been credited with the successful elections of many local officials. His commitment to his community, justice, and progressive causes is commendable. I extend my admiration, and the gratitude of the City of Monterey Park and my district, to his family and friends.

Mr. Willner truly made a difference in his community and his contributions will be recognized and appreciated for years to come. I send my condolences to his family, including wife, Mrs. Ruth Willner, children Paul Willner and Julia Parker, and granddaughter Erin. I am comforted only by knowing that his legacy will live on through his family and in the community he helped to improve for the future.

RECOGNIZING ADRIAN MUNOZ, GABRIEL MUNOZ, AND PAULA BUSTOS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize the courageous actions of Adrian Munoz, Gabriel Munoz, and Paula Bustos, who, in the early morning hours of Friday, May 26th, aided in the rescue of their neighbors Mary Moore and Charles Butler from a fire in their home.

At 12:30 a.m. on Friday morning, an overheated extension cord sparked a one-alarm fire in the home of Mary Moore and her husband Charles Butler. From across the street, the Munoz brothers and their cousin Paula noticed the fire. Acting quickly, Adrian rushed to the hose and started spraying the house. He moved into the house, stretching the hose as far as possible attempting to keep the fire from moving towards Mary Moore's room. Following Adrian into the house, Paula Bustos moved to help Ms. Moore as Adrian and Gabriel pulled Mr. Butler from the fire and out of the house. The fire department arrived soon after and helped bring Ms. Moore out of the house.

The heroic actions of Adrian and Gabriel Munoz, and Paula Bustos serve as an example to and inspiration to others. I stand here today to recognize their actions and I am proud to be their representative in Washington and to call them fellow Texans.

CHANTILLY HIGH SCHOOL NATIONAL ECONOMICS CHALLENGE TEAM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. WOLF. Mr. Speaker, I rise today to commend the Chantilly High School National Economics Challenge Team for their tremendous success in this year's competition. The Chantilly High team, comprised of students Adriana Medina, Natalie Mutchler, Alex Pepper and Sam Perkins, and their teacher/adviser, Joseph Clement, should be extremely proud of being named runner-up in the David Ricardo Division of the National Economics Challenge. The students from Chantilly High School have the distinction of being one of the top four teams in a national competition involving more than 1000 teams.

The National Council on Economic Education and the Goldman Sachs Foundation established the Challenge in 2000 to provide a competitive format to test the knowledge of the best economics students in the country. The NCEE's mission is to improve economics education in grades K–12 through teacher training and development of instructional materials.

I ask that my colleagues join me in recognizing the Chantilly High School Economics Challenge Team for their outstanding accomplishment.

HONORING HART DEVEROUX CAPARULO ON THE OCCASION OF HER RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Ms. DELAURO. Mr. Speaker, it is with deep gratitude that I rise today to join the United Way of Greater New Haven and the many communities which it serves in extending my sincere thanks and appreciation to my friend, Hart Deveroux Caparulo, as she celebrates her retirement after thirty-nine years of dedicated service. Though she will leave her position as Chief Professional Officer, I have no doubt that Hart will continue to stay actively involved and will always be available should our community be in need.

Beginning her career with the United Way in her hometown of Charlotte, North Carolina, Hart has dedicated a lifetime to making a difference in the lives of our Nation's most vulnerable citizens. Feeling that ''New Haven needed her most,'' Hart began as a Campaign Director where she started a number of new programs including a Leadership giving program and group solicitation in employee campaigns. It was this innovative and creative vision that led the Board of Directors to offer her the position of Chief Professional Officer—a position which she has held for the last decade.

Under her leadership, the United Way of Greater New Haven has fundamentally changed the way it interacts with its communities and partners. Community engagement, strategic focus and an ever-growing passion to improve the quality of life for others is at the core of its mission. Perhaps the most impressive result of the organization's revitalized mission has been the collaborative work of Community COMPASS—a strategically focused campaign to improve the economic health of our region and reducing educational disparity. One of the many results of COMPASS has been the development and launching of the Success By 6 program which combines the efforts of a network of community partners to ensure children newborn to 6 years old are healthy, nurtured and ready to success when they enter school. It is programs like these, that thanks to Hart's leadership and vision, are now the core work of the United Way of Greater New Haven.

In addition to her professional contributions, Hart has also been actively involved throughout the community. I would be remiss if I did not extend a personal note of thanks and appreciation for all the help that she has given to both myself and my office over the years. We have always known that we could count on her expertise and compassion. I wish her the very best as she moves on to future endeavors.

We, as a community, owe Hart Caparulo a great debt of gratitude for all the good work that she has done on our behalf—every community should be so fortunate. For her invaluable contributions and the indelible mark she has left on the United Way of Greater New Haven, I am proud to stand today to recognize Hart Devereux Caparulo and to extend my deepest thanks and appreciation to her as she celebrates her retirement.

IN HONOR OF MICHAEL MEHEEN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. FARR. Mr. Speaker, I rise today in honor the memory of my high school classmate, M. Michael Meheen. Mike passed away late in the evening of April 11th at the age of 67. Mike was born in Iran and moved to Carmel, my hometown, in 1953. He graduated from Carmel High School a couple years before me in 1957. Mike then went on to graduate from Oregon State University and completed his doctorate at Hastings Law School.

Mike came back to our district and went on to have a successful law career for over 40 years. He primarily served on the Monterey Peninsula and worked in family law. It is no wonder that he focused on helping families, as Mike loved his family above all else.

His other loves included fast expensive cars, large dogs, the 49ers, travel and his fruit tree orchard. In addition to these hobbies, Mike was actively involved in his community. He was a long time member of the Pacheco Club, spent many years coaching Carmel Youth Soccer, and taught Business Law at Monterey Peninsula College.

The Carmel and Monterey communities will most definitely miss the presence of this wonderful man, as will the family he held so dearly. Mike believed in living every moment to the

fullest. His energy will be remembered and missed.

HONORING THE LIFE OF HERMAN E. WARSH

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mrs. CAPPS. Mr. Speaker, today I rise to pay tribute to Herman E. Warsh, and to honor his life of dedicated service to his community and to his country.

Born on March 28, 1924 in Calgary, Canada to Samuel Warshovsky and Rebecca Wietstinietski, originally of Poland, he emigrated with his parents, his sister and his brother to the United States in 1925. The family made a home in Los Angeles, California and Herman attended public school until the 10th grade. In 1941, he married Lorraine Rack and in 1942, enlisted in the Navy and served in the South Pacific through 1945.

Upon his return, he passed the GED and in only two years he received his BA while working full time. He went on to earn his Masters degree in history at UCLA while working as a teaching assistant and continued his education by working on three doctorates, eventually earning his PhD in Education from Wayne State University in 1969. Herman Warsh taught from 1952–1965, serving in many different capacities. He also taught at the college level at USC, the University of Hawaii at Hilo and at the University of Michigan in Ann Arbor.

Mr. Warsh also taught literacy to the U.S. troops in Germany, to First Nations' peoples in Alaska and to incarcerated men in the California penal system. Following the awarding of his doctorate, he was recruited to be the Director of Educational Programs for the Mott Program in the Flint Public School System. In 1974, he became head of the Department of Elementary Education at the University of New Mexico. In 1977, he moved to Santa Barbara to work with and, in 1980, to wed Maryann Mott. Together they devoted the bulk of their philanthropic efforts to their two family foundations, C.S. Fund and Warsh Mott Legacy.

In addition to financial resources, Herman Warsh gave selflessly of his time, serving on the Board of the Fund for Santa Barbara and of Pacifica Graduate Institute. Nationally, he served as Chair of the Environmental Policy Institute, which under his leadership, merged with Oceanic Society and Friends of the Earth USA, to become a key progressive, national environmental institution.

I am honored to recognize the life and work of Herman E. Warsh and I believe, as many do, that Santa Barbara is a better place for having him a part of this community.

PAYING TRIBUTE TO MILITARY ACADEMY APPOINTEES

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. TANCREDO. Mr. Speaker, I would like to congratulate Grant Fischer of Douglas County High School and Matthew Van Horn of Chatfield High School on their appointment to the United States Military Academy at West Point. I would also like to take this time to congratulate Christine Jaszlics of Lakewood High School and Jeffrey Hathcote of Grandview High School on their appointment to the United States Merchant Marine Academy, as well as Madison Stumpp and Richard Shreffler, both of Eaglecrest High School, on achieving appointments to the United States Naval Academy. Finally, I would also like to extend my hearty congratulations to Matthew Bezzant of Columbine High School, Kyle Black of Thunder Ridge High School, Meghan Booze of Columbine High School, Daniel Hann of Dakota Ridge High School, Brock Logan of Arapahoe High school, Millie Mays of Douglas County High School, Trenton West of Grandview High School and Kelsey Yip of Dakota Ridge High School on their appointments to the United States Air Force Academy.

These young men and women have exhibited tremendous commitment and dedication in making it through the rigorous nomination process and I wish them all the best in their future endeavors as they embark on their careers with the United States Military. They have excelled both in and out of the classroom, and I have no doubt they will represent Colorado with distinction at these prestigious academies.

HONORING KEN HAAS OF HAYS, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. MORAN of Kansas. Mr. Speaker, I rise today to honor Ken Haas of Hays, Kansas for his years of service to this community through his diverse career in education.

Mr. Haas began teaching in 1964 at Kennedy Middle School as an industrial arts and physical education instructor. He also influenced countless students by serving as the school's guidance counselor. In 1999, after 35 years of work in the Hays school district, Ken was approached by Father Mike Scully and asked to assume the role as principal of Thomas More Prep-Marian High School, a private Christian high school in the Catholic tradition.

Ken was nearing the point of possible retirement in his current position and awaiting him was the well-deserved free time that one earns after working so long in a challenging vocation. After a weekend of prayer and consideration, Ken decided that it was the Lord's desire for him to accept the position.

That was 7 years ago. After improving the school's leadership structure, balancing the school's budget, and sustaining enrollment, Mr. Haas has chosen to retire from his current position. Even in retirement Ken plans to be involved where he's needed around the school.

Mr. Haas is a committed professional who is well-regarded among his peers and students. He is known for attending athletic events, even the ones that don't generate the largest crowds. He still surprises many former pupils with his unique ability to greet them by name after not seeing them for many years. Just another sign of how much he cares.

Mr. Haas has served Hays students and their parents well for over 40 years, and that is why Mr. Speaker, I rise to honor him today.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE CITY OF LIGHTHOUSE POINT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. SHAW. Mr. Speaker, I rise today to celebrate the 50th anniversary of the wonderful city of Lighthouse Point, Florida. I am proud to have represented the residents of this city for the 26 years I have served in Congress.

Incorporated on June 13, 1956, Lighthouse Point derived its name from its location under the beam of the famed Hillsboro Lighthouse. Armed with a petition signed by over 100 residents favoring incorporation, community leaders traveled to Tallahassee to seek approval. Story has it that 77 names on the petition were Republicans and they were required to re-register before incorporation approval would be given by the State's Democrat leaders. All 77 agreed to re-register as Independents and the incorporation of Lighthouse Point was approved.

In 1956, approximately 150 people resided in the newly incorporated area. Most of these residents had grown up in other parts of the country during the 1920s and 1930s and many had served in WWII. What had originally been farm land was now a network of canals and residential lots providing residents with waterfront living and easy access to the Intracoastal Waterway and the ocean beyond. It was an idyllic place to make a new life for yourself and your family. In 1956, Dwight D. Eisenhower was elected President and Leroy Collins was elected Governor of Florida, both for second terms; a first class postage stamp was three cents and Elvis Presley's "Don't Be Cruel" was the number-one record.

Today, Lighthouse Point is a thriving community of approximately 10,767 residents. It has moved from services provided by volunteers to a full service city with its own police, fire, and public works departments. Although it has grown dramatically, as has all of South Florida, it has retained its feeling of a small town community. Eighteen miles of canals, parks and numerous recreational activities and special annual events such as Keeper Days and Lighthouse "A" Glow all contribute to the hometown feel of Lighthouse Point. It continues to maintain its heritage and its standard of striving to be the best place to live and raise a family.

Mr. Speaker, Lighthouse Point is a jewel in the landscape of South Florida. I am honored to represent the city and her residents in the U.S. House of Representatives. I am also pleased to take this opportunity to recognize and congratulate Lighthouse Point on the occasion of its 50th anniversary.

CONGRATULATING THE PUEBLO GOVERNMENT AGENCIES FEDERAL CREDIT UNION ON THE OCCASION OF ITS 70TH ANNIVERSARY

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. SALAZAR. Mr. Speaker, I rise today to recognize and congratulate the Pueblo Government Agencies Federal Credit Union on the occasion of its 70th anniversary. This credit union has served the residents of Pueblo well. PGAFCU's mission is to promote thrift among its members by giving them an opportunity to save money, thus accumulating and investing the savings of the members and to make loans to its members which promise to be of benefit to the borrower.

The Pueblo Government Agencies Federal Credit Union was founded on June 9, 1936 by ten Pueblo postal employees who brought together a group of federal agency employees to form a credit union for the purpose of improving the financial lives of its members. Today, the Credit Union has more than 4,200 members serving current and retired federal agency employees, their family members and other special groups in Pueblo and Southeastern Colorado.

The friendly, hometown service combined with a wide variety of personalized, high-quality financial services has truly enriched the lives of many residents in my Congressional District. I am proud to represent an organization that so aptly embodies the values of a small town financial institution while offering much-needed financial services to the Pueblo community.

Again, Mr. Speaker, I congratulate the Pueblo Government Agencies Federal Credit Union on the occasion of their 70th anniversary and I commend them for the service they provide to the many federal government employees and their families in Southeastern Colorado.

TRIBUTE TO DR. PHILIP M. GOLD, ON RECEIVING THE RABBI NORMAN F. FELDHEYM AWARD FOR LOYALTY AND SERVICE TO THE SYNAGOGUE AND COMMUNITY OF THE CONGREGATION EMANU EL.

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. BACA. Mr. Speaker, the Rabbi Norman F. Feldheym Award was established to pay tribute to those members of Congregation Emanu El, located in my home district of San Bernardino, California, who have conspicuously and exceptionally reflected Rabbi Feldheym's qualities of love for and loyalty to the synagogue, and service to the community. I stand here today to honor Doctor Philip M. Gold for receiving this distinguished award.

Dr. Gold has been an extraordinarily devoted leader of Congregation Emanu El. He began his service as a member of the Congregation's Board of Directors in 1990, and since then he has served as Secretary, 2nd Vice-president, Vice-president, and from 2000–2002, as the President of the Congregation. During this time he has helped to masterfully guide the Congregation through its period of rabbinic transition. He has been an inspirational leader of the Congregation, giving evidence of his deep love for Judaism, a strong participation in worship and education, and an exemplary commitment to Jewish values and their application in contemporary society.

Dr. Gold is a distinguished graduate of Stanford University, where he received his B.A. degree in 1958, and of the UCLA School of Medicine, where he received his M.D. degree in 1962. At UCLA, Dr. Gold also completed his internship and residency, which included being Chief Resident in Medicine. Dr. Gold is a highly respected physician and teacher, a Diplomat of the American Board of Internal Medicine and the Sub Specialty Board of Pulmonary Disease.

Since 1977, Dr. Gold has been associated with the Loma Linda University School of Medicine, where he currently serves as Professor of Medicine, Chief of the Pulmonary and Intensive Care Division, Program Director of the Pulmonary Fellowship Program and Executive Vice-Chair of the Department of Medicine.

Dr. Gold has been recognized by his colleagues as a leader in the field of medicine. His numerous accomplishments include serving as a Governor and President of the California Chapter of the American College of Physicians, President of the American Lung Association of California, President of the American Lung Association of San Bernardino, Inyo and Mono Counties, Chair of the Council Practice Committee of the American Thoracic Society, President of the California Thoracic Society, and President of the Society of Graduate Internists of UCLA.

While the awards Dr. Gold has received are too abundant to mention in total, some of the most notable include a Mastership in the American College of Physicians, the Lifetime Achievement A ward of the American Lung Association, the Laureate A ward of the American College of Physicians, the William L. Cover MD Award of the San Bernardino County Medical Society, the American Lung Association Pottenger Award and the Michael Stulbarg California Medal of the American Lung Association of California.

Dr. Gold is known to family, colleagues, patients, fellow congregants and friends as a person of the highest integrity, extraordinary sensitivity, perceptive insight, humility and love of the arts. He and his wife, Roberta, are the proud parents of Jana, Matthew and Jason, all of whom received their Jewish education at Congregation Emanu El, and the proud grandparents of Eddie, Leah, Cary and Molly.

Mr. Speaker, this year marks the 115th anniversary of the founding of the Congregation Emanu El. It is fitting, on such a momentous occasion, that we stand here today to honor Dr. Philip M. Gold, for outstanding service to his Congregation, the field of medicine, and to his family and community.

HONORING THE LIFE OF SERGEANT ALESSANDRO CARBONARO

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. VAN HOLLEN. Mr. Speaker, I have the honor today to recognize the life of Sergeant Alessandro Carbonaro, a courageous Marine who passed away on May 10, 2006 in Germany as a result of injuries he received in Iraq. I had the privilege to attend a moving memorial service for this young man on May 23rd at the National Cathedral. There, those who knew him best testified to his commitment to his friends, family, and country. Alex was a proud and dedicated soldier, a loving son and husband, and a loyal friend who loved ice hockey and played in a local rock band. I thank him for his service to the country, and offer my condolences to his parents, Fulvio and Gilda Carbonaro, his wife, Gilda, and all who had the pleasure and good fortune to know him.

I would like to submit to the RECORD a poem Alex wrote in the Spring of 2004. I hope the words of this talented young man bring comfort to all who mourn his loss.

FROM AFAR

Dear little star
How I miss having you near me.
And though your light shines on me from afar
I have to continue on and appreciate
Your warmth from across the cosmos
Dear little shining star
At the end of the day
I look at you and my emotions just flow from me
And all I feel is your warmth.
One day things will be different for you and I
My little precious star.
But until then
I must be content to take you in from afar.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

SPEECH OF

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. RUSH. Madam Speaker, I rise here today to extend my remarks on H.R. 4681, the Palestinian Anti-Terrorism Act that was passed here on the House Floor on May 23, 2006. Madam Speaker, the Palestinian Anti-Terrorism Act was a bill that I and I am sure many of my colleagues as well, struggled with and deliberated on a great deal. While America's support for Israel is unwavering, Congress does not want to send the wrong message to the Palestinian people that we have given up on them or the path to peace in that region.

Madam Speaker, the intent of H.R. 4681 was not to alienate the Palestinian people, but rather to demonstrate America's resolve against terrorism in all its forms, including the leadership of Hamas and the Hamas-controlled Palestinian Authority. This bill was passed to send a strong message to Hamas'

leaders that they cannot continue to sponsor terrorism and call for the destruction of Israel and expect to receive American financial and diplomatic support. America will stand firm with Israel against any enemy who seeks to terrorize its people or disrupt the lives of its citizens.

With that being said, it is also important for the Palestinian people to know that America is not an enemy, but that we seek to help establish a two-state system, with Israel and Palestine coexisting side by side in peace. America strongly believes in the peace process and we hope to facilitate that process so the entire region will be better for it. When Congress passed H.R. 4681 it was not a vote against the Palestinian people, but a vote against terrorists of those who have called for the destruction of Israel and who have sponsored terrorism in the past and continue to do so.

Congress understands that we must be resolute against terrorist leaders, but also show humanity and compassion towards the poor and innocent children and destitute people of the Palestinian territories. That is the only way we can achieve peace and stability in the region. Madam Speaker, I will continue to support the peace process between Israel and the Palestinian people along with my colleagues here in Congress, and America will continue to provide humanitarian aid and assistance for those people who need it most. We will not let the election of Hamas hijack the road to peace that we have all sought for so long.

IN HONOR OF GENERAL T. MICHAEL ''BUZZ'' MOSELEY, USAF

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. SESSIONS. Mr. Speaker, I rise today to honor my fellow Texan and good friend, Chief of Staff of the Air Force GEN T. Michael ''Buzz'' Moseley, who received the high honor of being knighted during a ceremony at the British Embassy in Washington, DC on May 30.

General Moseley was awarded the honorary knighthood due to his contributions to British-American relations during his tour of duty as the commander of the air war over Afghanistan and Iraq.

In addition to being the Chief of Staff of the Air Force, General Moseley can now add the honorary title of ''Knight Commander of the British Empire'' to an already impressive service record. General Moseley becomes the next in a long line of some of our Nation's most impressive leaders and skilled military commanders to be so highly honored by our British allies including President Ronald Reagan, President Dwight D. Eisenhower, GEN Jimmy Doolittle, GEN Carl Spaatz, GEN Tommy Franks, and Secretary of State Colin Powell.

I congratulate my friend General Moseley on his knighthood, and thank him for his outstanding service in leading the United States Air Force in its continuing operations in the global war on terrorism.

IN MEMORY OF PERRY BASS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. BURGESS. Mr. Speaker, I rise today to give tribute to Mr. Perry Bass of Fort Worth, Texas, for his lifelong contributions to his community and to his fellow citizens.

Born in Wichita Falls, TX, on November 11, 1914, Mr. Bass attended prep school in Pennsylvania and in 1937 received a science degree, specializing in geology, from Yale University. Mr. Perry died the morning of Thursday, June 1, 2006, at the age of 91.

Mr. Bass began his career in the legendary oil fields of Texas, where he worked with his uncle beginning in the 1930s. In 1942 Perry Bass joined the armed services as a naval architect designing torpedo boats before later continuing his career in oil and gas.

Perry Bass's professional exploits are only a small part of his life-long success. Throughout his career Mr. Bass and his family donated generously to a wide variety of charities, learning institutions, the arts and hospitals. As a former chairman of the Texas Parks and Wildlife Commission, he championed a law to preserve the population of redfish and spotted sea trout in the Texas coastal waters and worked to preserve the natural beauty of the State of Texas.

The Bass family's investments have changed the landscape of downtown Fort Worth, transforming aging and often-vacant buildings into trendy restaurants, hotels and clubs, all anchored by the $65 million Nancy Lee and Perry R. Bass Performance Hall.

He was a dedicated civic pioneer and outspoken philanthropist, and it was my honor to know him and to now represent part of the great city of Fort Worth that he helped develop into one of the best places to live in the United States. He leaves behind a legacy of generosity and encouraged others do to the same. His wife, Nancy, and four sons, Sid, Lee, Edward and Robert, have continued that legacy of philanthropy and public works. I extend my deepest sympathies to his family and friends. He will be deeply missed and his service to his community will always be greatly appreciated.

TRIBUTE TO SPECIALIST J. ADAN GARCIA

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. MARCHANT. Mr. Speaker, I rise to express my condolences and heartfelt sympathy to the family and friends of United States Army Specialist J. Adan Garcia, 20, of Irving, TX.

Specialist Garcia died on May 27, 2006 at the National Naval Medical Center in Bethesda, MD, in support of Operation Iraqi Freedom. He died of injuries sustained on May 22, 2006, while serving in Baghdad, Iraq. Specialist Garcia was assigned to the 1st Brigade Special Troops Battalion, 10th Mountain Division, in Fort Drum, NY.

I would like to take this opportunity to pay tribute to Specialist Garcia. This brave young man made the ultimate sacrifice for the security of his country and for the defense of democracy worldwide. He was an outstanding young man and we should all be grateful for his noble contributions to this nation and the advancement of freedom.

I am proud to call Specialist Garcia one of our own, and am, again, deeply sorry for his family and friends who have suffered this loss. His legacy will remain, as the men and women of our armed services continue to fight for liberty—both abroad and on our home soil.

INTRODUCTION OF LT. COL. JAMES MEGELLAS MEDAL OF HONOR BILL

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. PETRI. Mr. Speaker, today I am introducing legislation to honor a true American hero by awarding him the Medal of Honor. On January 28, 1945, during the Battle of the Bulge, Lt. James Megellas led his platoon of the 82nd Airborne Division on a surprise and devastating attack on a much larger advancing German force, killing and capturing a large number of the enemy and causing others to flee. In an act of fearless courage, Megellas single-handedly destroyed an attacking German Mark V tank with two hand-held grenades. He then led the charge of his men and seized Herresbach, Belgium, during this fierce action of the Battle of the Bulge. Due to his aggressive, fearless and superior leadership, Lt. James Megellas inspired his men to excel.

After serving 4 years as a rifle platoon leader during World War II, including many combat jumps into Italy and Holland, Megellas left the active Army and served for 16 years in the Army Reserve. He retired after 20 years of service as a lieutenant colonel.

His awards and decorations include the Distinguished Service Cross, two Silver Star Medals, two Bronze Star Medals, two Purple Hearts, and he is credited with being the 82nd Airborne Division's most decorated officer. During World War II, Gen. James Gavin selected one 82nd officer—Lt. James Megellas—to receive the Military Order of Willhelm Orange Lanyard from the Dutch Minister of War on behalf of his division.

To this day, James Megellas continues to inspire. In February, 61 years since that momentous battle, James ''Maggie'' Megellas set foot on a battlefield with fellow 82nd Airborne Division soldiers, this time in a current theatre of war—Afghanistan. Megellas was impressed with what he saw of the paratroopers and their work. He listened to their stories of their past year of deployment and shared with them his own experiences during World War II.

I urge my colleagues to also recognize James ''Maggie'' Megellas by supporting this bill to authorize and request the President to award him the Medal of Honor for his acts of valor on January 28, 1945, during the Battle of the Bulge. As time goes by, true heroes should never be forgotten, so please join me in honoring this outstanding American hero.

STATEMENT ON THE MARKEY AMENDMENT ON GNEP

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. HOLT. Mr. Speaker, before Memorial Day Recess, during consideration of the Fiscal Year 2007 Energy and Water Appropriations bill, Mr. MARKEY, the gentleman from Massachusetts, offered an amendment that would have cut $40 million for the Global Nuclear Energy Partnership, a dangerous program about which we are still not fully aware of the consequences. I supported Mr. MARKEY's amendment, which unfortunately failed last night. This amendment would have funded GNEP at $80 million. The Energy and Water Subcommittee already cut funding from this program, stating ''serious reservations'' about the new program. Until there are no reservations about the program, we should not continue to fund it.

The Department of Energy claims that the Global Nuclear Energy Partnership will prevent misuse of civilian nuclear facilities for nonpeaceful purposes by developing enhanced safeguards over these programs and technologies. According to DOE, the program will account for materials, control technology, provide transparency to validate peaceful uses, and review international agreements and obligations.

Despite the claims of the Department of Energy, there are many consequences of this program that are costly and potentially very dangerous to Americans and the international community.

Nuclear reprocessing is a dangerous endeavor. Reprocessing nuclear waste produces separated plutonium, which can be used to make nuclear weapons. If the plutonium remains bound in large, heavy, and highly radioactive spent fuel assemblies, it is nearly impossible to steal. In contrast, separated plutonium is not highly radioactive. The simple fact is it will never be as secure as it would be if left in the spent fuel rods. By producing additional materials that aid in the production of nuclear weapons, we are potentially enabling terrorists and other non-nuclear countries to create nuclear weapons. This is not the example we want to set for the world.

Reprocessing also does not decrease radioactive nuclear waste. The Nuclear Regulatory Commission has said that spent fuel could be safely stored in spent fuel pools or dry casks without significant environmental impact for at least 100 years. For the past thirty years, we have been able to dissuade countries from creating nuclear reprocessing programs on the premise that we ourselves are not involved.

Another problem with GNEP is that the Administration has not been able to demonstrate to Congress how costly this program will be. Since the program was announced in February of this year, the Department of Energy has not provided Congress with an overall cost for this program. Congress has not had the opportunity to evaluate the merits of this program or determine if it is in our best interest, in the long and short term. With such a great undertaking, we must fully understand the effects of this program.

I am disappointed that the Markey amendment failed. It is my hope that my colleagues will see the dangers of nuclear reprocessing and oppose this program when the final version of the Energy and Water Appropriations bill is considered in the next couple of months.

MEMORIAL DAY OBSERVANCE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. YOUNG of Florida. Mr. Speaker, I rise today to share with my colleagues in the House the text of a Memorial Day speech delivered by the Mayor of Largo, Florida, Mrs. Patricia Gerard.

Like so many of my colleagues in the House, I was honored to attend numerous Memorial Day services in my Congressional District to pay tribute to those who have sacrificed greatly in defense of our great Nation. It is always humbling to join with veterans young and old and to share moments of remembrance with the families that survive them. Those that we honored on Memorial Day have secured our freedom and our safety, and this point could not have been more clearly made than by Mayor Gerard's comments and her reference to the words of Mr. Charles M. Province.

I submit to you the text of Mayor Gerard's Memorial Day remarks so that we may all reflect on the debt we owe to our men and women in uniform.

Memorial Day is the time for Americans to reconnect with their history and core values by honoring those who gave their lives for the ideals we cherish.

More than a million American service members have died in the wars and conflicts this nation fought since the first colonial soldiers took up arms in 1775 to fight for independence. Each person who died during those conflicts was a loved one cherished by family and friends. Each was a loss to the community and the nation.

We in this country owe a great debt of gratitude to those who sacrificed their lives so that we could live free. We can start to pay that debt by not forgetting, by remembering what they did and what they stood for.

In the words of Charles M. Province:

It is the Soldier, not the reporter,
Who has given us freedom of the press.
It is the Soldier, not the poet,
Who has given us freedom of speech.
It is the Soldier, not the campus organizer,
Who has given us the freedom to demonstrate.
It is the Soldier, not the lawyer,
Who has given us the right to a fair trial;
And I would say:
And it is the Soldier—who leaves his or her family and goes off to war,
Who allows the protester to speak out against that war.

Far too often, the nation as a whole takes for granted the freedoms all Americans enjoy. Those freedoms were paid for with the lives of others few of us actually knew. That's why they are all collectively remembered on one special day.

Please join me as we all remember those men and women who have made our way of life possible.

A REMARKABLE MOVE TO EMPLOYEE OWNERSHIP

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. SANDERS. Mr. Speaker, I want to take the opportunity today to recognize the remarkable story of Bill Carris and the company he formerly owned, Carris Reels.

Carris Reels, Inc. had been a family owned company. It has been supplying wood, metal and plastic reels to the wire and cable industry for over 45 years, and it provides the most comprehensive product line of any reel manufacturer. Carris Reels has 710 employees, in 15 plants, in eight states.

I said that Carris Reels was formerly owned by Bill Carris. In 1995, at a time when the company had sales of $83 million, Bill Carris decided that in the future the company should be owned by its employees. So the company began an employee stock ownership plan (ESOP) by contributing about 10 percent of its stock to an ESOP. Since then, employee share of ownership has increased—and increased.

This past December an issue of new shares of stock to the ESOP meant that employees owned half—50 percent—of Carris Reels. Also in December, a loan to the ESOP enabled it to buy almost a third of Bill Carris' remaining shares. That meant that, by the turn of the year 2006, 65 percent of Carris Reels was owned and controlled by the company's employees. The intention is for it to be 100 percent employee-owned within 10 years.

Bill Carris strongly believes in community building and in the major role employees should play in running the business in which they work. That's why he decided on a long term plan to move his company from family to employee ownership. He hoped, and his hopes are being borne out, that in doing so he could remake the whole work situation at Carris Reels: employees would be—in fact, they are—owners responsible for charting the course of the corporation, keeping it a profitable business, and securing its long term future. Those who work at Carris Reels have moved from employees to owners, from hired workers to stewards of the company and its future. They share in the company's profits.

Today, in Vermont, the Vermont Employee Ownership Center is recognizing Bill Carris and Carris Reels for taking the enormous step to majority ownership by the corporation's employees through their employee stock ownership plan. The recognition is well-deserved. I believe Bill Carris and his employees, and Carris Reels as well, can serve as a model for our Nation.

PAYING TRIBUTE TO SHIRLEY KOBRAN

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. HINCHEY. Mr. Speaker, I rise today to honor the achievements of my friend and constituent, Shirley Kobran. For more than four decades, Shirley has been an active resident

of Ulster County, New York where she has dedicated much of her time to serving her community in various manners. Most notably, Shirley committed much of her energy over the years to environmental protection programs and served as the catalyst for several important local initiatives. I'm proud to join the Ulster County Jewish Federation in honoring Shirley for her lifetime achievement and service to the communities of Ulster County.

Upon her arrival to Ulster County from the Bronx, Shirley quickly became active in various community service organizations. It was in her capacity as editor of the League of Women Voters' monthly newspaper that she featured environmental articles prominently on the front page and began to organize the League around relevant environmental matters. On Earth Day in 1970, Shirley, along with her League colleagues, founded the Environmental Task Force of Ulster County. One of the most notable public policy initiatives to emerge from the Task Force was a broad-based recycling program that laid the groundwork for the county's current recycling program. Shirley later became the first chairperson of the Ulster County Environmental Council where she brought attention to the environmental concerns surrounding the generation of nuclear power and oversaw the organization of various environmental fairs.

Shirley went on to serve on the Ulster County Resource Recovery Agency where she formalized a recycling program that continues to exist in the county. She oversaw significant expansion of the Resource Recovery Agency and its recycling program, including the construction of the agency's first sorting facility.

In addition to these notable endeavors, Shirley has been deeply involved with the Ulster County Jewish Federation and many of its programs that support the community. She volunteers regularly at her synagogue, Ahavath Israel, and participates in many community service programs including the Federation's Book Rescue Program and Project Hope.

Mr. Speaker, I have had the pleasure of knowing and working with Shirley Kobran for more than thirty years. She has been a friend and a valued adviser and we have worked closely on many issues of importance to the residents of Ulster County. Her work on behalf of environmental issues and her community is inspiring and commendable. It is with great pleasure that I join the Ulster County Jewish Federation in recognizing her outstanding contributions and achievements.

H.R. 5429—AMERICAN-MADE ENERGY AND GOOD JOBS ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. HOLT. Mr. Speaker, before the Memorial Day recess, we considered the misnamed and misguided American-Made Energy and Good Jobs Act (H.R. 5429). I voted against this legislation, which unfortunately passed the House of Representatives. As I have repeatedly stated, we must make a commitment to a rational energy policy that promotes sustainable energy sources and conservation; not continue the belief that we are going to drill our way to energy independence.

Two weeks ago we considered the Fiscal Year 2007 Energy and Water Appropriations bill which funds our Nation's Department of Energy programs, water and science programs, and some defense and agriculture related programs. Unfortunately, instead of making a commitment to a rational energy policy, the Energy and Water bill continues our dependence on fossil fuels and continues our practice of poisoning our lands, oceans, and air. While the Energy and Water bill does increase funding for alternative energy research and development, we must do more. I was pleased to learn that energy supply and conservation programs will receive more funding in Fiscal Year 07 than they did last year. However, this is not even close to sufficient. Congress still fails to recognize the dire situation the world faces with regard to global warming and the urgency of the action we must take. It is apparent now to all but the willingly blind that we are altering our climate in dangerous and deadly ways, and that is threatening the ability of the air and the oceans to sustain us.

We then considered a bill that will once again allow drilling in the Arctic National Wildlife Refuge. I wonder when my colleagues will learn that drilling our way to energy independence is unrealistic and simply flawed logic. The United States consumes 25 percent of the world's oil, yet we only have less than 3 percent of the world's proven oil reserves. Even if we find oil in ANWR, we will not even come close to lessening our dependence on foreign oil.

We must focus on developing sustainable energy sources and encouraging conservation. We can do this by investing in programs that make our schools, office buildings and homes energy efficient. We must continue to invest in transportation systems that optimize technology to efficiently and effectively move passengers while consuming less energy. In 2005 the Energy Information Administration estimated that if oil was discovered in ANWR, it would only lower gas prices by about one penny per gallon twenty years from now. Responding to rising gas prices by drilling is simply not the answer.

My colleague from New York, Mr. BOEHLERT, pointed out during debate on the House floor, that we have not considered one piece of conservation legislation since the most recent spike in gas prices in May of this year. When will we realize that there are other means to fulfilling our energy needs than destroying our environment and disrupting habitat and wildlife?

It is essential for us to do something dramatic. It is not enough for us to just do a little bit better every year. This is the only way to actually work our way to energy independence. Now is the time for my colleagues to make a commitment to alternative energy sources. We must continue to fight to preserve our environment and develop energy sources that are clean, safe, and sustainable.

TRIBUTE TO EL PRIMER PASO, LTD.

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor El Primer Paso, Ltd., a preschool in Dover, New Jersey, a vibrant organization I am proud to represent. On June 10, 2006 El Primer Paso is celebrating over 35 years of educating young, non-English speaking children.

El Primer Paso is a non-profit early childhood education center. Its primary goals are to provide opportunities for growth and development of ideas, imagination, initiative and self-reliance to the pre-school children who are enrolled in its program.

El Primer Paso prepares non-English speaking children to meet the challenges of the American school system. Adult English classes and other support services are also available to encourage parents to participate in school and community activities. A two-day a week pre-school program provides an extra year of preparation for non-English speaking children before they attend area schools.

El Primer Paso was founded in Dover by a group of volunteers in the late 1960's. The program primarily serves low and moderate income Hispanic families in Morris County, New Jersey. It has grown and changed over the years to meet the needs of this community. In the 1970's, parents requested adult English classes to enable them to help their children and to obtain better jobs. Today, the program serves approximately 30 adults a year and includes training for driver's tests and citizenship tests and preparation for continuing education.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the dedicated and talented trustees, staff and volunteers of El Primer Paso, Ltd. on the celebration of over 35 years of providing critical educational services to the Dover community.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

SPEECH OF

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5427), making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes:

Mr. INSLEE. Mr. Chairman, I rise today to bring your attention to a technology that will revolutionize our electricity resources. This Congress has recognized that energy challenges need to be explored through alternative, renewable and clean energy sources to enable a diverse national energy resource plan. However, the rhetoric of supporting alternate fuels hasn't been met with the policies enacted by the House of Representatives. The Energy and Water Appropriations Act of Fiscal Year 2007 fails to recognize an area of energy exploration that other nations are well-ahead of us in tapping—ocean wave energy.

There is an increasing need for reliable, non-polluting sources of economic electrical power throughout the world. The Electrical Power Research Institute, EPRI, has carried out a comprehensive economic study of wave generation and has concluded that the economics of wave generation are at least as favorable as for wind generation, EPRI study

shows that tidal is as favorable as wind and that wave would be as favorable if the same resources for wind had been invested which has now achieved economic competitiveness and is undergoing extensive worldwide growth.

It is estimated that if 0.2 percent of the oceans' untapped energy could be harnessed, it could provide power sufficient for the entire world.

Wave Energy has several advantages over other forms of renewable energy such as wind and solar including higher energy densities, enabling devices to extract more power from a smaller volume at much lower costs (e.g., the density of water is about 1000 times that of air).

The availability of wave energy is in the 80–90 percent range, whereas wind availability is in the 30–45 percent range depending on location. Wave energy is also more predictable, with energy forecast times of greater than 10 hours, thus enabling more straightforward and reliable integration into the electric utility grid to provide reliable power.

Unfortunately, these developments have once again been ignored by Congress. While the FY 07 Energy and Water appropriations bill provides just over $24 billion for the Department of Energy, it fails to provide any funding for the ocean energy program.

Ocean wave energy extraction technology is currently in the preliminary stages of development, at the same stage that wind turbines were approximately 15–20 years ago. Several technologies are being developed, and yet no clear superior engineering solution has been established. I urge my fellow colleagues to understand to recognize any opportunity to support this new endeavor and make the United States a leader in tapping into this alternative, renewable energy source.

I am very pleased that this bill fully funds the American Competitiveness Initiative which would strengthen basic research by increasing funding for the DOE Office of Science, for a total of $4 billion. In addition, the bill supports the Advance Energy initiative by increasing funding for a variety of clean energy technologies, including biomass, hydrogen, solar, wind and clean coal. However, again, it includes no funding or support for ocean wave energy.

The new Energy Policy Act of 2005 adopted into law recognized for the first time the value of wave power to the US economy. Ocean energy research and development was authorized by this Congress. It should be supported and funded by this Congress.

HONORING MAYOR MICHAEL A. GUIDO ON BECOMING THE NEW PRESIDENT OF THE U.S. CONFERENCE OF MAYORS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. DINGELL. Mr. Speaker, I rise today to honor a great friend and wonderful public servant, Dearborn, Michigan Mayor Michael A. Guido, on becoming the President of the United States Conference of Mayors.

Mayor Guido began his career in public service when he was elected the youngest person ever to the Dearborn City Council. He promptly surpassed that achievement two terms later by becoming the youngest Mayor in the city's history. Since assuming the mayor's office in 1986, Mayor Guido has masterfully guided Dearborn with an immense degree of dedication, passion and competence.

As mayor of Henry Ford's hometown for 20 years, Mayor Guido has proven his tremendous ability to serve as a leader both locally and nationally. In Dearborn, Mayor Guido has been able to reduce crime; maintain a responsive police, fire and medical service structure; raise and sustain high property values; and, increase the quality of life through providing recreational, cultural and artistic programs and overseeing the building of nationally recognized cultural and recreational facilities. He managed all of this and much more while maintaining responsible fiscal discipline.

Mayor Guido has also contributed his expertise nationally through a number of organizations. He is a past member of the National League of Cities, NLC, Board of Directors, chaired the NLC's Working Group on Homeland Security following the tragic events of September 11th, and was a member of the Federal Communications' Local and State Government Advisory Committee. Mayor Guido also continues to serve on the National Advisory Councils of Fannie Mae and the NLC.

Knowing such a decent, kind and apt public servant such as Michael Guido has been a distinct privilege of mine for many years. I have seen Mayor Guido grow into a veteran public servant whose savvy for understanding complex national issues has always exceeded my expectations. I have no doubt that the U.S. Conference of Mayors will be well served having Mayor Guido as its President. I ask that all of my colleagues join me in congratulating Mayor Guido on his inauguration as the 64th President of the U.S. Conference of Mayors.

TRIBUTE TO THE ARLINGTON FOOD ASSISTANCE CENTER

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. MORAN of Virginia. Mr. Speaker, I rise today to commemorate National Hunger Awareness Day and to honor the Arlington Food Assistance Center, which is located in my congressional district.

National Hunger Awareness Day was established to help inform individuals, communities, corporations and policy makers that hunger is a severe domestic issue and deserves our critical attention.

The Arlington Food Assistance Center's sole mission is to feed the hungry. This important action allows their clients to make other necessary purchases, such as paying for rent and utilities, without having to sacrifice their health and nutritional needs.

Despite the fact that Arlington County is one of the wealthiest areas in the country, plenty of local residents do not have enough to eat. The Arlington Food Assistance Center, AFAC, seeks to remedy this problem by distributing bread, vegetables, meat, milk, eggs and other food items to those in Arlington who are in need. The Arlington Food Assistance Center currently distributes approximately 1100 bags of groceries each week to over 900 clients, nearly half of whom are children. Each week, families with one to three members receive one bag of food and families of four members or more receive two bags of food—amounts that are expected to supplement a week's meals.

AFAC obtains surplus food at a minimal cost from the Capital Area Community Food Bank and at no cost from local bakeries, supermarkets, farmer's markets, food drives and private donors.

I would like to commend the staff and volunteers of the Arlington Food Assistance Center who work hard to provide needy families in Arlington with groceries each week.

TRIBUTE TO THE DEMOCRATIC PACIFIC UNION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. LANGEVIN. Mr. Speaker, I rise today to pay tribute to the Democratic Pacific Union, DPU, whose goals include promoting democratic values, peace and prosperity among its member states. The DPU is an important development in the steady expansion of democracy among Pacific states.

Led mainly by Taiwan's President Chen Shui-bian and Vice President Lu Hsiu-lien, the Democratic Pacific Union was created last summer on the 60th anniversary of the end of World War II. In less than a year, the DPU has grown to 28 member democracies and has already compiled an impressive record of accomplishment. This record includes publishing its first quarterly journal, planning regional meetings, forming a Pacific economic advisory group, establishing a training program for typhoon and flood disaster reduction, and initiating the Pacific Congressional Caucus project. The Speaker of Taiwan's legislature, Wang Jin-pyng, has also formed a Taiwan Chapter of the DPU Congressional Caucus.

Mr. Speaker, I encourage my colleagues to acknowledge the importance of this initiative in strengthening democracy in the Pacific region. I congratulate Vice President Lu, the current Chair of the DPU, the leaders of Taiwan, and all the member states for their role in creating and supporting the Democratic Pacific Union.

HONORING HAVENSCOURT COMMUNITY CHURCH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Ms. LEE. Mr. Speaker, I rise today to honor the Havenscourt Community Church, which has contributed immeasurably to the Oakland community as a whole as well as its own parishioners since 1925.

Since its founding, Havenscourt has been known as a stalwart of service, leadership, and faith, impacting countless lives over the past eight decades. With this same spirit, that of addressing needs within the whole community in addition to the church community, Dr.

Claude E. Wilson has served as the pastor at Havenscourt Community Church since the 1960s. In addition to his duties as a spiritual leader, Pastor Wilson has administered several long-standing programs focusing on the academic education of children, the public safety issues that concern the East Oakland area, and the physical wellness issues that concern the African American community.

Pastor Wilson has been commended for his involvement in public education by the Oakland Public School System, in particular, for his personal as well as the Havenscourt Community Church's involvement in providing tutorial, child care, and hot meal programs for school aged children. Through these and numerous other activities Pastor Wilson has relentlessly continued throughout his tenure with Havenscourt to develop programs, networks, and community interconnectedness. Both Pastor Wilson and the Havenscourt family have strengthened our ties with one another and brought hope to our future through spiritual development and community problem solving.

For 81 years Havenscourt Community Church has been an indispensable part of our community, and Dr. Wilson has been leading their contributions as a pastor and community member for more than half of the church's history. On behalf of the residents of California's 9th U.S. Congressional District, I join the Oakland community on this 23rd day of June, 2006 in saluting and thanking the Havenscourt Community Church and its pastor, Dr. Claude E. Wilson. Their presence has contributed to the fabric and vibrancy of our community both currently and as a salient part of our heritage.

CONGRATULATING OFFICER JOHN ANGLE OF THE MOBILE POLICE DEPARTMENT OF BEING NAMED ALABAMA'S TOP COP BY NAPO

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. BONNER. Mr. Speaker, it is with great pleasure that I rise today to honor Officer John Angle of the Mobile Police Department, on the occasion of his selection as a Top Cop by the National Association of Police Organization for 2006. The officers of 10 cases from throughout the nation are awarded this honor each year.

A resident of Mobile, Officer Angle has been an exemplary member of the Mobile Police Department since September 1999. He was nominated for this award by Captain James Barber for his heroic actions above and beyond the call of duty in an incident that occurred on July 23, 2005.

On that night, Officer Angle responded to a burglary in progress call in Mobile. He located and attempted to stop the vehicle as it was leaving the city, but the suspects sped away. A chase ensued with the suspects firing at Officer Angle. Though he was alone on the scene and backup was unavailable, he continued to pursue them.

The suspects pulled over and exchanged gunfire with the officer three times during the twelve minute chase before finally crashing into a ditch. The suspects then exited the vehicle and continued to fire on Officer Angle. He successfully wounded one of the suspects and the two subsequently surrendered.

Mr. Speaker, it is my great honor to recognize Officer John Angle and to commend him for his courage and this well deserved award. I wish him many safe and distinguished years on the police force, and convey my deepest gratitude for his service to Mobile. He is an outstanding example of the quality of individuals who have devoted their lives to law enforcement. I know John's colleagues, his fiancée Laura, his family, and many friends join me in praising his accomplishments and extending thanks for his efforts over the years on behalf of the citizens of Mobile and Alabama's First Congressional District.

HINDU MILITANTS MURDERED 38 SIKHS IN COLD BLOOD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. TOWNS. Mr. Speaker, recently, former Secretary of State Madeleine Albright wrote a book called The Mighty and the Almighty. The introduction was written by former President Bill Clinton. In his introduction, President Clinton wrote, "During my visit to India in 2000, some Hindu militants decided to vent their outrage by murdering 38 Sikhs in cold blood. If I hadn't made the trip, the victims would probably still be alive. If I hadn't made the trip because I feared what militants might do, I couldn't have done my job as president of the United States."

President Clinton places the blame squarely on Hindu militants, not on the so-called Kashmiri Muslims that the Indian government tried to blame for the massacre. In 2002, the Washington Times reported that the government finally admitted its responsibility and admitted that the evidence that it used to pin the blame on Kashmiris was false.

Reporter Barry Bearak of the New York Times also placed the blame squarely on the Indian government, as did two independent investigations, one by the International Human Rights Organization, which is based in Ludhiana, and the other conducted jointly by the Punjab Human Rights Organization and the Movement Against State Repression. The evidence is overwhelming, yet Indian sycophants continue to deny the government's responsibility.

Unfortunately, this massacre would have been swept under the rug if not for the outstanding efforts of the organizations mentioned above and of the Council of Khalistan, which has painstakingly documented any new developments. I am indebted to them for bringing this to my attention.

The massacre was part of a pattern of repression of minorities that has brought about the murders of over 250,000 Sikhs, more than 300,000 Christians in Nagaland alone, over 90,000 Muslims in Kashmir alone, and Christians and Muslims throughout the country, as well as tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and other minorities. This is one reason that it is essential to cut off our aid and trade to India and to demand a free and fair plebiscite in Punjab, Khalistan, in Kashmir, in Nagalim, and wherever people are seeking their freedom. This is the only way to bring freedom, peace, stability, and dignity to all the people of south Asia.

I would like to introduce the press release from the Council of Khalistan on Secretary Albright's book into the RECORD at this time.

"HINDU MILITANTS MURDERED 38 SIKHS IN COLD BLOOD"

WASHINGTON, DC, May 30, 2006.—In the introduction to former Secretary of State Madeleine Albright's new book, The Mighty and the Almighty, former U.S. President Bill Clinton writes that "Hindu militants" are responsible for the massacre of 38 Sikhs at Chithisinghpora in March 2000. This reflects previous findings by the Punjab Human Rights Organization, the International Human Rights Organization, the Movement Against State Repression, and New York Times reporter Barry Bearak.

President Clinton writes, "During my visit to India in 2000, some Hindu militants decided to vent their outrage by murdering 38 Sikhs in cold blood. If I hadn't made the trip, the victims would probably still be alive, If I hadn't made the trip because I feared what militants might do, I couldn't have done my job as president of the United States."

According to Amnesty International, "the attackers wore uniforms of the armed forces and were led by a tall man whom they addressed as Commanding Officer (CO). All Sikh men were rounded up, ostensibly to check their identities, and made to sit on the ground in two groups against the walls of the gurdwaras [Sikh temples] a few hundred metres from each other; they were shot at point blank range. As the attackers withdrew, they reportedly shouted Hindu slogans." On August 2, 2002, the Washington Times reported that the Indian government admitted that its forces were responsible for the massacre. India finally admitted that the evidence it used to implicate alleged Kashmiri "militants" in the murders was faked.

At the time of the Chithisinghpora massacre, Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, strongly condemned the murders. "What motive would Kashmiri freedom fighters have to kill Sikhs? This would be especially stupid when President Clinton is visiting. The freedom movements in Kashmir, Khalistan, Nagaland, and throughout India need the support of the United States," he said, Khalistan is the Sikh homeland declared independent on October 7, 1987.

The massacres continued a pattern of repression and terrorism against minorities by the Indian government, which it attempts to blame on other minorities to divide and rule the minority peoples within its artificial borders. The Indian newspaper Hitavada reported that the Indian government paid the late governor of Punjab, Surendra Nath, $1.5 billion to organize and support covert terrorist activity in Punjab, Khalistan, and in neighboring Kashmir.

A report issued by the Movement Against State Repression (MASR) shows that India admitted that it held 52,268 political prisoners under the repressive "Terrorist and Disruptive Activities Act" (TADA) even though it expired in 1995. Many have been in illegal custody since 1984. There has been no list published of those who were acquitted under TADA and those who are still rotting in Indian jails. Additionally, according to Amnesty International, there are tens of thousands of other minorities being held as political prisoners. MASR report quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands.]"

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians in Nagaland, over 90,000 Muslims

in Kashmir, tens of thousands of Christians and Muslims throughout the country, and tens of thousands of Tamils, Assamese, Manipuris, and others. The Indian Supreme Court called the Indian government's murders of Sikhs ''worse than a genocide.''

The book Soft Target by Canadian journalists Zuhair Kashmeri and Brian McAndrew shows that the Indian government blew up its own airliner in 1985 to blame Sikhs and justify further repression. It quotes an agent of the Canadian Security Investigation Service. (CSIS) as saying, ''If you really want to clear up the incidents quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver. We know it and they know it that they are involved.'' On January 2, 2002, the Washington Times reported that India sponsors cross-border terrorism in the Pakistani province of Sindh.

''Only in a free Khalistan will the Sikh Nation prosper and get justice,'' said Dr. Aulakh. ''When Khalistan is free, we will have our own Ambassadors, our own representation in the UN and other international bodies, and our own leaders to keep this sort of thing from happening. We won't be at the mercy of the brutal Indian regime and its Hindu militant allies,'' he said. ''Democracies don't commit genocide. India should act like a democracy and allow a plebiscite on independence for Khalistan and all the nations of South Asia,'' Dr. Aulakh said. ''We must free Khalistan now.''

REPUBLICAN MISGUIDED PRIORITIES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. CONYERS. Mr. Speaker, yesterday, the Senate Republican leadership renewed debate on whether the Constitution of the United States should limit marriage and any civil union to one man and one woman.

It is distressing to me that we live in an age in which we still must fight to protect our civil rights as Americans, in which a hate crime perpetrated against someone based their sexual orientation can go unpunished, and in which discrimination is being written into our laws.

If this amendment were to pass, we would rewrite discrimination into the Constitution, a practice I thought we had done away with in 1868, when the Fourteenth Amendment erased the Constitution's reference to ''the whole number of free persons.'' It appears that some would condemn us to repeating history.

The only saving grace for this measure is that it is doomed to failure, and the President knows that. This amendment is being considered merely to throw red meat at conservative voters in an election year. Just over a month before the 2004 election, when his poll numbers were slipping, the President stated his support for this discriminatory measure. He knew the amendment could not pass in Congress and that there was minimal public support for it. Republicans moved this discriminatory bill for the sole purpose of dividing voters and inciting anti-gay sentiment in a hotly-contested election year.

Two years later, the Republicans are drowning in corruption and losing public support on a mass scale. The White House wants to drive its conservative base to the polls and has asked the Senate Majority Leader to bring this issue before the full Senate. Make no mistake about it, we will win this fight again.

Then, hopefully we can turn to the issues that the American people want the government to address. We have yet to investigate the Administration's failed policy in Iraq that has led to the deaths of over 2,000 American soldiers. We need to know why there has been a steep rise in gas prices during a time of record oil industry profits. We need to craft a prescription drug bill for seniors that works instead of keeping one that confuses seniors and rewards large pharmaceutical companies. We need to stop borrowing money from foreign countries, cease deficit spending, and return our economy to the surpluses it had under President Clinton.

With so many critical issues that need the immediate attention of the Congress, Republicans need to reevaluate their priorities. It is my hope that in the coming months we can focus our energies on the many important issues facing our country rather than on divisive and unproductive distractions.

HONORING THE GREEN ALBANY PROJECT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Ms. LEE. Mr. Speaker, I rise today to honor the Green Albany Project, which, in partnership with the Albany Chamber of Commerce, the City of Albany, Alameda County Waste Management, and Stopwaste.org has successfully completed its goal of ''greening'' the small business district in Albany, California, making it the first project in the nation in which a chamber of commerce has taken the lead in an effort such as this.

The Green Albany Project was launched on Earth Day 2005 as a collaborative effort of the Albany Chamber of Commerce, the City of Albany, and Stopwaste.org under the leadership of James Carter. Upon receipt of a grant from Stopwaste.org, the Albany Green Team was assembled, comprised mostly of local youth from Albany High School and the surrounding community. The Albany Green team then began a yearlong outreach effort, working to contact and educate local business owners on the economic and environmental benefits of going green.

With the help of Stopwaste.org, Alameda County Waste Management, Alameda County Board of Supervisors President Keith Carson, and in collaboration with Smartlights, East Bay MUD, and other programs, the Albany Green Team has succeeded in helping 26 businesses in Albany, which is most of the local small business district, to green their operations and in turn, green our community. In so doing, the Green Albany Project has successfully diverted 150 tons of solid waste from landfills through its work to implement composting practices at local businesses, and it is projected that an additional 290 tons will be diverted in the year to come.

The Green Albany Project celebrates this success only one year after its launch, and furthermore, having achieved its objectives under budget, will be returning money to the county for use in propelling other worthwhile projects forward.

In addition, this project would not have been possible without the support of the small business owners in Albany, who are a crucial driving force behind our local and regional economies, and who have provided an immeasurable service to the community by implementing these new green systems with the help of the Albany Green Team.

The Green Albany Project is an outstanding example of steps that our communities can take to address the national and global challenge of developing sustainable practices in a time of diminishing natural resources.

The Green Albany Project has not only made history as the first project of its kind to be completed in our country, but has demonstrated to businesses throughout California's 9th Congressional District and across our country that going green is not only possible but profitable.

On behalf of the residents of California's 9th U.S. Congressional District, I join the Albany community on this 5th day of June, 2006 in saluting and thanking the Albany Green Team, the Albany Chamber of Commerce, the City of Albany, Stopwaste.org, Alameda County Waste Management, the Albany small businesses that have made the decision to go green, and all the other partners who have made the Green Albany Project a success. Their work has contributed immeasurably to California's 9th Congressional District, to the entire Bay Area and to our country, and represents an important step forward in the international effort to establish environmentally and economically sustainable ways of living here in our community and around the world.

IN HONOR OF THE 20TH ANNIVERSARY OF THE DELAWARE COMMUNITY FOUNDATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to the Delaware Community Foundation as it celebrates its 20th anniversary of unparalleled service to the State. The Foundation was created in 1986 to provide a lasting source of charitable funding by enabling donors and organizations to effectively support the causes that matter most to Delaware's citizens.

In the publication of its first newsletter in 1990, the Foundation noted that through its first grant making program it awarded roughly $60,000 in grants to six agencies for use in addressing homelessness. Other inaugural accomplishments included the creation of 8 new charitable funds, and a total fund balance of just over $6 million. Today, the Foundation manages nearly 600 charitable funds, gives from a total asset balance of more than $200 million, and has awarded more than $54 million in grants in its short 20-year history. This exceptional growth stands as a testament to the important work done by the Delaware Community Foundation and how much it is truly needed.

Through its strong community leadership, and both competitive and non-competitive grant programs, the Foundation is now able to adapt to the needs of the community as they emerge and evolve. In doing so, the Delaware

Community Foundation has been able to support hundreds of charitable organizations in Delaware who deal with a wide range of causes; such as the arts, education, environmental concerns, health care, substance abuse and violence prevention, affordable housing, social services, and other philanthropic and religious organizations.

Mr. Speaker, in closing, I would like to thank the Delaware Community Foundation for its hard work on behalf of our citizens, and for providing effective and responsible philanthropy that has enhanced the quality of life of many Delawareans; the Foundation's mission is truly inspiring. Like the hundreds of other community foundations throughout the United States, the Delaware Community Foundation continues to offer an invaluable service to our great Country.

INTRODUCING H.R. 5524, RURAL VETERANS HEALTH CARE ACT OF 2006

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. MICHAUD. Mr. Speaker, today I am introducing H.R. 5524, the Rural Veterans Health Care Act of 2006, to strengthen and improve access to health care for rural veterans.

The Memorial Day weekend has recently passed us by. The holiday reminded us all of the great sacrifices made by our Nation's veterans and their families. It is important that we honor our veterans with action and not just words. We must not forget that we have soldiers in harm's way in Iraq and Afghanistan, and they too have earned the support of a grateful nation, just as generations before them.

Meeting the needs of our veterans and their families should be a top priority. While the Department of Veterans Affairs (VA) does a good job in delivering quality medical care, treatment is sometimes harder to access for veterans in rural areas.

Rural communities have always answered their Nation's call to service. Nationwide, more than 44 percent of recent U.S. military recruits come from rural areas. This tradition of service is true in my home State of Maine where approximately one in six residents is a veteran—one of the highest proportions in the country. Across the country, one in five veterans who is enrolled to receive VA health care lives in a rural area.

Veterans who live in rural settings are often older and have more physical and mental health diseases as compared to veterans who live in suburban or urban settings. According to the 2005 Institute of Medicine report, The Future of Rural Health, ''the smaller, poorer, and more isolated a rural community is, the more difficult it is to ensure the availability of high-quality health services.''

It is important that we address the unique challenges that rural veterans face in accessing health care. At my request last summer, the House Veterans' Affairs Subcommittee on Health held a hearing at Eastern Maine Community College in Bangor to raise awareness of this issue and to search for solutions. The field hearing focused on rural veterans' access to primary care and gave the Chairman and me the opportunity to hear directly from veterans and health care providers in Maine.

It was clear to the Chairman and me that if our rural veterans are going to get the care they deserve, the VA needs to have a focused effort to increase access to quality health care for those living in non-urban areas of our country.

My legislation is a result of the findings from the Maine field hearing, an ongoing dialogue between my office and Maine veterans and health care providers, and reports published by the Institute of Medicine that focused on improving health care in rural areas.

Specifically, my bill would help rural communities address the needs of returning veterans who are serving in Iraq and Afghanistan by requiring the VA to conduct an extensive outreach program to these veterans who reside in rural communities. The VA would be required to collaborate with employers, state agencies, community health centers, rural health clinics and the National Guard to conduct this extensive outreach program to ensure that returning troops have access to the benefits they have earned.

The legislation would also build on the strength of the Vet Centers program. Vet Centers are located in the community outside of the larger VA medical facilities, in easily accessible, consumer-oriented facilities. They are highly responsive to the needs of local veterans. In 2005, the 206 Vet Centers saw over 132,853 veterans. For nearly one out of four veterans seen at Vet Centers, these centers are their access to VA programs and benefits. This core group of veteran users primarily received counseling for military-related trauma. My bill would require the VA to expand its presence in rural areas and to establish a pilot program to have mobile Vet Centers that could help reach veterans in the most rural and remote areas.

Consistent with the promise made to veterans in the CARES process, my legislation would hold the VA accountable for improving access for rural veterans through Community Based Outpatient Clinics (CBOCs) and other access points by requiring the VA to develop and implement a plan for improving veterans' access to quality care in rural areas. The May 2004 Secretary's CARES decision identified 156 priority CBOCs and new sites of care nationwide. The VA Secretary would also be required to develop a plan for meeting the long-term care needs of rural veterans, expanding adult day-care and respite care programs for rural veterans, expanding the use of telemedicine to enhance the care of rural veterans, and expand access to mental health care for rural veterans.

The 2005 groundbreaking Institute of Medicine report on The Future of Rural Health recommended that the federal government incorporate a rural focus in planning and developing a national health information infrastructure. The VA has been a leader in developing an electronic medical record system to enhance patient safety and improve quality of care. This legislation recognizes that VA has a leading role and responsibility to help rural veterans and their providers. The bill would establish a health information technology pilot to ensure a continuum of quality of care for veterans that rely on VA provided care, VA fee-basis care and contracted care. The pilot would have the VA partner with a range of providers including community health centers, rural health clinics and critical access hospitals, where appropriate.

Rural veterans, veteran service organizations and other experts need a seat at the table to help the VA consider important program and policy decisions that affect rural veterans. The legislation would establish a Rural Veterans Advisory Committee to harness the knowledge and expertise of representatives from other federal agencies, academic affiliates, veterans and other experts to recommend opportunities to meet the challenges of veterans' rural health care.

This legislation would also put VA in the forefront of researching, developing and evaluating innovative approaches in the delivery of rural health care by establishing four Rural Health Research, Education, and Clinical Care Centers. These centers of rural health care excellence will conduct research on rural health services, allow the VA to pioneer models for furnishing services to treat rural veterans, provide education and training for health care professionals, and develop and implement innovative clinical activities and systems of care. These centers would maximize the investment of federal tax dollars by collaborating with Department of Health and Human Services Rural Research Centers.

Health workforce shortages and recruitment and retention of the health care workers are key challenges to rural veterans' access to care and quality of care. Rural Americans face a unique combination of factors that create disparities in health care not found in urban areas. Only 10 percent of physicians practice in rural areas despite the fact that one-fourth of the U.S. population lives in these areas. State offices of rural health identify access to mental health care and concerns for suicide, stress, depression, and anxiety disorders as major rural health concerns. The 2005 IOM report recommended that the federal government initiate a renewed, vigorous and comprehensive effort to enhance the supply of health professionals working in rural areas.

The VA's involvement in medical and nursing education of future rural providers is essential. Almost 28,000 medical residents and 16,000 medical students receive some of their training in the VA every year. In addition, over 32,000 associated health students, including future nurses, pharmacists, dentists, audiologists, social workers, psychologists, physical therapists, optometrists, respiratory therapists, physician assistants and nurse practitioners, receive training through the VA.

This legislation would place VA at the forefront of enhancing the rural education and training of health professionals. The legislation requires the VA Secretary to institute additional rotations for medical residents in rural areas; establish programs to enhance the education, training, recruitment and retention of nurses in rural areas; and create programs to enhance the education, training, recruitment and retention of allied health professionals in rural areas.

Helping homeless veterans in rural and remote locations recover, rehabilitate and reintegrate into society is complex and challenging. The VA has no specific programs to help community providers who focus on homeless veterans in rural and remote locations. This legislation would authorize special grants to community providers to meet the needs of homeless rural veterans.

Native American, Native Hawaiian and Native Alaskan veterans have unique needs. This legislation would expand VA's health care presence in these rural and remote communities.

Rural America has always answered the call to service. We should do everything we can to ensure that rural veterans have the same reasonable access to the high quality care available through the VA as veterans in suburban and urban areas. I urge my colleagues to support the Rural Veterans Health' Care Act of 2006.

THE AMERICAN LEGION,
Washington, DC, June 5, 2006.

Hon. MICHAEL MICHAUD,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MICHAUD: On behalf of the 2.7 million members of The American Legion, I would like to express our support for your legislation addressing rural veterans health care.

The American Legion understands the dire straits that many veterans who reside in rural and highly rural areas find themselves. As the Global War on Terror and the ongoing conflicts in Afghanistan and Iraq continue to escalate, the need for the nation's Active Duty, National Guard and Reserve service members to deploy not once, twice, but three times is becoming the rule and not the exception. The need for the Department of Veterans Affairs (VA) to reach out to these veterans, many of them in rural communities, has reached an unprecedented scale. The time is now for VA to take responsibility to bring those veterans in and provide them the services they not only need, but also earned.

Adequate and directed outreach, rural mental health services, trained medical staff, rural health research and homeless rural veterans are all key components of your legislation that address the growing dilemma that is access to rural health care.

The American Legion believes this legislation will go a long way in addressing this crucial issue and we thank you for your continued leadership and support of America's veterans and their families.

Sincerely,

STEVE ROBERTSON,
Director,
National Legislative Commission.

VIETNAM VETERANS OF AMERICA,
Silver Spring, MD, June 2, 2006.

Hon. MIKE MICHAUD,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MICHAUD: Vietnam Veterans of America applauds your initiative in introducing a bill—a bill that is sensible, necessary, and long overdue—that promises to significantly improve health care delivery to veterans living in rural areas. These veterans have been underserved for far too many years; your bill, when passed, can correct this oversight.

We are particularly pleased that your bill calls for an expansion of the very effective Vet Center program into rural areas; the establishment of a Rural Veterans Advisory Committee; additional rotations of medical residents to rural areas; and programs to enhance the education, training, recruitment, and retention of health care professionals in rural America.

With more than four in ten enlistees coming from rural areas, passage of your legislation will serve to send a clear message: that their needs, when they become veterans, will not be overlooked.

On behalf of VVA members and their families, I thank you for your concern about rural veterans and your desire to ensure that they get better access to the quality health care they have earned by virtue of their military service.

Sincerely,

JOHN ROWAN,
National President.

MILITARY ORDER OF THE PURPLE HEART,
Springfield, VA, June 5, 2006.

Hon. Mike Michaud,
Washington, DC.

DEAR MR. MICHAUD: The Military Order of the Purple Heart (MOPH), whose membership is comprised entirely of combat-wounded personnel, is pleased with your efforts to improve health care for veterans in rural areas. Health care provided by the Department of Veterans Affairs should be available to all those enrolled in the system without regard to the area in which they live. For too long those veterans living in rural areas have been neglected.

MOPH thanks you for this effort and will assist you in any way possible to help enact this legislation.

Respectfully,

JAMES D. RANDLES,
National Commander.

HONORING THE AVIATION ACCOMPLISHMENTS OF JOE HAWKINS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding accomplishments of Joseph C. Hawkins, a resident of my hometown of Murfreesboro, Tennessee. Joe recently became the first Tennessean to receive the prestigious National Aviation Maintenance Technician of the Year award, which is sponsored by the Federal Aviation Administration and the General Aviation Manufacturers Association. Recipients of this award must demonstrate exceptional generosity and a keen knowledge of professionalism.

For nearly 30 years, Joe has been an airframe and power plant technician. He currently dedicates his time as an Assistant Professor in the Aerospace Department at my alma mater, Middle Tennessee State University, where he teaches a wide variety of classes and practical labs and also serves as an advisor for students interested in careers in the field.

This is not the first time Joe has been recognized for his outstanding accomplishments in aviation. In 2006, Joe received the Professional Aviation Maintenance Association's Award of Merit for his demonstration of safety and professionalism.

Joe's achievements and service in the aviation field are exceptional. He serves as an inspiration to other Tennesseans in the department of aviation and education. Once again, I congratulate him on this prestigious award.

CELEBRATING THE BIRTH OF ZACHARY CHARLES STICKNEY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. WILSON of South Carolina. Mr. Speaker, today I am happy to congratulate LCDR and Mrs. Charles Stickney USN of Prattville, Alabama, on the birth of their new baby son. Zachary Charles Stickney was born on April 15, 2006, at 8:00 a.m., weighing 7 pounds and 11 ounces. He has been born into a loving home, where he will be raised by parents who are devoted to his well-being and bright future. His birth is a blessing.

RICHARD C. MERRYMAN

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mrs. CAPITO. Mr. Speaker, owning a home is an important part of the American dream. It is more than a roof over our heads; home ownership builds economic stability and, over the long term, creates equity to finance education, business startups and retirement. People with equity in their homes not only take greater pride in them, they also become more involved in their communities.

Richard C. Merryman recently joined the nearly seventy percent of Americans who enjoy the satisfaction of owning their own home. Richard is a handicapped individual who obtained a 502 Direct loan along with a West Virginia Housing Development Fund (WVHDF) leveraged loan to build a new handicap accessible home. It was the first leveraged loan in the Eastern Panhandle of West Virginia.

The nationally known partnership between the WVHDF and West Virginia Rural Development (WVRD) has provided critical gap financing for many homeowners who otherwise could not qualify for a homeownership loan. WVHDF specializes in providing affordable mortgage financing for residents of West Virginia, as well as financing for developers to rehabilitate or construct affordable apartments and subdivisions. The Rural Housing Programs of West Virginia work to improve the quality of life for rural Americans by ensuring that they have access to safe, well-built, affordable homes.

Richard exemplifies the spirit and determination of those who have risen above significant adversity in order to achieve the dream of homeownership. He was previously on Social Security disability but is now employed as a greeter at the Wal-Mart in Martinsburg, WV. Richard moved into his new home in April 2006.

I applaud Richard and the men and women who work to achieve the dream of homeownership and who have built better lives and greater opportunity for all Americans.

RECOGNIZING CONGRESSMAN JOHN LEWIS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. MCGOVERN. Mr. Speaker, I rise today to thank and praise Congressman JOHN LEWIS for visiting New Bedford, MA, this past week, to discuss his important involvement with the American Civil Rights Movement, and to remind all of us how we need to find the courage to continue the Movement.

I'd also like to thank Congressman BARNEY FRANK for inviting Congressman LEWIS to speak. The two Congressmen are friends of more than 40 years, and as Congressman FRANK states, Representative LEWIS continues to be ''one of the great moral forces in this country.''

Representative LEWIS, a great hero of the American Civil Rights Movement, spoke to 1400-plus students and teachers at New Bedford High School, sharing his experiences growing up in the segregated South, and his eventual involvement with nonviolent protests.

Congressman LEWIS told the students ''that it was the young, like himself and many others who formed the Student Nonviolent Coordinating Committee,'' who led the way in the Civil Rights Movement.

I would like to place into the RECORD the following editorial, Timely Message from John Lewis, which appeared in the June 1, 2006, edition of the New Bedford Standard-Times.

[From the New Bedford Times, June 1, 2006]

TIMELY MESSAGE FROM JOHN LEWIS

Whether it was the hand of the almighty or simply the good sense of our local congressman, Barney Frank, yesterday's visit to New Bedford by U.S. Rep. John Lewis, D-Ga., one of the great heroes of the American Civil Rights Movement, could not have been timed more perfectly.

The 56-year-old Rep. Lewis, who is the son of a sharecropper born in segregated Alabama, brought a message of hope and healing to a city preparing to bury Bernadette DePina, who was shot to death in her home last week, just day's after her 23-year-old son David DePina II's arrest on charges of murdering a 29-year-old man.

Rep. Lewis didn't talk about crime or punishment or politics. He talked about growing up poor in the segregated South, about being inspired as a 15-year-old listening to the radio by the actions of the late Rosa Parks and the soaring words of a young black minister, Dr. Martin Luther King Jr., to stand up for the dignity of all and ''to find a way to get in the way'' of those who would deny others that dignity.

And that's what he did. Arrested scores of times in nonviolent protest of discriminatory voting practices, segregated schools, lunch counters and public transportation, he was threatened, beaten, spit upon and hated by Southern whites trying to maintain the legalized segregation of the Jim Crow south. He has faced trouble, counted losses and continued his fight as what Congressman Frank—his friend for more than 40 years—calls ''one of the great moral forces in this country.''

''I am not bitter today, and I am not going to be bitter tomorrow,'' Rep. Lewis said.

And then he said something important to the community of New Bedford, which some fear has split along racial, ethnic, neighborhood and economic fault lines.

''We are one people,'' he said in the soaring voice of the preacher he grew up wanting to be, with the same simple conviction that powered Dr. King. ''We all need each other. We all live in the same house.''

He cautioned 1,400 sophomores and juniors at New Bedford High School not to grow bitter but to become involved in their own mission to make things better for all. He urged the students to register to vote and to vote when they turn 18, a privilege he marched for four decades ago.

The congressman told the students that it was the young, like himself and many others who formed the Student Nonviolent Coordinating Committee, who led the way in the Civil Rights Movement.

''And it will be the children in New Bedford who will say, 'We're going to live in peace because we are all brothers and sisters.' ''

His words inspired a standing ovation in the packed high school hall. They stirred the imagination of Stephanie Houtman, 15, a sophomore. ''He was talking about how they burned his back with cigarettes,'' Yet he did not relent. He did not stir from the segregated lunch counter.

Dominick Baptiste, 16, walked out of the auditorium with a broad smile on his face at the end of the speech. ''It made me feel good to know that people can fight racism,' '' he said. ''The fact that he was able to find the courage to sit at the white table. The fact that he was able to go back again and again.''

The congressman's visit reminded the city of what we all know.

What happens to a family on Ash Street or at Monte Park or the United Front or County Street happens to all of us. An unless we let our own bitterness go, unless we reach across the way to our neighbor, we will never be what we want to be, what we should be.

It ought not take a visit by a congressman from Georgia to remind us of that. Deep down, we all know it. Having the courage to do something about it is the real test.

THE BURNING OF AFGHAN SCHOOLS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mrs. MALONEY. Mr. Speaker, I rise to express my deep concern about reports that schools in Afghanistan continue to be destroyed. I recently met with Dr. Sima Samar, chair of the Afghan Independent Human Rights Commission, who reported to me that since 2005, dozens of schools have been burned. Dr. Samar works courageously every day, under threat of personal attack, to ensure that the rights of Afghan citizens, including women and children, are protected. I strongly agree with her that to truly be empowered, Afghan women and girls must be educated.

I urge the U.S. State Department to take immediate action to ensure that Afghan children and women can be educated without fear of violence. This is truly vital to the future of Afghanistan. Although the lives of some women are improving, for far too many, the situation has remained the same. They continue to endure hardships including targeted violence, limited mobility, illiteracy, and a high rate of maternal mortality. By giving women access to the skills and opportunities that they need to become partners in creating Afghanistan's future, we will ensure that women will no longer be second-class citizens. We cannot afford to wait.

HONORING THE LIFE OF AMY BRYANT KIRKPATRICK

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. HINOJOSA. Mr. Speaker, I rise today to pay tribute, on the anniversary of her passing, to Amy Bryant Kirkpatrick of Granbury, Texas. Mrs. Kirkpatrick passed away June 6, 2005 after a long and fierce battle with cancer at the age of 27.

Mrs. Kirkpatrick was born April 20, 1978 in Denton, Texas to parents Donald and Becky Bryant of Valley View, Texas. She was raised in Valley View and graduated from Valley View High School in 1996. Amy was the spiritual and kinetic center of her family, and was always a beam of light for her family to center around. As a devoted daughter, Amy served her parents as a shining example of caring upbringing through her awards and accolades and most importantly her character. She also served as an inspiring and loving sister to her brother Dustin Bryant. Through thick and thin, Amy always let her character and love for her family guide her through life and this outlook would lead her through struggles later on.

Amy's contagious character and spirit was a draw for many, and it is no doubt that this led to her to the destiny of meeting the love of her life. She met and later married Lance Kirkpatrick of Burleson, Texas on May 23, 1998. They shared a love that stayed true to the vows made at their wedding. Through sickness and in health, for richer and poorer, till death do them part, Lance and Amy personified these vows in the seven years of their marriage.

Answering the call of the passion in her life, Amy sought in her studies a chance to help others, particularly children. After graduating from Tarleton State University in 2000, Amy taught special education for Granbury ISD in Granbury, Texas. She chose to teach students with emotional and behavioral disorders, as it was up to her to guide these children who many had neglected. She saw in them what many others chose to look past, and that was hope. Through her sickness, Amy would only miss a day a week during her chemotherapy treatments to be away from her students. She did instill stability as well as earn the trust of these previously ignored children. During her second year of teaching, the Masonic Lodge of Granbury honored Amy as the Outstanding Teacher of Granbury ISD. In 2005, Amy was once again honored as Outstanding Teacher of the Year by Wal-Mart. The recognition of these awards truly highlights the dedication and devotion that Amy had toward disadvantaged students. She has made a long and lasting impact on many children she taught, as well as her colleagues. Beyond her awards and recognition, Amy will be remembered as a teacher who cared about her students when society was not as compassionate.

Fulfilling her life's dream, Amy gave birth to a precious daughter, Hannah Grace on December 19, 2003. As a child she was told she would never have, Hannah was truly the calm

in Amy's storm. Her legacy will live on through this child she fought so hard to give birth to. We will all bear witness to the traits that Amy has passed onto Hannah, and it will be the duty of many to see the love and sacrifice that Amy gave will not be unknown to her daughter.

As a daughter, sister, wife, and mother, Amy's memory and life will be in the reflection of many who knew her, as she touched so many around her. Her motto through out her sickness was ''I have cancer, cancer does not have me.''

In closing, I would like to leave you with a quote by President John F. Kennedy which reads, ''The courage of life is often a less dramatic spectacle than the courage of a final moment; but it is no less a magnificent mixture of triumph and tragedy.'' We will all miss Amy's presence but never forget her life.

ON THE 62ND ANNIVERSARY OF D–DAY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. RAHALL. Mr. Speaker, I pause today to remember the men, our brave veterans from the Greatest Generation, many who gave their lives on June 6, 1944 to begin the liberation of Europe.

Sadly, fewer and fewer of these brave men are left with us who were actually there on June 6, 1944, when Supreme Allied Commander General Dwight D. Eisenhower gave the go-ahead for the largest amphibious military operation in history: D–Day, code-named Operation Overlord, the Allied invasion of northern France. Unfortunately, we are saying goodbye to these veterans in greater numbers with each passing year. But for those who remain with us and in memory of those who died that day and who have subsequently passed since, we pause today to honor their great deed.

At 6:30 a.m. on June 6, 1944, our brave American troops came ashore at Utah and Omaha beaches. On Omaha Beach, the U.S. First Division battled heavy German fire and rough waters and many wounded Americans ultimately drowned in the high tide. Our British and Canadian brothers landed at Gold, Sword beaches, and Juno beaches, and also were met with heavy German fire, but by day's end had established beachheads.

Total Allied casualties on D–Day are estimated at over 10,000. The breakdown of United States casualties was 1,465 killed, 3,184 wounded, 1,928 missing and 26 captured. Before the day ended however, 155,000 Allied troops would be in Normandy, bringing with them the beginning of the end of the Third Reich. The world has not forgotten what these men did on June 6, 1944, and we must remain vigilant in making sure we never forget their great sacrifice.

IN HONOR OF BRIAN L. GOTLIEB

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. WEINER. Mr. Speaker, I rise today in recognition of long time community activist, Brian L. Gotlieb, upon his completion of service as Chairman of Community Board 13 in Brooklyn. Brian L. Gotlieb has proven himself to be a tireless fighter on behalf of his neighbors and our community.

While Brian's service to Community Board 13 started long before his appointment as chairman, serving as a member of the Board's Youth Services, Education & Library, and Housing, Zoning & Land Use committees, he never limited his community activism to just one organization. Brian L. Gotlieb founded Shorefront Toys for Tots, to distribute toys to needy children during the holiday season, served as a member of the Community School Board for District 21, and as President of the Brighton-Atlantic Unit 1671 of B'nai B'rith helped that unit expand their outreach effort to other religious, ethnic and civic groups.

Brian L. Gotlieb was taught civic responsibility by example, and I am sure his mother Myrna, of blessed memory, would be proud of his accomplishments, which include being honored by many of the organizations he has served or supported as well as being a practicing attorney.

Therefore, on behalf of the United States House of Representatives, I congratulate Brian L. Gotlieb upon the completion of his service as Chairman of Community Board 13 in Brooklyn and thank him for his many years of hard work on behalf of my constituents and the City of New York.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Ms. DELAURO. Mr. Speaker, it is with mixed feelings that I rise in support of this legislation. I support this bill because it is vital that the House stand in opposition to governments that pursue their objectives by spreading terror. Supporting such a government is fundamentally at odds with the values that make our nation great. At the same time, we must find ways to maintain humanitarian assistance and avoid a spiral into human suffering in the Palestinian territories.

This legislation attempts to navigate that narrow course between providing assistance to the Palestinian people and rejecting the hatred that embodies Hamas. It is not an easy balancing act, but this bill does a good enough job to merit passage today.

The United States is the single largest financial supporter of the Palestinian people. We provide $245 million per year in humanitarian assistance to the Palestinians. And let me be clear: That support for the Palestinian people can and should continue. But we can do that—and should do that—without supporting the Hamas-led Palestinian Authority. This legislation does create an important exception that allows funds to go to the PA if they are dedicated to promoting democracy and human rights efforts. It also affords the president some flexibility to continue the flow of this assistance should he judge it to be in our national security interest. While I have real reservations about entrusting the current president with this authority, I nonetheless appreciate the importance of this provision.

At the same time, I have several concerns about H.R. 4681, and believe that some modifications are needed before this legislation can become law. First, I am concerned that the bill does not account for future changes in the policies of the Palestinian Authority—whether it is Hamas or Fatah or someone else. For instance, should Hamas decide to become a responsible partner in the Middle East peace process—an unlikely prospect to be sure—or should a new government take its place, there is nothing in this legislation that would allow us to restart aid or lift the restrictions placed on them by this bill. With that in mind, I believe this bill should have included a sunset provision allowing Congress and the White House the chance to review in a year or two the impact that this legislation has on the PA and on the Palestinian people.

While I do not foresee Hamas renouncing terror, recognizing Israel's right to exist, or accepting the Road Map as the basis for future progress in the Middle East, I do believe that Fatah and other parties may yet have the chance to govern the Palestinian Authority. Almost 15 years after the Oslo accords were signed, accepting these basic principles should not require extraordinary policy shifts. Indeed, support for these measures should be a basic view of any political party seeking to run the Palestinian Authority.

The legislation before us today also could be strengthened by reducing some of the onerous reporting requirements that well-known non-governmental organizations will face if they are to continue to provide direct humanitarian assistance to the Palestinian people. I fear that we are unduly burdening organizations like Catholic Relief Services, whose record of providing social services to individuals in need without regard to politics or ideology is exemplary.

This bill also has some provisions that are either redundant or run counter to the goals of the bill. For example, there is no need to prohibit PA government leaders from receiving U.S. visas, since Hamas members already are unable to receive a visa. Further, limiting the ability of non-Hamas government officials to travel to the United States could actually hamper the ability of our government to meet, advise or otherwise support non-Hamas members of the PA.

Finally, Mr. Speaker, it is my very strong hope that as this bill moves through the legislative process, the provisions that allow the Secretary of State to withhold our UN dues in certain cases will be dropped. This section is neither warranted nor wise.

And so there is room for improvement in this legislation. But the intent of this legislation

is sound. And by passing this legislation today, the House can clearly reject Hamas and the terror that has ravaged the Middle East for too long.

For more than a half-century, a cornerstone of our nation's stand in support of Israel, our closest friend in the Middle East. And it is that I will support this bill. It could be a better bill, and as it moves to a possible conference with the Senate, I hope it will be, so that Congress can speak with one voice on this issue.

62ND ANNIVERSARY OF D–DAY

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. MARSHALL. Mr. Speaker, today is the 62nd anniversary of D–Day—the allied landings in Normandy which began the liberation of Europe from the control of Nazi Germany.

Earlier today, I spoke at a commissioning ceremony for ROTC cadets. I am proud to have had the opportunity to welcome these young, enthusiastic students into the ranks of our military. In my speech, I reminded the newly commissioned officers of the sacrifices made by generations of American military officers on behalf of our Nation, the importance of living up to the legacy of our fathers and grandfathers, and the importance of honor, duty, God and country.

I believe each of these new officers will make our country proud.

Daily Digest

HIGHLIGHTS

The House passed H.R. 5441—Department of Homeland Security Appropriations Act, 2007.

Senate

Chamber Action

Routine Proceedings, pages S5435–S5515

Measures Introduced: Seventy-nine bills and four resolutions were introduced, as follows: S. 3378–3456, S.J. Res. 39, and S. Res. 500–502. **Pages S5489–91**

Measures Reported:

S. 2041, to provide for the conveyance of a United States Fish and Wildlife Service administrative site to the city of Las Vegas, Nevada. (S. Rept. No. 109–260)

S. 2078, to amend the Indian Gaming Regulatory Act to clarify the authority of the National Indian Gaming Commission to regulate class III gaming, to limit the lands eligible for gaming, with an amendment in the nature of a substitute. (S. Rept. No. 109–261) **Page S5489**

Measures Passed:

Commending University of Virginia Cavaliers Men's Lacrosse Team: Senate agreed to S. Res. 501, commending the University of Virginia Cavaliers men's lacrosse team for winning the 2006 National Collegiate Athletic Association Division I National Lacrosse Championship. **Page S5510**

Congratulating 2006 Scripps National Spelling Bee Contestants:Senate agreed to S. Res. 502, congratulating all of the contestants of the 2006 Scripps National Spelling Bee. **Pages S5510–11**

U.S.-Russia Polar Bear Conservation and Management Act: Senate passed S. 2013, to amend the Marine Mammal Protection Act of 1972 to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population, after agreeing to the following amendment proposed thereto: **Pages S5511–13**

McConnell (for Stevens) Amendment No. 4190, to reduce the amount authorized to be appropriated for each of the fiscal years. **Pages S5511–13**

Purchase Card Waste Elimination Act: Senate passed S. 457, to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide commercial purchase cards, after agreeing to the committee amendments, and the following amendment proposed thereto: **Pages S5513–14**

McConnell (for Snowe) Amendment No. 4191, to require the Director of the Office of Management and Budget to issue guidelines identifying opportunities for achieving and accurately measuring fair participation of small business concerns in micropurchases. **Page S5514**

Marriage Protection Amendment: Senate continued consideration of the motion to proceed to consideration of S.J. Res. 1, proposing an amendment to the Constitution of the United States relating to marriage. **Pages S5439–84**

A unanimous-consent agreement was reached providing that the motion to proceed be temporarily withdrawn.

A unanimous-consent-time agreement was reached providing for further consideration of the motion to proceed to consideration of the joint resolution at 9 a.m., on Wednesday, June 7, 2006, with a vote on the motion to invoke cloture on the motion to proceed to occur at 10 a.m. **Page S5514**

Death Tax Repeal Permanency Act: Senate began consideration of the motion to proceed to consideration of H.R. 8, to make the repeal of the estate tax permanent. **Pages S5509–10**

A motion was filed to close further debate on the motion to proceed to consideration of the bill and, pursuant to Rule XXII of the Standing Rules of the Senate, a cloture vote on the motion to proceed will occur on Thursday, June 8, 2006. **Pages S5509–10**

Subsequently, the motion to proceed was withdrawn. **Page S5510**

A unanimous-consent-time agreement was reached providing for further consideration of the motion to proceed to consideration of H.R. 8 at 12 noon until 3 p.m. for debate, on Wednesday, June 7, 2006.

Pages S5514–15

Native Hawaiian Government Reorganization Act: Senate began consideration of the motion to proceed to consideration of S. 147, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity. **Page S5510**

A motion was filed to close further debate on the motion to proceed to consideration of the bill and, pursuant to Rule XXII of the Standing Rules of the Senate, a cloture vote on the motion to proceed will occur on Thursday, June 8, 2006. **Page S5510**

A unanimous-consent-time agreement was reached providing for further consideration of the motion to proceed to consideration of S. 147 at 3 p.m. until 6 p.m. for debate, on Wednesday, June 7, 2006.

Pages S5510, S5515

Escort Committee—Agreement: A unanimous-consent agreement was reached providing that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort Her Excellency, Vaira Vike-Freiberga, President of the Republic of Latvia, into the House Chamber for a joint meeting on Wednesday, June 7, 2006. **Page S5514**

Nominations Confirmed: Senate confirmed the following nomination:

By unanimous vote of 89 yeas (Vote No. Ex. 162), Renee Marie Bumb, of New Jersey, to be United States District Judge for the District of New Jersey.

Pages S5435–39, S5515

Nominations Received: Senate received the following nominations:

Cesar Benito Cabrera, of Puerto Rico, to be Ambassador to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador to the Republic of Seychelles.

Wayne Cartwright Beyer, of New Hampshire, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2010.

Colleen Conway-Welch, of Tennessee, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 2011.

C. Thomas Yarington, Jr., of Washington, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 2011.

Marcia Morales Howard, of Florida, to be United States District Judge for the Middle District of Florida.

Leslie Southwick, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

Robert L. Sumwalt III, of South Carolina, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2006.

Robert L. Sumwalt III, of South Carolina, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2011.

One Marine Corps nomination in the rank of general. **Page S5515**

Executive Communications: **Pages S5488–89**

Additional Cosponsors: **Pages S5491–92**

Statements on Introduced Bills/Resolutions: **Pages S5492–S5509**

Additional Statements: **Pages S5487–88**

Amendments Submitted: **Page S5509**

Authorities for Committees to Meet: **Page S5509**

Privileges of the Floor: **Page S5509**

Record Votes: One record vote was taken today. (Total—162) **Page S5439**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:06 p.m., until 9 a.m., on Wednesday, June 7, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5515.)

Committee Meetings

(Committees not listed did not meet)

ALL-TERRAIN VEHICLE STANDARDS

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Affairs, Product Safety, and Insurance concluded a hearing to examine compliance with All-Terrain Vehicle Standards, including a recommendation to issue a formal notice of proposed rulemaking to address the risk of injury and death associated with this product, after receiving testimony from Elizabeth Leland, Project Manager, ATV Safety Review Team, U.S. Consumer Product Safety Commission; Tim Buche, Specialty Vehicle Institute of America, Irvine, California; Rachel Weintraub, Consumer Federation of America, Washington, D.C.; Brett Williams, Coleman PowerSports, Woodbridge, Virginia; Mary Aitken, University of Arkansas for Medical Sciences, Little Rock, on behalf of the American Academy of Pediatrics; and Susan W.

Halbert, National 4–H Council, Chevy Chase, Maryland.

CENSUS 2010

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded an oversight hearing to examine the rising costs of the census in 2010, focusing on ways the Census Bureau can prevent major cost overruns, and reasons for not pursuing an online option for data gathering in 2010, after receiving testimony from Charles Louis Kincannon, Director, U.S. Census Bureau, Department of Commerce; and Brenda S. Farrell, Acting Director, Strategic Issues, Government Accountability Office.

PUBLISHING CLASSIFIED INFORMATION

Committee on the Judiciary: Committee held a hearing to examine the Department of Justice investigation of journalists who publish classified information, focusing on the First Amendment right of freedom of the press, receiving testimony from Matthew W. Friedrich, Chief of Staff for the Criminal Division, Principal Deputy Assistant Attorney General, Department of Justice; Rodney A. Smolla, University of Richmond School of Law, Richmond, Virginia; Gabriel Schoenfeld, *Commentary,* New York, New York; Mark Feldstein, George Washington University School of Media and Public Affairs, Washington, D.C.; and Kevin N. Anderson, Salt Lake City, Utah.

Hearings recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 14 public bills, H.R. 5534–5546; 1 private bill, H.R. 5537; and 3 resolutions, H.J. Res. 88 and H. Con. Res. 422–423, were introduced. **Pages H3423–24**

Additional Cosponsors: **Pages H3424–25**

Reports Filed: Reports were filed as follows:

H.R. 4411, to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, with an amendment (H. Rept. 109–412, Pt. 2), filed on May 26, 2006;

H.R. 4127, to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach, with an amendment (H. Rept. 109–453, Pt. 2), filed on May 26, 2006;

H.R. 5521, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, (H. Rept. 109–485), filed on June 1, 2006;

H.R. 4127, to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach, with amendments (H. Rept. 109–453, Pt. 3), filed on June 2, 2006;

H.R. 3997, to amend the Fair Credit Reporting Act to provide for secure financial data, with amendments (H. Rept. 109–454, Pt. 2), filed on June 2, 2006;

H.R. 5522, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, (H. Rept. 109–486), filed on June 5, 2006;

H. Res. 849, providing for consideration of H.R. 5521, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007 (H. Rept. 109–487); Supplemental report on H.R. 5252, to promote the deployment of broadband networks and services (H. Rept. 109–470, Pt. 2);

Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2007 (H. Rept. 109–488); and

H.R. 5126, to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, with an amendment (H. Rept. 109–489). **Page H3423**

Speaker: Read a letter from the Speaker wherein he appointed Representative McHugh to act as Speaker pro tempore for today. **Page H3365**

Public Interest Declassification Board appointment: The Chair announced the Speaker's appointment of the following member on the part of the House to the Public Interest Declassification Board for a term of three years: Admiral William O. Studeman, Great Falls, Virginia. **Page H3366**

Department of Homeland Security Appropriations Act, 2007: The House passed H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, by a yea-and-nay vote of 389 yeas to 9

nays, Roll No. 226. Consideration of the measure began on Thursday, May 25, 2006.

Pages H3367–76, H3380–85

Agreed to table the appeal of a point of order sustained against the Lowey motion to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with an amendment, by a recorded vote of 207 ayes to 191 noes with 2 voting ''present'', Roll No. 225. **Pages H3383–84**

Agreed to:

Bishop amendment to prohibit the use of funds in the bill to reimburse L.B. and B. Associates, Inc. or Olgoonik Logistics, LLC (or both) for attorneys fees related to pending litigation against Local 30 of the International Union of Operating Engineers;

Page H3373

Price of Georgia amendment regarding funding for limousine services and fire protection;

Pages H3373–74

Rogers of Kentucky amendment to make adjustments to two accounts in the bill: Protection, Administration, and Training for the Secret Service; and Readiness, Mitigation, Response, and Recovery for FEMA. In each case, the amounts provided are increased by $2 million respectively; **Page H3375**

King of Iowa amendment (No. 3 printed in the Congressional Record of May 24th) that prevents state and local governments who refuse to share information with federal immigration authorities by adopting ''sanctuary policies'' from obtaining federal funds under this act (by a recorded vote of 218 ayes to 179 noes, Roll No. 223); and

Pages H3368–70, H3380–81

Kingston amendment that prohibits the department from using funds in the bill to provide a foreign government with information relating to the operations or location of the Minutemen or other private border patrol groups along the U.S.-Mexican border in California, Arizona, New Mexico or Texas, unless the information sharing is required by an international treaty (by a recorded vote of 293 ayes to 107 noes, Roll No. 224). **Pages H3372–73, H3381–82**

Withdrawn:

Culberson amendment that was offered and subsequently withdrawn which sought to put a moratorium on all new immigration applications for one year starting Oct. 1, 2006 and ending Oct. 1, 2007, with the exception of H–1B visa applications, to allow CIS to catch up on the current backlog of immigration applications; and **Page H3367**

Garrett amendment that was offered and subsequently withdrawn which sought to prohibit use of funds in the bill for puppet or clown shows, gym or fitness expenses, nutritional counseling, adult entertainment, bail bond services, jewelry, weapons, or fines for prior traffic violations. **Pages H3374–75**

Point of Order sustained against:

Matsui amendment that sought to prohibit use of funds in the bill to carry out the policy of the DHS that the risk based formula used for purposes of the UASI does not take into account strategic defense considerations and other related factors;

Pages H3367–68

Deal amendment (No. 9 printed in the Congressional Record of May 24th) sought to prohibit that none of the funds appropriated in this Act may be used to grant birthright citizenship to the children of those individuals who are not subject to the jurisdiction of the United States, including the children of illegal aliens; and **Pages H3370–71**

Obey amendment that sought to add a new Title VI entitled, Preparing for and Preventing Known Threats and Improving Border Security. The amendment would increase the accounts in the bill by $4.5 billion offset by a reduction in a tax cut for those earning over $1 million a year. **Pages H3371–72**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H3386**

H. Res. 836, the rule providing for consideration of the bill was agreed to on Thursday, May 25th, by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 217 yeas to 195 nays, Roll No. 210.

Recess: The House recessed at 3:25 p.m. and reconvened at 5:16 p.m. **Page H3376**

Refinery Permit Process Schedule Act—Rule for Consideration: The House began consideration of H. Res. 842, the rule providing for consideration of H.R. 5254, to set schedules for the consideration of permits for refineries. Further consideration is expected to resume tomorrow, Wednesday, June 7th.

Pages H3376–80

Recess: The House recessed at 5:53 p.m. and reconvened at 6:30 p.m. **Page H3380**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Truth in Caller ID Act of 2006: H.R. 5126, amended, to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; **Pages H3386–88**

Expressing the sense of the House of Representatives with regard to the importance of National Women's Health Week, which promotes awareness of diseases that affect women and which encourages women to take preventive measures to ensure good health: H. Res. 833, amended, to express the sense of the House of Representatives with regard to

the importance of National Women's Health Week, which promotes awareness of diseases that affect women and which encourages women to take preventive measures to ensure good health;

Pages H3391–93

Supporting the goals and ideals of National Osteoporosis Awareness and Prevention Month: H. Res. 265, to support the goals and ideals of National Osteoporosis Awareness and Prevention Month;

Pages H3393–94

Supporting the goals and ideals of the Vigil for Lost Promise day: H. Con. Res. 422, to support the goals and ideals of the Vigil for Lost Promise day;

Pages H3403–04

Supporting the goals and ideals of a National Children and Families Day, in order to encourage adults in the United States to support and listen to children and to help children throughout the Nation achieve their hopes and dreams: H. Res. 763, to support the goals and ideals of a National Children and Families Day, in order to encourage adults in the United States to support and listen to children and to help children throughout the Nation achieve their hopes and dreams; **Pages H3404–05**

Commending American craft brewers: H. Res. 753, to commend American craft brewers;

Pages H3405–06

Recognizing the 30th Anniversary of the victory of United States winemakers at the 1976 Paris Wine Tasting: H. Con. Res. 399, to recognize the 30th Anniversary of the victory of United States winemakers at the 1976 Paris Wine Tasting;

Pages H3406–08

Supporting National Tourism Week: H. Res. 729, to support the National Tourism Week;

Pages H3408–09

Designating the facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, as the "Matthew Lyon Post Office Building": H.R. 5245, to designate the facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, as the "Matthew Lyon Post Office Building"; **Pages H3409–10**

Congratulating Albert Pujols on being named the Most Valuable Player for the National League for the 2005 Major League Baseball season: H. Res. 626, to congratulate Albert Pujols on being named the Most Valuable Player for the National League for the 2005 Major League Baseball season; and **Pages H3410–11**

Supporting the goals and ideals of National Passport Month: H. Res. 327, to support the goals and ideals of National Passport Month.

Pages H3411–13

Suspensions—Proceedings Postponed: The House completed debate on the following measures under suspension of the rules. Further consideration of the measures is expected to resume tomorrow, Wednesday, June 7th:

Broadcast Decency Enforcement Act of 2005: 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 **Pages H3388–91**

Amending title 49, United States Code, to modify bargaining requirements for proposed changes to the personnel management system of the Federal Aviation Administration: H.R. 5449, to amend title 49, United States Code, to modify bargaining requirements for proposed changes to the personnel management system of the Federal Aviation Administration. **Pages H3394–S3402**

Agreed by unanimous consent that H. Res. 517 be amended as follows: in the first Resolved clause, strike "61 years" and insert in lieu thereof "51 years". **Page H3403**

Senate Messages: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H3386.

Senate Referrals: S. 2784 was referred to the Committee on Financial Services; S. 3322 was referred to the Committee on International Relations; and S. 457, S. 633, S. 2013, and S. 2856 were held at the desk. **Page H3420**

Amendments: Amendment ordered printed pursuant to the rule appears on page H3425.

Quorum Calls—Votes: One yea-and-nay vote and three recorded votes developed during the proceedings of today and appear on pages H3380–81, H3381–82, H3384, and H3385. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 12 midnight.

Committee Meetings

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HUD, THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS FY 2007

Committee on Appropriations: Ordered reported, as amended, the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies appropriations for Fiscal Year 2007.

The Committee also approved Revised Suballocation of Budget Allocations for Fiscal Year 2007.

SILICOSIS STORY

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations continued hearings entitled ''The Silicosis Story: Mass Tort Screening and the Public Health.'' Testimony was heard from following officials of the State of Mississippi: Robert W. Goff, Director, Division of Radiological Health, Department of Health; and Mallan G. Morgan, M.D., Executive Director, Board of Medical Licensure; the following officials of the State of Texas: Richard A. Ratliff, Radiation Control Officer, Division of Regulatory Services, Department of Health Services; and Donald Patrick, M.D., Executive Director, Medical Board; and public witnesses.

OFHEO'S FINAL REPORT ON FANNIE MAE

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled ''OFHEO's Final Report on Fannie Mae.'' Testimony was heard from James B. Lockhart III, Acting Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development.

9/11 COMMISSION RECOMMENDATIONS: BALANCING CIVIL LIBERTIES AND SECURITY

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled ''9/11 Commission Recommendations: Balancing Civil Liberties and Security.'' Testimony was heard from the following officials of the National Commission on Terrorist Attacks Upon the United States: Thomas H. Kean, Chair, and Lee H. Hamilton, Vice Chair; the following officials of the Privacy and Civil Liberties Oversight Board, The White House: Carol E. Dinkins, Chairman; and Alan Charles Raul, Vice Chairman; and public witnesses.

LEGISLATIVE BRANCH APPROPRIATIONS FY 2007

Committee on Rules: Granted, by voice vote, a structured rule providing 1 hour of general debate on H.R. 5521, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, 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. The rule provides that the bill shall be considered as read. 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). The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report accompanying the resolution may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives LaHood, Baird and Cleaver.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 7, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold oversight hearings to examine agricultural conservation programs, 9 a.m., SR–328A.

Committee on Appropriations: Subcommittee on Defense, closed business meeting to mark up proposed legislation making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, 8:30 a.m., H–140, Capitol.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, business meeting to mark up proposed legislation making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, 9:30 a.m., 2358 RHOB.

Subcommittee on Commerce, Justice, Science and Related Agencies, to hold hearings to examine the 2006 hurricane season, 10 a.m., SD–192.

Committee on Commerce, Science, and Transportation: Subcommittee on Science and Space, to hold hearings to examine outside perspectives relating to NASA budget and programs, 2:30 p.m., SD–562.

Committee on Foreign Relations: to hold hearings to examine the economic risk of oil dependence, 9 a.m., SH–216.

Committee on the Judiciary: to hold hearings to examine S. 3274, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure (pending on Senate calendar), 9:30 a.m., SD–226.

Select Committee on Intelligence: closed business meeting to consider pending intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Defense, executive, to mark up the Defense appropriations for Fiscal Year 2007, 8:30 a.m., H–140 Capitol.

Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies, to mark up the Department of Labor, Health and Human Services, Education, and Related Agencies appropriations for Fiscal Year 2007, 9:30 a.m., 2358 Rayburn.

Committee on Energy and Commerce, hearing on the Boutique Fuel Reduction Act of 2006, 10 a.m., 2123 Rayburn.

Committee on Government Reform, Subcommittee on Energy and Resources, hearing entitled ''Keeping the Fuel Flowing from the Gulf: Are We Prepared for the Hurricane Season?'' 2 p.m., 2203 Rayburn.

Subcommittee on Government Management, Finance, and Accountability, hearing entitled ''Financial Management Challenges at the General Services Administration,'' 2 p.m., 2154 Rayburn.

Committee on Homeland Security, Subcommittee on Emergency Preparedness, Science, and Technology, executive, briefing on the recently announced grant awards to States and urban areas under the State Homeland Security Grant Program, the Urban Area Security Initiative, and the Law Enforcement Terrorism Prevention Program, 2 p.m., H2–176 Ford.

Committee on International Relations, Subcommittee on the Middle East and Central Asia, hearing on Syria Accountability and Lebanese Sovereignty Restoration Act Two Years Later: Next Steps for U.S. Policy, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 4019, To amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income; H.R. 2389, Pledge Protection Act of 2005; H.R. 1595, Guam World War II Loyalty Recognition Act; H.R. 2840, Federal Agency Protection of Privacy Act of 2005; and H.R. 4997, Physicians for Underserved Areas Act, 1 p.m., 2141 Rayburn.

Committee on Rules, to consider the following bills: H.R. 5252, Communications Opportunity, Promotion, and Enhancement Act of 2006; and H.R. 5522, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, 3:30 p.m., H–33 Capitol.

Committee on Science, to mark up the following bills: H.R. 5356, Early Career Research Act; H.R. 5357, Research for Competitiveness Act; H.R. 5358, Science and Mathematics Education for Competitiveness Act; H.R. 5136, National Integrated Drought Information System Act of 2006; and H.R. 5450, National Oceanic and Atmospheric Administration Act, 2:30 p.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''Contracting the Internet: Does ICANN create a barrier to small business?'' 2 p.m., 2360 Rayburn.

Committee on Standards of Official Conduct, hearing regarding possible changes to House rules governing gifts of travel (including any transportation, lodging and meals during such travel) from private sources, 1 p.m., 1310 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Highways, Transit and Pipelines, oversight hearing on Implementation of SAFETEA: LU, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, oversight hearing to review the Department of Veterans Affairs Medical and Prosthetic Research program, 12:30 p.m., 334 Cannon.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, briefing on Target Analysis as a New Career Track; Direct Analytical Support to Operations, 3 p.m., H–405 Capitol.

Next Meeting of the SENATE
9 a.m., Wednesday, June 7

Senate Chamber

Program for Wednesday: Senate will continue consideration of the motion to proceed to consideration of S.J. Res. 1, Marriage Protection Amendment, with a vote on the motion to invoke cloture thereon to occur at 10 a.m.; following which, Senate will stand in recess until 12 noon to accommodate the Joint Meeting (see below). At 12 noon, Senate will continue consideration of the motion to proceed to consideration of H.R. 8, Death Tax Repeal Permanency Act; and at 3 p.m., continue consideration of the motion to proceed to consideration of S. 147, Native Hawaiian Government Reorganization Act.

(At 10:40 a.m., Senators will meet in the Senate Chamber to proceed to the House of Representatives for a Joint Meeting of Congress, to begin at 11 a.m., to receive an address from Her Excellency, Vaira Vike-Freiberga, President of the Republic of Latvia.)

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Wednesday, June 7

House Chamber

Program for Wednesday: Consideration of suspensions as follows: (1) H. Con. Res. 421—Expressing the sense of Congress and support for Greater Opportunities for Science, Technology, Engineering, and Mathematics (GO–STEM) programs; (2) H. Res. 699—Supporting the goals and ideals of National Entrepreneurship Week and encouraging the implementation of entrepreneurship education programs in elementary and secondary schools and institutions of higher education through the United States; (3) H.R. 5117—To exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students; (4) H. Res. 828—Commending the people of Mongolia, on the 800th anniversary of Mongolian statehood, for building strong, democratic institutions, and expressing the support of the House of Representatives for efforts by the United States to continue to strengthen its partnership with that country; and (5) H. Con. Res. 409—Commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand. Consideration of measures: (1) H.R. 5521—Legislative Branch Appropriations Act for Fiscal Year 2007 (Subject to a Rule); and (2) H.R. 5254—Refinery Permit Process Schedule Act (Subject to a Rule).

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