The House met at 10 a.m.

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

"O Lord, have pity on us, for You we wait. Be our strength every morning, our salvation in time of trouble."

Lord, it takes a great deal of humility for believing people to accede to Your will. Sometimes faith builds such strong convictions in us, Lord, that we can easily have only our own ideas as to how and when You will answer our prayers. Often we do not remain open to other responses or we become impatient with Your unsearchable ways.

Very often, Lord, we profess strong faith in Your providential ways, but it is Your art of timing we find difficult to accept. So confirm us, as a nation of idealists, who will continue to have confidence even during the test of timing.

Have pity on us, Lord, as we wait for You to answer our prayers now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

THE SPEAKER. The Chair will entertain five 1-minutes on each side.

NEVER SURRENDER

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

Ms. FOXX. Mr. Speaker, last week we debated the very important issue of how we are going to confront the global war on terror: Are we going to confront this challenge, or are we going to retreat and defeat? Republicans are dedicated to confronting this challenge and will continue to offer the American strong national security policies that will protect this Nation against another attack on their own soil. We will continue to trumpet successes such as the elimination of al Zarqawi and the Iraqi Government naming new interior defense and security ministers.

Democrats, though, are too eager to grasp upon the challenges we face as their rationale to defeat. Even the death of the terrorist al Zarqawi only brought cries of retreat and claims that it was only "a stunt." And just last week, 149 Democrats voted against a resolution declaring that the United States will prevail in the war on terror.

Mr. Speaker, President Kennedy once said, "The cost of freedom is always high, but Americans have always paid it, and one path we shall never choose and that is the path of surrender or submission."

When it comes to the global war on terror, we must never choose the path of surrender.

WHAT IS WRONG WITH THIS CONGRESS

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

Mr. KUCINICH. Mr. Speaker, the last 24 hours will tell you everything you need to know about what is wrong with this Congress: hold up voting rights, knock down the minimum wage increase, relieve the superrich of responsibility for paying estate taxes, keep sending our children to fight and die in a war based on lies. That, by the way, is the real death tax, and it is paid by the poor and the middle class. Our new motto should be: United We Stand, Sure, But Divided We Profit.

H.R. 5638, the estate tax legislation, should be more accurately described as the American Idle Act, I-D-L-E, because it relieves the children of billionaires and multi-multi-millionaires of over one-quarter of a trillion dollars in estate taxes in just 5 years starting in 2013. The $2,600 per taxpayer loss of revenue will take money from our schools and from our health care and from senior citizens programs.

The Bible says it is easier for a camel to get through the eye of a needle than for a rich man to get to heaven. Here in Washington, the superrich ride elephants, and some donkeys, to get to their alabaster heaven where they pay no taxes.

EXCESSIVE REGULATIONS ON SMALL BUSINESS OWNERS

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

Mrs. KELLY. Mr. Speaker, we have passed important legislation in this Congress to help America's small businesses; we have passed legislation to help make health insurance more affordable and accessible, and legislation to provide tax relief. But we need to continue demonstrating our commitment to helping small businesses in New York and throughout the country by passing legislation that I have introduced to help relieve the excessive regulatory burden on small businesses.

The Cut Unnecessary Regulatory Burden For Small Business Act, passed by the House Government Reform Committee earlier this month, would
enable Congress to better eliminate excessive Federal regulations that hamper small business, job growth, and productivity.

When Federal agencies overregulate small business owners, it forces them to spend extra time and money and manage endless paperwork instead of growing their businesses and creating new jobs. In small business forums and small business walks I have held throughout the year in the Hudson Valley of New York, excessive regulations were cited by small business owners as one of the major problems they are facing. And every small business spends $7,000 per employee per year on regulatory compliance costs.

Let us help small business remain vibrant and strong, not overregulate it. Let us pass the CURB Act.

TRIBUTE TO LATE GOVERNOR BILL DANIEL

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

Ms. BORDALLO. Mr. Speaker, I rise today to pay tribute to the late Bill Daniel, a former Governor of Guam, who passed away on Tuesday at his home in Liberty, Texas.

Governor Daniel was a close family friend whose legacy has left an indelible imprint on the people of Guam. He served as Guam’s Governor from 1981 to 1983 and was appointed to the post by President John F. Kennedy. He resigned to allow Manuel Guerrero, his friend and protege, to succeed him as Governor.

Governor Daniel was a gifted and hands-on leader who adopted Guam as his second home. During his tenure, the Navy security clearance requirement for persons traveling to and from Guam was lifted. The University of Guam was elevated to a 4-year institution. Our visitor industry took root, our agricultural program was upgraded.

Our thoughts and prayers are with his daughters Ann, Susan, and Dani, and the entire Daniel family.

A TRIBUTE TO PRIVATE FIRST CLASS STEVEN WILLIAM FREUND

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

Mr. MURPHY. Mr. Speaker, I rise to pay tribute to a courageous hero of the war on terror, Private First Class Steven William Freund.

Steven Freund of Pleasant Hills, Pennsylvania, attended Thomas Jefferson High School, and he loved to hunt and fish and do just about anything outdoors. He joined the Marines and served in Iraq for 6 months, already escaping two separate roadside bombs. It was dangerous there, and he knew that, but he strongly believed in and was dedicated to America’s mission.

But on May 23, Private Freund made the ultimate sacrifice for his mission and the Nation he loved. He was tragically killed by a third roadside bomb while riding in a Humvee conducting combat operations outside Fallujah.

Private Freund is survived by his father, Steven; his mother, Mark Menzietti; sister Angela Menzietti; cousins Matt Freund, Jason Eiben and Justin Eiben; and his aunt Donna Eiben of Pittsburgh, who was his legal guardian.

His funeral was a solemn, but beautiful, service that I attended, along with many friends and family. After the funeral, he was awarded the Purple Heart and the Navy and Marine Corps Achievement Medal with combat cluster in a graveside ceremony.

Mr. Speaker, I know that I speak for this entire body when I express the deepest condolences to his family on behalf of a grateful Nation. Semper Fi, Private Freund.

RAISE THE MINIMUM WAGE

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

Mr. CARNAHAN. Mr. Speaker, this Congress has been consumed with giving tax breaks for the wealthiest Americans, and it is time we look at some of the average Americans and facts about the minimum wage.

Congress has not raised the minimum wage since 1997. The minimum wage is now at its lowest level in 50 years adjusted for inflation. Does anyone really believe it is possible to make even the most basic ends meet on $5.15 an hour? A minimum-wage worker working full time all year will earn just $10,700. It takes a full day’s pay for a minimum wage earner to pay for one tank of gas today.

6.6 million people will benefit from a rise in the minimum wage. Eighty-six percent of Americans support the rise in a minimum wage according to a Pugh poll in December of 2005. It is time this Congress listened to the American people and minimum-wage workers, and it is time that we act.

LINE ITEM VETO IS A COMMONSENSE SOLUTION

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

Mr. PRICE of Georgia. Mr. Speaker, today we will be debating the line item veto. Now, if you ask my constituents, this is an issue that doesn’t need much debate. Giving the President the ability to cut wasteful spending should go hand in hand with fiscal responsibility.

Since coming to Congress 1½ years ago, it has become crystal clear to me, as it was to President Reagan, that Washington is in need of a revenue problem, it is a spending problem.

The line item veto is a commonsense solution. Greater transparency to the earmark process and backing it up with a 2-week window for Congress to ratify the President’s actions will allow us to address unnecessary new spending, one of the biggest long-term challenges of the Federal budget. Mr. Speaker, when we use tools to cut wasteful spending and work toward achieving a balanced budget, the beneficiaries are hardworking American taxpayers. If we truly stand for fiscal restraint, we must pass the line item veto. I call on all of my colleagues, Republicans and Democrats, to support this commonsense, positive move to provide greater responsibility to the budget process.

THIS COUNTRY NEEDS A NEW DIRECTION

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

Mrs. MALONEY. Mr. Speaker, the Bush economy continues to be unfriendly to America’s workers. Earlier this month, we learned that employers added only 75,000 jobs in May, about half of what we need just to keep up with normal growth in the labor market. Wage growth was disappointing again in May, continuing a pattern in which workers cannot get ahead of rising costs in gasoline, housing, health care, and on education for their children, even though their productivity keeps growing.

The benefits of economic growth under President Bush are showing up in the bottom lines of companies and in the pockets of shareholders, but not in the paychecks of America’s workers. Mr. Speaker, this country needs a new direction.

LONE STAR VOICE: DONALD DOIHORN

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

Mr. POE. Mr. Speaker, in the border security debate, those that want to allow more illegals in this country just changed the definition of words to make it politically correct to accept illegals. But American citizens are not fooled. Donald Doiron of Nederland, Texas, writes to me:

“Since hearing the plan for treating illegals as guest workers, I have now undergone a complete reversal in my understanding of the proper meaning of words. I used to believe that the definition of guest is one that is invited. Now I am told this is no longer correct. “For instance, if a burglar breaks into my home, he really becomes a guest who is only working for a better life. Because he broke in for that reason, I must accept the obligation to provide him a job, health care, education, transportation, and living quarters for him and his family. I feel so much better now.”

Mr. Speaker, no matter how one puts the political spin, it is still illegal to
enter the United States without permission. What part of illegal do the anarchists that want lawless borders fail to understand? And that’s just the way it is.

SLOGANS DO NOT REPLACE SOLUTIONS
(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, if there is one thing we have learned from the Republican Congress in the last 6 years, it is that slogans do not replace solutions.

On immigration, House Republicans talk a lot, but there is no action after 6 years. They thunder about immigrant families; but when it comes to forcing big business to comply with our immigration laws, they have raised the white flag. Under the Republican leadership from 1999 to 2003, workplace enforcement of immigration laws were cut back 95 percent. In 1999, the Federal Government prosecuted 182 employers for hiring illegal aliens. In 2003, that dwindled down to just four.

The Republican leaders have also raised the white flag on border security, voting against implementing the 9/11 Commission recommendations. With all their hot rhetoric about terrorism, you would think they would at least provide support for homeland security programs. But they have waved the white flag here, too, cutting $48 million from Customs and Border Security Protection. They want to run a single-issue campaign on immigration challenges facing our Nation, the Republican Congress is all hat and no cattle. It is time for a new direction. It is time for results.

□ 1015

AMENDMENT PROCESS FOR H.R. 4973, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2006

Mr. HASTINGS of Washington. Mr. Speaker, the Committee on Rules may meet upon request of any Member wishing to offer an explanation of the amendment to the Underlying Bill, as amended, to final passage without instructions.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and an explanation of the amendment to the Committee on Rules Committee in room H 312 of the Capitol by 12 noon on Monday, June 26, 2006. Members should draft their amendments to the text of the bill as reported by the Committee on Financial Services.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

PROVIDING FOR CONSIDERATION OF H.R. 5638, PERMANENT ESTATE TAX RELIEF ACT OF 2006

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 885 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 885

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. 5638) to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes. The bill shall be considered as read. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of daily divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BOOZMAN). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

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

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

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 885 is a closed rule providing 1 hour of general debate in the House on H.R. 5638, the Permanent Estate Tax Relief Act, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

This rule waives all points of order against consideration of the bill and provides that the amendment printed in the Rules Committee report accompanying this resolution shall be considered as adopted.

Finally, Mr. Speaker, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, in 2001, Congress acted in a bipartisan fashion to gradually phase out the death tax and eliminate it by 2010. However, if Congress does not act to extend this relief, in 2011 small business owners and family farmers will once again be assessed the full death tax up to the maximum 2001 rate of 55 percent.

The death tax is a form of double taxation, and frankly, Mr. Speaker, it is simply unfair.

The last thing families in central Washington and across the Nation should have to worry about when a loved one dies is losing a family farm or business in order to pay the Internal Revenue Service. But sadly, that is the situation many hard-working families continue to face if a permanent and workable solution is not agreed to.

H.R. 5638, the Permanent Estate Tax Relief Act, would provide estate and gift tax relief to America’s small business owners and family farmers. Specifically, the bill would increase the exemption from $1 million to $5 million per person, indexed for inflation, and it would lower the amount of taxation on estates.

The bill would also provide tax relief for gifts given during a person’s life. Currently, gifts given when a person is alive are taxed more than gifts given through a will or death. By reuniting estate, gift and generation-skipping transfer taxes, we give individuals greater flexibility to give gifts during their lifetime rather than after their death.

I am also pleased that this legislation creates a new 60 percent deduction for qualified timber capital gains through 2008. In my State of Washington, there are 8.5 million acres of privately owned forests, and the forest parks industry is the State’s second largest manufacturing sector.

However, the current Tax Code puts our timber industry at a distinct disadvantage against international competition by subjecting corporate timber and forest product industries to a significantly higher income tax than their overseas competitors. Included in the underlying bill is a provision that lowers the timber tax and supports an industry that provides good jobs in many rural communities, while strengthening its international competitiveness.

Mr. Speaker, last year I, along with 271 other Members of the House, supported a measure that would permanently and fully eliminate the death tax. While permanent elimination of this tax is what I will continue to work with my colleagues on both sides to accomplish, this relief measure is a step in the right direction.

The Rules Committee reported House Resolution 885 by a voice vote last night. Accordingly, I urge my colleagues to support both the rule and the underlying bill.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, I appreciate my Republican colleagues for providing the American people with
the clearest possible demonstration of just how stark the differences are between the priorities of our Nation’s two major parties.

We have before us a bill whose sole purpose, the sole purpose is to funnel as much as $1 trillion over the next decade to a mere handful of our Nation’s richest families.

It is telling that Republican leadership is so committed and so determined to see this through that it called an emergency meeting of the Rules Committee last night to make sure it reached the floor this morning, even though it will not take effect for 4 years.

Now, let me tell you a bill that will expire is the Voting Rights Act, but we could not deal with that. This is the Republican definition of a national emergency, to get as much money as we can to the richest among us. It is not one that I will not pay the bill for.

To get this bill to where it is today, the Republicans had to ignore the needs of virtually every American citizen. The repeal of the estate tax will benefit less than 1 percent of the people in this country, but those few individuals that it helps will profit handsomely.

Take Lee Raymond, the former CEO of ExxonMobil, who recently secured a retirement package worth almost $400 million, and who last year made more in a single day, probably in a single hour, than the average American family makes in an entire year. Lee stands million, and who last year made more of ExxonMobil, who recently secured a small business families rarely, if ever, pay estate taxes, and the American Farm Bureau, one of the leading proponents of this bill, has coiled to provide even one legitimate example of a family that lost its farm because of estate tax requirements.

This is the kind of government Republican have used their time and money to give us, Mr. Speaker. Multi-billionaires say, jump, and the majority says, how high?

Bills like this are so outrageous and so entirely justifiable, they would be comical if they were not an assault on the principle of the strength of our Union, which is, I might remind everyone, at war.

Consider the opportunity cost of this bill. For the up to $1 trillion Federal that this leadership plans to give away, we would have every single American who does not have health insurance, all 44 million of them. Think of that. We could fully fund the Medicare part D prescription plan. We could pay for all military operations in Iraq and Afghanistan, and we could use the money left over from that to fully fund No Child Left Behind, and, finally, give every child in America the education the President promised when he took office.

The sad thing is that what we have today is exactly the kind of legislation Americans should expect the majority, whose leader has bragged about never having voted for an increase in the minimum wage in his 25 years in politics, that is what we should expect from a party that would not allow the Congress to adjust the minimum wage for inflation, a party that would have, over the decades, permitted it to remain at the pathetic $3.35 an hour.

I would challenge my friends on the other side of the aisle to try surviving on that one for a month, Mr. Speaker, and think about the billionaires who are going to say this is chump change this is not important. But the notion that they would say if taking away the taxes of the very rich would stimulate the economy, while increasing the pay of the weakest among us, the people who are least paid, will hurt the economy, is an absurdity on its face.

Mr. Speaker, this is a telling moment for this country. It is a moment in which this leadership clearly demonstrates what its priorities are. It is making the decision that educating our children is not worth the investment, that ensuring our parents and grandparents receive the prescription drugs they need is not worth the investment; that fixing our broken health insurance system is not worth the investment; that curbing our crushing national debt is not worth the investment; but investing in the ultrarich is worth every single dime that can be squeezed out of the Federal Treasury.

The bill embodies the very definition of “America for Sale.” Today’s Republicans are alone in this belief, Mr. Speaker. Great leaders throughout the history of our Nation have understood that our collective strength lies in our support for the working and the middle class. They have understood that the extreme polarization of wealth this majority is ushering in is fundamentally bad for America, and among those who believe that are Bill Gates and Warren Buffet.

I implore my friends on the other side of the aisle, for the sake of our children, for the sake of our future, for the sake of our military, for the sake of common decency, defeat this bill and begin again to work for the people of this Nation and not against them.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I think it is worthwhile just to put a little bit of the historical context on this issue because it has been around for some time.

In the 106th Congress, for example, in the year 2000, the House passed a bill to phase out the death tax in 10 years and permanently repeal it. When it passed the House, it got 279 votes, obviously bipartisan. Sixty-five Democrats voted for it. In the other body, in the Senate, the Senate passed a similar bill, obviously on a bipartisan basis. Unfortunately, that bill was vetoed by the President in the 106th Congress.

So, in the 107th Congress, in 2001, once again, the House passed the bill to permanently repeal the tax, phase it out over 10 years, and that bill garnered 274 votes, again a bipartisan vote out of the House.

Unfortunately, in the Senate, we were unable to get a full repeal and, instead, the death tax was phased out over 10 years, but would revert in 2011 to the 2001 rate. The expectation, of course, was that it would deal with that before 2011 and fully repeal it.

In the 108th Congress, once again the House passed a bill to fully repeal the death tax, 264 votes out of the House, again on a bipartisan basis; and in the 109th Congress, this Congress, once again the House passed a full repeal, 272 votes, again on a bipartisan basis, with Democrats joining Republicans to repeal it.

The unfortunate thing is this leads us to where we are right now, and that is that the cloture motion failed in the Senate. It takes 60 votes in order to cut off debate in the Senate; and, unfortunately, the Senate only received 57 votes. Therefore, that issue won’t be taken up.

This is an effort, then, to try to get to a position where we can pass this bill out of the House and in fact pass it out of the Senate so that we can have some certainty as far as estate planning. So this issue has been around for some time. It has always enjoyed bipartisan support.
This rule simply provides for us to continue what we have been doing in the last four Congresses, and that is to pass and address this issue in a bipartisan manner. This issue has been around, I think it is timely, in fact, it is time for us to act on this. Accordingly, I urge my colleagues to support the rule and the underlying bill.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts, a member of the Rules Committee, Mr. McGovern.

Mr. McGOVERN. I thank the ranking leader for yielding me the time.

Mr. Speaker, once again this House will consider an estate tax cut for the wealthiest people in the United States. Once again the Republican leadership is forcing their chosen bill through the House without the opportunity for any alternative, even though Democrats asked for and presented a germane substitute before the Rules Committee last night.

Last night, the Rules Committee rushed this bill through under “emergency procedures.” That is right, the Republican leadership considered an emergency to pass a tax cut for some of the wealthiest people on the planet, a tax cut that won’t take effect for 4 years.

Mr. Speaker, the real emergency is what is happening to American workers. We are considering another estate tax cut for the wealthy during the same week that this Republican leadership killed an increase in the minimum wage for America’s lowest-income workers.

Last week, the Appropriations Committee approved an increase in the minimum wage and included it in the Labor-HHS-Education appropriations bill, but the majority leader quickly said that the House will not consider that provision. This week, the Appropriations Committee defeated a similar effort.

Mr. Speaker, in 1997, nearly a decade ago, this Congress raised the Federal minimum wage to $5.15 an hour. Since the last increase, Congress has voted itself a raise nine times, increasing its own salary by $35,000. Now, in contrast, Mr. Speaker, a person earning the minimum wage over that same time continues to earn only $10,712 per year. The Republican leadership should ask the minimum-wage family whether their health care costs, their property taxes, their heating and gasoline bills, or tuition for their kids have stayed as flat as the minimum wage. Of course not.

Here is what it boils down to: the Republican leadership has decided it is more important to protect estates that are worth at least $10 million instead of helping to increase people making just $11,000 a year in salary. Mr. Speaker, we have an emergency in our country. We do have an emergency in our country: working families are struggling each and every day. They deserve a raise more than millionaires deserve another tax break.

We should be debating today an increase in the minimum wage for workers in this country. We should be doing something that will make a difference in the lives of people who are struggling in this country. And, instead, here we go again bringing the estate tax bill up again, a bill that benefits mostly people who are very well off. We can do much better than this. We need to get our priorities straight.

Mr. Speaker, the real emergency is that we have an estate tax in the United States. We are considering another estate tax cut for some of the wealthiest people in the United States. But we say with conviction: this far and no farther. We must demand, at the very minimum, this relief stand when this bill goes to the desk of the President of the United States.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York, the ranking member of the Ways and Means Committee, Mr. Rangel.

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

Mr. RANGEL. Thank you so much for yielding me time. I think we are getting closer to the truth when the previous speaker spoke out as to why we have an inheritance tax in the first place. And while he talked about World War I, I think he was emphasizing what he called a socialistic type of government, where redistribution of the wealth was the issue rather than the actual resources that are raised.

I am convinced that a large number of Americans, especially the Republicans in this House, look at this not as a revenue issue but as a policy issue. Oh, yes, they call it the death tax because they think this is a way of packaging something, saying that death should not be a taxable event. But realistically, if you are dead, you certainly are relieved of your taxes. So it is the live people you are talking about; people who have hopes and dreams and that they would be able to acquire the inheritance of those that have passed way. So the real reason, perhaps, of having this tax was to make certain we had a middle class, that you did not find the superwealthy being able to influence the politicians and the Congress. And if that was the reason, and I will have to research it, even though some experts thought there was a social policy reason, if ever there was a time to review this policy, it would be now.

The Joint Economic Committee, which is not Republican or Democrat, has indicated that under existing law, when the estate tax goes to $3.5 million, an estate that would be exempt, and $7 million that would be exempt, but I want to say that it is relief and it is progress and this Congress should embrace it.

The estate tax relief provided in previous legislation is scheduled to end in 2010, and what we will pass today will literally bring permanent estate tax relief to millions of American families, especially increasing the exemption to $5 million per person effective January 1, 2010. So let me emphasize that what we will do today is not repeal, but it is relief; and I want to recognize that progress and embrace it.

Let me close with a word of caution to our colleagues who may think of this as a starting point, that this is a deal. Mr. Speaker, that we can send down the hallway and we can negotiate from: let me say, having spoken to many of my colleagues who share my belief that we should repeal this onerous death tax outright, that this is the deal, it is a good deal for the American people. But we say with conviction: this far and no farther. We must demand, at the very minimum, this relief stand when this bill goes to the desk of the President of the United States.

Mr. Speaker, the real emergency is that we have an inheritance tax in the United States.
while we are spending $300 billion or $400 billion, while we have a $3 trillion debt, while we are cutting even the services of veterans and those that are fighting, that philosophically the majority believes that we should shatter the idea of estate tax. The Tax Inheritance Act, the death tax, no matter what the economic expense is.

So we are not doing this for this Congress or this election; we are doing it to change the direction of the United States Government so that the items of revenue for education and health care, and even our national defense, are going to be jeopardized because some of you believe that the richest of the rich should be protected from an equitable distribution of tax liability.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to a colleague on the Rules Committee, the gentleman from Georgia (Mr. Gingrey).

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Washington for yielding, and I do rise today in strong support of the rule and this underlying bill, and I encourage all my colleagues on both sides of the aisle to support them both.

As a cosponsor of H.R. 89, the full repeal of the death tax, I was disappointed to see the inability of the Senate to obtain cloture on a full repeal of the death tax. I firmly believe that the death tax, the estate tax, is a double taxation and, philosophically, it is wrong.

We have all heard the statements, I think Steve Forbes said this several years ago, that there should be no taxation without respiration. More recently, I have heard the comment that we shouldn’t try to balance the budget by robbing the grave. And there are other comments: a death should not be a taxable event. The gentleman from New York (Mr. Rangel) just said that. I fully agree with every one of those statements.

The gentleman from New York also said, well, you know, in this time of war, in this time of deficits, in this time of debt, we should be able to get this money. We are not, Mr. Speaker, always going to be in that situation. But if we continue to double tax any American, that is a forever situation and it is forever wrong.

So, clearly, I was in favor of full repeal. However, I believe the bill before us today is a very strong compromise. It will protect many more families, small businesses, and family farms from this double taxation, or the so-called death tax.

It is my understanding, Mr. Speaker, that it also, with a manager’s amendment, is indexed for inflation. Those of us, the fiscally conservative Members of our side, felt very strongly about that, and I am pleased with that addition.

I know many of my colleagues are as disappointed with the failure of the other body to pass a full repeal as I am; but as many of us say, we cannot let the perfect become the enemy of the good. So I think there is a lot of good in the bill that Chairman Thomas has brought to us today and that we are discussing at this moment. We have an opportunity to take a substantial and a permanent chunk out of the death tax with a bill that can pass the Senate. They assure us, and I believe, that there will be 60 votes for this bill.

In conclusion, Mr. Speaker, again I want to thank Chairman Thomas and the Senate Finance Committee, and all of the hard work in bringing this bill before us today. Now is the time for us to pass some real tax relief and eliminate the most egregious form of double taxation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. Delauro).

Ms. DELAUR. Mr. Speaker, the Washington Post reports today that middle-class neighborhoods are evaporating in America. It says that it is happening because the gap in this country between the rich and poor is rising at an alarming rate, making it harder for families to raise their children. And what we consider today will only speed up that process: an estate tax cut giving an enormous tax cut to the richest 10,000 estates in the Nation, no one else. And don’t let them fool you, it is not about small business, it is not about about family farms; the 10,000 richest estates in the Nation. It will cost $762 billion in the first 10 years alone, this at a time when we are spending between $5 billion and $8 billion per month on the war in Iraq.

Meanwhile, our productivity as a Nation has risen by about 14 percent as the real wages of nonmanagerial workers have risen less than 2 percent. So when people look at the statistics, they wonder where is the rest of that money going? All they need to do is look at this Congress and the Republican leadership of this House emptying the Treasury for the likes of millionaires and billionaires.

Democrats believe this country is not about survival of the fittest but opportunity for all. Democrats understand the pressures on middle-class families: rising health care costs, education, home heating oil, gas prices. We believe we could be raising the minimum wage, one of the best tools we have to keep families from falling off that economic cliff. It has not been raised in almost a decade. Had it been adjusted just for inflation since 1988, those families would be making $9.05 instead of $5.15.

And if this Congress can get a raise, the American people ought to be able to get a raise. But the Republican majority is afraid to let this House even discuss it. And what they have done is go after another tax cut for millionaires and a wage increase for families. They are afraid of that real debate that Americans want to have about their economic future.

The American people want us to walk in their shoes, understand their lives. They don’t want to see millionaires and billionaires be able to get a tax cut that will help to bankrupt this Nation. With the death tax, we are taking away from their wages increase. We need to raise the minimum wage and oppose this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. Beanzprez).

Mr. BEANPREZ. Mr. Speaker, I rise in support of this rule and the underlying legislation; in fact, in enthusiastic support. I am a cosponsor and have voted several times in this Chamber for permanent repeal of the death tax. This is not repeal, but it is relief, and it is significant relief. I listened intently to the gentlewoman who spoke just before me. I found that a curious argument. I guess I see America a little bit differently. I think we ought to be incentivizing and stimulating and celebrating the achievement of the American dream every possible way we can.

I was in business myself, private business, all my life before I came to this Chamber, both a community banker, I banked, I partnered with a lot of small business people. I celebrated their path to trying to create wealth and keep a business, especially a family business, going generation after generation.

I don’t believe there is anything more egregious that government has ever done to disincent the achievement of the American dream than the death tax.

We tax everything you buy, everything you sell, you get to the end of the year, and if you happen to magically have something left, we want a piece of that. And then when you finally close your eyes for the last time, we are going to take our piece of what you have managed to accumulate through your lifetime. I think it is close to criminal, if not criminal.

Today we have an opportunity to provide some relief to those that do so much come to this Nation for, to achieve the American dream. We have a chance to provide them some relief, some hope that what they worked all their life for, to accumulate something, maybe a business, maybe a family, to pass it on to their children and their children’s children, and that they might be able to do that without the threat of the Federal Government taking it away from them with excessive taxation.

It is with a great deal of pride and, frankly, a great deal of personal experience that I rise again in support of this rule and the underlying legislation. This is not, again, the permanent repeal that I think would be the best thing to do, but I think what we have before us is another chance to work with the other body to actually make law that will make a difference for Americans, American families, and our
Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), who was denied an amendment in the Rules Committee.

Mr. POMEROY. Mr. Speaker, the rule before us allows only one alternative. You know, it has been said before but it deserves repeating today: As our troops fight in Iraq, we ought to show that we can leave democracy on the floor of the House.

I went to the Rules Committee with another alternative for reforming the estate tax, and to have on a party-line vote the majority refuse to allow the Members of this body to even consider any other alternative but the Thomas proposal, in my opinion, does violence to notions that this is a deliberative body where ideas can be considered.

The bill before us is not a reform of the estate tax; it is a virtual repeal, and make no bones about that, virtual repeal of the estate tax.

Look at this chart. The cost of the alternative I advance and have not been allowed to offer is 40 percent the cost of repealing on the full phased-in cost of the Thomas proposal is that it will lose 80 percent at least of the revenue of full repeal. That is not a compromise.

I bet you are going to hear some of these guys say we are going to compromise. This is not a compromise, it is virtual repeal. You lose 80 percent of the revenue, it is virtual repeal, no compromise.

Now this is a shocking loss of revenue to help a very, very few people. The proposal that I was not allowed to introduce would have made exempt all of the estates but for 3/10 of 1 percent.

Earlier there was a gentleman from Indiana said small businesses have been lost all over the State of Indiana. I believe he is factually mistaken. I issue a challenge to him right now and anyone else, bring me the names. Bring me the names.

There is no fact whatsoever behind these assertions that this is about small farms and family businesses. This is about the wealthiest estates in this country, and now let me put it really to bear.

The distribution table on the Thomas proposal is that of the $800 billion that would be lost between 2010 and 2020, 43 percent would go to those worth more than $20 million. In a decade when we are going to have 78 million Americans turning 65, we have Social Security going out of balance in 2018, we have Medicare going out of balance in 2022, we are going to take $800 billion and ship it to those who make more than $20 million? What in the world are we thinking about?

Medicare and Social Security apply to everybody. The estate tax proposal advanced by the majority today applies to way fewer, way fewer than 1/10 of 1 percent. This silver showed the number of estates that would have been taxable under the proposal I have not been allowed to offer today. Their proposal that goes to the $20 million crowd and up even deals with a smaller number yet. What in the world are we thinking about?

The preceding speaker said he cannot think of anything more that does violence to the American dream than the death tax. Let me tell you about a few other things that do violence to the American dream: This Congress running up a debt and having to vote not just once in March, but again in May to raise the borrowing limit of the country, putting us nearly $10 trillion in debt. Another thing that does violence to the American dream, the cuts that have been made in student loans so people can pursue the notion of upward mobility, they can get ahead in this world, but they cannot afford to get to college, and they cut student loans in the face of it.

And yet the portion of the American dream that they seem most concerned about is for this $20-million-and-up crowd, even while we have no idea how we are going to solve this Medicare solvency imbalance or how we are going to fund the Social Security imbalance. Let us come back to another issue presented by this rule. How come we only have their plan to consider? We have a plan, a plan that makes the estate tax go away completely for 99.7 percent of the people in this country, and we won’t even consider it. Let us come back to another alternative for reforming the estate tax.

Mr. HASTINGS of Washington. Mr. Speaker, I ask my friend from New York how many speakers she has, because I at this time have no more requests.

Ms. SLAUGHTER. I too have no further requests for time, so I will close.

Mr. Speaker, I think what we ought to call this tax is the Paris Hilton tax. Paris Hilton, once this is passed, will be able to jetset again around the world buying herself more bling and more little dogs to carry around in her purse, and probably never work a day in her life.

But while we are helping Paris with her problems, I think we need to think about the poorest among us, those people working two and three minimum-wage jobs every single day simply to try to keep themselves alive and that we have turned our backs on now for over a decade.

So I urge all Members of this House to vote “no” on the previous question so I can amend the rule and allow the House to vote on the Miller-Owens bill to increase the Federal minimum wage for the first time in almost 10 years. The bill is identical to the minimum-wage bill included in the Labor-HHS appropriations bill that was supposed to come to the floor this week, but was pulled by the leadership.
Mr. Speaker, I ask unanimous consent to insert 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 insertion of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, my amendment to the rule provides that immediately after the House adopts the rule for the Paris Hilton bill, it will bring H.R. 2429 to the floor for an up-or-down vote. The bill will gradually increase the minimum wage from the current level of $5.15 an hour to $7.25 an hour after 2 years.

Mr. Speaker, it is time we started to help workers, instead of making the very rich in this Nation richer. And I want us to stop this nonsense that we are doing this for poor farmers. Nobody can come up with a name of a poor farmer. And we will ask the State of Indiana for a list of the people who went under because of this tax.

But we are considering another massive tax cut for our Nation’s wealthiest. And to make matters worse, it is done in a way that many of the people who blocked legislation to increase the minimum wage for those who need the help the most.

America’s low-income workers need our help, but millionaires don’t. They are losing their class. One of the best things we can do to help the low- and moderate-income families is to increase the minimum wage. It has been, as I said, a decade since it was voted to increase, and it was signed in law in 1996 with the last increase in 1997.

After adjusting for inflation, the value of the minimum wage is at its lowest level since 1955. The purchasing power of the 1997 increase has eroded since then by 20 percent. A full-time minimum-wage earner working 40 hours a week makes $10,700 annually, an amount that is $5,000 below the poverty line for a family of three. The minimum wage now equals only 31 percent of the average wage for the private sector and the non-supervisory workers, and that is the lowest share since the end of World War II.

Mr. Speaker, can there possibly be any doubt that we are long overdue for another increase in the minimum wage?

Leadership in this House has managed to implement numerous tax breaks for the wealthiest Americans, including this billion dollar budget buster that we are considering today, but turns its back on those who work the hardest and are paid the least, those with no lobbyists, those who struggle to make ends meet every day. They don’t have any lobbyists but us on their side. And I think it is time for Congress to step up to the plate and help those who need it most, not just those with the fattest bank accounts.

And those who say an increase in the minimum wage will hurt business and economy are plain wrong, and facts argue just the opposite.

So I urge all Members of this body to vote “no” on the previous question so that we can help 7 million-plus American workers who will directly benefit from an increase in the minimum wage.

And let me close by saying this is a very sad day because I believe this bill will pass. And I think this Congress of the United States will go on record as saying, that we don’t care about those people other than those who can hire the lobbyists and do everything that they want to do.

Mr. Speaker, I yield 2 minutes to Ms. BROWN of Florida.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I thank the ranking member; and with what is going on here today, I know soon that you will be Chair, because this is really a very sad day in the House of Representatives, the people’s House.

Once upon a time we are doing like what has happened in this House over and over again, practicing what I call reverse Robin Hood. When I was coming up, my favorite program was Robin Hood. Well, what this House, under the Republican leadership, constantly practices is reverse Robin Hood. What does that mean? Well, it means robbing from the poor and working people to give tax breaks to the rich.

Today, instead of debating a fair minimum-wage bill, we are debating a near repeal of the estate tax bill for millionaires. This is a bill that benefits only 6 to 7,000 very, very wealthy people. This does not help the poor or the majority of working Americans at all. This reverse Robin Hood policy which gives tax breaks to the very wealthy robs from the rest of us and leaves us with very little money to provide services like educational loans, health care, homeland security, transportation, our veterans, our seniors, our children, the poor.

This is the reason why 77 percent of the American public does not believe that the United States Congress represents their interests. And this reverse Robin Hood bill is a perfect example of why.

I strongly urge my colleagues to vote “no” on the rule and send this horrible bill back to the drawing board.

Ms. SLAUGHTER. Mr. Speaker, I yield to the gentleman from New York, Mr. Hastings of Washington.

Mr. HASTINGS of Washington. Mr. Speaker, let me just review. This issue has been around in Congress for some time. This House has acted on full repeal of the death tax for the last three Congresses on a bipartisan basis. But the reality is we simply can’t get this through the full Congress because the other body simply doesn’t have the votes, supermajority votes, I might add, to close off debate over there, so we have to pass something that can pass this Congress. This bill does that. And it is important that we pass this bill as soon as we possibly can so those that are trying to plan estates after 2010 can make those plans with some certainty.

So, Mr. Speaker, this is a good bill. This is a good rule. The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION ON H. RES. 885, RULE FOR H.R. 5638—PERMANENT ESTATE TAX RELIEF ACT OF 2006

At the end of the resolution add the following new section:

Sec. 2. Immediately 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. 2429) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.”

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. The Republican majority is ordering the previous question as 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 is 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.

Mr. Speaker, I thank the ranking minority member of the Committee on Education and the Workforce; and with what is going on here today, I know soon that you will be Chair, because this is really a very sad day in the House of Representatives, the people’s House.

The material previously referred to by the Republican majority they will say “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, 1969, a member of the majority party offered a rule resolution. The House defeated the previous question. 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 a 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 whether to proceed with the 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 control 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 passed, the time of the disputed question passes to the member who led the opposition to ordering the previous question.
Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 886 and ask for its immediate consideration.

As a member of both the Rules Committee and the Budget Committee, the two committees of jurisdiction for the underlying legislation, I am pleased to bring this resolution to the floor for our consideration.

The Legislative Line Item Veto Act is the product of years of work on both sides of the aisle in Congress and at both ends of Pennsylvania Avenue. The original Line Item Veto Act was signed into law in April of 1996. It was later found unconstitutional by the Supreme Court in its 1998 ruling on Clinton v. The City of New York. In each Congress since 1998, there have been multiple proposals from both parties to give the President constitutional line item veto authority.

In his State of the Union address this year, President Bush stated: "I am pleased that Members of Congress are working on earmark reform, because the Federal Budget Act has too many special interest projects. And we can tackle this problem together if you pass the line item veto."

This subtle, but powerful, statement gave momentum to the effort to consider a constitutional alternative to the original Line Item Veto Act. The statement was followed up by an official message from the President to Congress in which he specifically asked Congress to consider his proposed Legislative Line Item Veto Act of 2006, which was introduced by Representative PAUL RYAN of Wisconsin.

This legislation is based on an expedited rescissions procedure as an effective tool to overcome the profligate spending by Congress. The irony of course, is that if Congress had any kind of backbone, we would do it ourselves. For instance, if these same Members, who in my opinion feign seriousness about reining in spending, were actually serious, they would support our colleague, Mr. FLAKE, more often in his admirable yet heretofore unsuccessful attempts in cutting spending using the constitutionally mandated method, writing them into or removing them from bills before being sent to the President.

Proponents argue that giving the President enhanced authority and power would strengthen Congress’ micromanagement of Federal spending. Frankly, I think this reasoning is preposterous. I highly doubt that increased rescission authority would be used to decrease our Nation’s deficit. To the contrary, I believe such authority would fuel the already excessive spending that the partisan politics we have seen through this Congress and this administration. And let me be fair. If there is
ever a Democratic President, I think he or she would likely use this particular legislation in a partisan fashion.

For more than 5 years, President Bush has been in office, he has not used the veto authority he currently possesses to veto a single piece of legislation that would lower our deficit or reduce the debt.

Mr. PUTNAM. Mr. Speaker, I yield 4 minutes to my colleague from Florida, a member of the Budget and Appropriations Committees, Mr. CRENSHAW.

Mr. CRENSHAW. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of this rule so that we can get on with the underlying bill.

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

Mr. PUTNAM. Mr. Speaker, I yield 4 minutes to my colleague from Florida, Mr. MILLER.

Mr. MILLER. Mr. Speaker, I might add my good friend and fellow Floridian, and he is my good friend.

Mr. Speaker, excuse me. Will my colleague remain for me to use some of my time to ask him a question before I yield to my good friend Mr. MILLER?

Mr. CRENSHAW. Yes, sir.

Mr. HASTINGS of Florida. Mr. HASTINGS of Florida. And I might add my good friend and fellow Floridian, and he is my good friend.

Mr. Speaker, I urge rejection and entreat my colleagues to defeat the underlying bill.

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

Mr. MILLER. Mr. Speaker, I yield 4 minutes to my colleague from Florida, Mr. CRENSHAW.

Mr. CRENSHAW. Mr. Speaker, I thank the gentleman for yielding.

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

Mr. HASTINGS of Florida. Mr. HASTINGS of Florida. And I might add my good friend and fellow Floridian, and he is my good friend.

Mr. Speaker, I urge rejection and entreat my colleagues to defeat the underlying bill.

Mr. Speaker, I reserve the balance of my time.
Mr. CRENSHAW. I know this year there will be a deficit in terms of our overall budget and spending this year.

Mr. HASTINGS of Florida. Right. And every year since the President has been in office, we have been in this deficit spending environment; would you agree?

Mr. CRENSHAW. I think it is going down, and that is the good news, because the economy is growing.

Mr. HASTINGS of Florida. Then tell me what is down and what is up? Did we not raise the debt ceiling twice?

Mr. CRENSHAW. We raised the debt ceiling twice. And the economy is roaring, and we lowered taxes, and people are back at work, and the deficit is going down, down, down. And that is good news.

Mr. HASTINGS of Florida. Reclaiming my time, you say that this will be a little bit more. Our good friend PAUL RYAN, who is an author of this legislation, yesterday in my dialogue with him, and I think that this legislation gives the President the power to do five messages in regular legislation and 10 in an omnibus. Do you think by any stretch of the imagination that the American public believes that this is going to reduce national debt?

Mr. CRENSHAW. For instance, I would say this: We had a transportation bill last time.

Mr. HASTINGS of Florida. Can you answer, yes or no?

Mr. CRENSHAW. And you have heard of the “bridge to nowhere”? That was about $300 million, and that kind of made its way through the process on to the President’s desk. And I think if the President had had a line item veto, he might have said, You know what? I think you ought to take another look at that “bridge to nowhere.” And he could have exercised that line item veto. And maybe if that had gone away, then, yes, we would have spent less money, and the deficit would not be as large as it is today, and that is good.

Mr. HASTINGS of Florida. Reclaiming my time, we do not live in Alaska, and no afront to you, I am delighted that we have $1.8 billion coming to Florida for coastal protection, but the President could have line itemed that, too.

Mr. CRENSHAW, you served in the State legislature. And under Democrats and Republicans that had the line item veto, what is the rationale of the matter is they have used it in a partisan fashion more often than not. That is among the fears.

Thank you for the dialogue.

Mr. Speaker, at this time I am pleased to yield 4 minutes to my good friend from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me the floor.

It is fitting that we are talking about the line item veto when we are doing the estate tax. President Clinton left you guys an estate of $5 trillion, and like irresponsible relatives, you went off and blew it. And now you are saying to the country, like so often serial killers leave notes for the police, as the Son of Sam did, saying, “Help me before I kill again,” you are saying, “Help me before I spend again.” You are trying to find mechanisms of spending. You control the House. You control the Senate. You control the Presidency. And you need help before you spend again. What is this, Comedy Central? What is it you are doing here?

Mr. CRENSHAW says you are now being fiscally responsible because you have only heard of the only family in America that went out and borrowed money to put into a rainy day fund because you do not have any money. The American people do not have any money in this government. All they have is debt. And you want a Wall Street to help you to keep from spending again. What you need is a 12-step program on spending.

Mr. CRENSHAW says you are now being fiscally responsible because you have only heard of the only family in America that went out and borrowed money to put into a rainy day fund because you do not have any money. The American people do not have any money in this government. All they have is debt. And you want a Wall Street to help you to keep from spending again. What you need is a 12-step program on spending.

It is called intestinal fortitude. It is called having a spine. It is called having some guts to do what is necessary. But the first thing you did was get rid of the discipline and pay-as-you-go. So now you are back.

But more importantly, the Nation is stuck, and so we see this little plea, on the morning that we are going to give away almost $1 trillion to the richest people in the Nation, you have a plea here that maybe the President will stop. He has told you about the House of Representatives in Congress stopping the bridge to nowhere? How about doing what you were elected to do?

You don’t need a line item veto. This isn’t about statutes. This isn’t about vetoes. This is about what the Congress is to do. You walked in here fresh, newly elected, and you got handed $5 trillion. And now you can’t stop yourself. You can’t stop yourself.

You can stop yourself from giving the people an increase in the minimum wage that hasn’t increased since 1997. You can’t give those people 70 cents more an hour. But you give it away to the richest estates, and then you can plead that but for the line item veto, you would somehow get to a balanced budget.

Every dollar you are going to spend today, tomorrow, and every dollar you spent yesterday and the day before came out of the Social Security Trust Fund. I am sure that America, while you are putting away a rainy day fund on borrowed money, I am sure America is delighted that you are putting away the estate tax on their Social Security earnings, on their trust fund. You are taking their trust fund that belongs to all Americans called the Social Security Trust Fund and you are raiding it for the trust fund of the heirs of the richest estates in America. What a wonderful example today. What a wonderful example for young people to learn about our obligations to future generations.

This is a theater of the absurd. You have run the country into the ditch financially. You got a $1 trillion war gone. And the President says, how do we stop? You have stolen most of the money from Social Security Trust Fund. Every year we have a deficit. We have a $3 trillion debt. And you want to talk about the line item veto.

You know, the government is spending money like a drunken sailor, and Ronald Reagan said, well, at least the sailor was spending his own money.

You are spending the public’s money at a rapid, illegal, unconscionable, immoral, and you can’t stop yourself, but the line item veto won’t do it.

Lots of things have changed since 1997, but the value of the minimum wage isn’t one of them. Because of Congress’ failure to act on behalf of the lowest paid workers in America, the minimum wage is still just $5.15 per hour, $5.15 per hour. Think about that. At $5.15 per hour, you would have to work all day just to fill a tank of gas at today’s gas prices.

At $5.15 per hour, you would have to work for at least 30 minutes just to afford a single gallon of milk.

Democrats have a simple and reasonable proposal: We want to raise the minimum wage to $7.25 per hour over the next two years. Doing so would directly benefit 6.6 million American workers. The vast majority of those workers are adults. Hundreds of thousands of them are parents with children under the age of 18.

We have all heard the well-worn economic arguments against raising the minimum wage, and we all know they simply aren’t true. The truth is that raising the minimum wage won’t hurt the economy, and can even help it.

But forget about economics. That’s not what this issue is about. This issue is about doing what’s right. And it is just wrong that, in the wealthiest and most advanced country in the history of the world, millions of adults work full-time, all year, and yet still earn an income that leaves them deep in poverty.

It is just wrong for the Republican leaders of this Congress to refuse to allow even a vote on raising the minimum wage, and all we know simply aren’t true. The truth is that raising the minimum wage won’t hurt the economy, and can even help it.

But forget about economics. That’s not what this issue is about. This issue is about doing what’s right. And it is just wrong that, in the wealthiest and most advanced country in the history of the world, millions of adults work full-time, all year, and yet still earn an income that leaves them deep in poverty.
Why is the Republican leadership so worried about people like Lee Raymond? Why is the Republican leadership constantly looking for new ways to help the absolute richest people in the country? When is the leadership of this House going to do something for the lowest paid people?

If you are born with a silver spoon in your mouth and you stand to inherit millions or even billions of dollars that you did not work to earn, then this Congress wants to serve you. But if you get up every day and go to work to earn a living, then don’t expect any help from this Congress. The message all of this sends could not be clearer. The Republicans value wealth, not work.

If you hold up your end of the bargain and contribute to your community and our economy by working hard every day, then you should not have to live in poverty. It is well past time for this Congress to treat America’s working families with the respect and dignity they have earned.

The choice to provide hundreds of billions more in tax breaks for the ultra-wealthy is shamefully more shameful to do it while steadfastly refusing to raise the minimum wage.

Mr. PUTNAM. Mr. Speaker, I would just remind my friend that on the three previous occasions there has been an opportunity to vote on this issue, 173 Democrats one time, 173 Democrats another time and 45 Democrats at another time all joined the cast members at his theater.

Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I appreciate the gentleman yielding.

Mr. Speaker, I rise in very strong support of this rule and certainly the underlying legislation as well.

You know, President Reagan said the government is too big, and it spends too much. That is a very simple statement, but it really goes to the heart of why we need to have a line item veto. The American people are demanding something be done to get a handle on some of the out-of-control spending that does happen here, and the legislation we are considering today will go a very long way to bring fiscal restraint and greater accountability to government spending.

The line item veto has actually worked in many, many States across our great Nation, including in my home State of Michigan, and I believe it can work here as well at the Federal level.

Currently the only way that a President can make a stand against wasteful spending is to veto an entire bill, even though perhaps only a few provisions in that might be offensive. We have seen that not only this President, but others before him have been extremely hesitant to do so.

So often we hear about some particular egregious pork-barrel spending slipped into what is otherwise a very good bill, and now there is really nothing that can be done. This bill gives another tool. It is another way for the administration to work with the Congress to address spending in a responsible and a reasonable manner.

This bill is common sense, and I think it will require lawmakers to be more careful about the spending that they are advocating and also to be able to justify that spending. This is a good start toward fiscal responsibility, and I urge my colleagues to support this rule and again to support the underlying legislation.

Mr. HASSENFELD of Florida. Mr. Speaker, before yielding to my good friend from Wisconsin, perhaps it would be helpful if we have a little bit of historical foundation. Sometimes we forget these great people that met and debated for a long time before they determined the form of government that we should have.

But one of the things that they established most immediately in Article 1, after the Preamble, We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America,” Article I, Section 1, colleagues: “All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.” Not a President.

Mr. Speaker, I yield 2½ minutes to my friend, the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Speaker, I thank my good friend for yielding.

Mr. Speaker, first of all, this rule is outrageous. We have a closed rule, no amendments, no substitute allowed in order. We had a serious discussion in the Budget Committee just last week over this legislation raising serious issues about the future of this legislation. Now we come to the floor today, and we are completely foreclosed from having an honest debate about some of the fixes that I feel and many of my colleagues feel is necessary to improve this legislation.

Now, I appreciate what the authors of the legislation are trying to accomplish, but let’s not forget one fundamental fact: If there is a concern about overspending in this Congress, we already have the tools to address it. It is called stop spending.

I guess I would have a little more confidence if the track record of this administration and this Congress was more serious about fiscal responsibility, and establish Thomas Jefferson who has refused to veto one spending bill. He is not even using the rescission process that he already has authority to do.

I thank the gentleman yielding.

Mr. Speaker, I sit here and I listened to what can only be termed as the height of hypocrisy. The gentleman who has just debated against this particular bill in fact 2 years ago voted for it. I think that’s the height of hypocrisy. He is voting against it. I don’t care what you say, that is pretty funny right there.

Since 1991, Federal spending on special interest projects has increased by over 900 percent. We understand that. Congress is long overdue in extending the line item veto privileges to the President of the United States.
This bill does not vest within the President the ability to solely go in and line item veto by himself. It comes back to the Congress. It gives him the authority to propose elimination of earmarks, but it leaves Congress the ability to give an up-or-down vote on the President’s proposal. I served in the Florida State Legislature where there is a line item veto by the Governor, and it was inferred just a little while ago by one of the speakers that it was used politically. Yes, it was used politically in Florida, but only by the Democratic administration.

Mr. HASTINGS of Florida. I don’t believe he said that. I want to continue along those lines. Evidently the previous speaker doesn’t know what Governor Jeb Bush just did, but that is another story.

I want to keep the Constitution before us. What it says in that same article, which, incidentally, was the first article, the article creating the President, was the second article, in the first article, “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time,” by the Congress.

I am pleased to yield 4 minutes to my good friend from Tennessee (Mr. COOPER). (Mr. COOPER asked and was given permission to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, in the vain hope that there still is an undecided Member of this body, I think it is important that we look at the facts. I would encourage my colleagues to oppose both the rule on the line item veto and on the estate tax. Why? I am afraid people watching this debate are seeing Congress at a historical low point.

On the estate tax, if you read the editorial in today’s Wall Street Journal, the Wall Street Journal is claiming that King BILL THOMAS’ proposal is hardly an improvement over current law. Hardly an improvement over current law.

So if you are for repeal, you better check with King BILL THOMAS, because he has been given near royal powers by this House. Members of the vaunted Ways and Means Committee were denied an opportunity to even meet and discuss this legislation. So no one really knows what is in it, except perhaps King BILL THOMAS.

What an outrage. This is supposed to be a deliberative body, but because of this rule, the Pomeroy substitute was not allowed to be considered. What is King BILL THOMAS afraid of? A debate? A discussion in the House of Representatives? This is a shameful moment in our history.

But now turning to the rule on the line item veto. Mr. SPRATZ was denied an opportunity to offer a substitute. What is the Budget Committee afraid of? A debate? A discussion? The possibility we actually might know what we are voting on in this rubber-stamp Congress?

Now, I am not a hard-core partisan. While I oppose repeal of the estate tax, I am planning on voting for the line item veto. I would suggest to my colleagues who care about budget deficits that that is the appropriate and consistent approach.

But look at the line item veto. The only thing that that bill will do is deprive President Bush of his last excuse for accepting all congressional spending bills.

My colleagues on both sides of the aisle know that this is the biggest spending President since LBJ; in fact, probably exceeding even the Great Society spender himself.

My colleagues on both sides of the aisle know that earmarks have proliferated. They are now up to some $50 billion a year. And what has the President done about it? He is the first President since Thomas Jefferson to never use his constitutional veto power, that chainsaw for cutting spending. President Bush has never used that power.

So what is he asking for here? Now it is called line item veto, but it is not really. That is a lie. Properly titled, this is the President’s Line Item Veto Act. Why? Because line item veto is unconstitutional. The Supreme Court decided that in 1998. So all this bill is is a pair of sharpened scissors for the President, who has never used his regular scissors.

Well, I for one hope he will use those sharpened scissors. How are they sharpened? We have that Congress actually vote. We can’t blow off the President by delaying indefinitely a vote on his recommended cuts. And that is a small improvement.

But you are telling me with the Republican tyranny we have today, Republicans in charge of all branches of government, that President Bush couldn’t have forced a vote on his suggested cuts if he had dared bring them up in the last 6 years of his Presidency? Certainly the President could have gotten a vote on it, but he has not dared ask. This is the most feckless, cowardly administration in terms of cutting spending that we have witnessed in American history.

Mr. PUTNAM. Mr. Speaker, I am extremely concerned that Congress actually vote. We can’t blow off the President by delaying indefinitely a vote on his recommended cuts. And that is a small improvement.

But you are telling me with the Republican tyranny we have today, Republicans in charge of all branches of government, that President Bush couldn’t have forced a vote on his suggested cuts if he had dared bring them up in the last 6 years of his Presidency? Certainly the President could have gotten a vote on it, but he has not dared ask. This is the most feckless, cowardly administration in terms of cutting spending that we have witnessed in American history.

Mr. PUTNAM. Mr. Speaker, I would say to my friend from Tennessee I am sure he did not mean to impugn or personalize the debate against any given chairman in this Chamber. I am pleased to yield 1½ minutes to the gentlewoman from Ohio (Mrs. SCHMIDT).

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

Mrs. SCHMIDT. Mr. Speaker, I thank the gentleman from Florida (Mr. PUTNAM) for yielding to me.

Mr. Speaker, I rise today in strong support of this rule and the underlying legislation, H.R. 4890, the Legislative Line Item Veto Act. I commend the gentleman from Wisconsin (Mr. RYAN) for his work on this important legislation. I am proud to support this bill because, I believe H.R. 4890 will be a useful tool to reduce the budget deficit, improve accountability, and ensure that our taxpayer dollars are spent wisely.

Unlike previous versions of the Line Item Veto Act, H.R. 4890 preserves Congress’ authority. This legislation would give the President the ability to identify unnecessary, duplicative, or wasteful spending provisions that have passed Congress, and send these specific line items back to Congress under an expedited procedure for an affirmative up-or-down vote by both the House and the Senate.

When I was elected to Congress, I pledged to be fiscally responsible. The line item veto is a way to ensure that taxpayer dollars are spent wisely. I urge my colleagues to support this important legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend from Massachusetts (Mr. NEAL), a distinguished member of long standing on the Ways and Means Committee.

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from Florida.

Mr. Speaker, we had in constitutional scholars that were all asked at the Budget Committee meetings whether or not Congress currently possessed the ability within its governing responsibilities to balance the budget, and the answer was “yes.”

This is a fake tool meant to cover the Republican Party. I worked with Ronald Reagan, I opposed it with George Bush, Sr., with Bill Clinton, and now with George Bush, Jr. And do you know what is regrettable about this debate, most regrettable about the debate? Conservatives won’t stand up for principle.

The idea of a running mate in 1215 was to keep King John from being an autocrat. When Prince Charles invaded the House of Parliament and arrested the man who disagreed with him, it was time to take action.

What do we do here? We cede more authority to the Executive. You put this tool in the hands of Lyndon Johnson, and you are going to regret it. You are going to regret the day you ever embraced this item. Calling down to the White House to see if your spending proposal was okay? As they say to you, Well, I was checking your voting record on some references you made to the administration recently. Now we would have to go and keep your item in. How ill-considered, how ill-timed in the middle of war that we would do this, to give the authority
to the Executive to make decisions that Mr. Madison and Mr. Jefferson correctly believed belonged with this body. And conservatives violate that spirit today by giving more authority to the other end of Pennsylvania Avenue.

Do you know what is going to happen? And you mark my words. The President will determine what spending priorities are and not the Congress according to our Constitution. Wake up to this issue and what we are about to do has threats from the Executive. This is a part of our lives in congressional reality, and everybody here knows it. I listened to that debate; it was the weakest debate I have heard. I had conservative Members come over and say, you are right. We agree with you, but we have got to do something.

Do you know what to do? Add some transparency to this system. Stop issuing press releases in the appropriations process. You would take care of this issue overnight.

Mr. CHABOT. Mr. Speaker, the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

Mr. CHABOT. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 4890, the Legislative Line Item Veto Act of 2006.

On April 27, the Subcommittee on the Constitution on which I chair, held a hearing on the issue and concluded that the bill Mr. Ryan has introduced will not only reduce frivolous spending, but will pass constitutional muster.

The notion of a line item veto has intrigued those concerned with wasteful Federal spending for a long time. Presidents at least since Thomas Jefferson have asserted that the Executive has some discretion in the expenditure of monies appropriated by Congress. Forty-seven Governors have some form of a line item veto to reduce spending, yet until 1996 no such mechanism existed at the Federal level. And that year, Congress enacted the Line Item Veto Act that was part of the Contract with America, and it had overwhelming bipartisan support.

However, the United States Supreme Court ultimately held that the Line Item Veto Act was unconstitutional because it gave the President the power to reduce a portion of the bill as opposed to an entire bill as he is authorized to do by article I, section 7 of the Constitution.

Despite the Supreme Court’s actions, the notion of a line item veto has remained very popular. During its brief life, President Clinton used the line item veto to cut 82 projects totaling over $2 billion. Most recently, line item veto proposals have been warmly received by such disparate editorial boards as The Washington Post on one hand, and The Wall Street Journal on the other.

In addition, Mr. Ryan’s legislation addresses the constitutional concerns that were raised by the 1996 line item veto bill, and gives the President only the authority to recommend to Congress that it rescind money, and it provides for an expedited procedure for doing so.

I would urge my colleagues not only to vote for this rule but also to support the underlying legislation. It is time that we get Federal spending under control, and this is a part of allowing us to do that.

Mr. HASTINGS of Florida. Mr. Speaker, because of the limited number of speakers that I have left, I will reserve my time and allow my colleague from Florida who has more time and maybe more speakers to proceed.

Mr. PUTNAM. I thank my friend, Mr. Speaker. I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I rise in strong support of H.R. 4890, and urge my colleagues to support this.

Some people are opposed to this bill and the underlying rule, because they fear that this rule gives too much power to the Executive. Well, I must respectfully disagree. This legislation is important because it forces Congress to be fiscally responsible. We simply must do a better job in reigning in Federal spending.

The line item veto is nothing new to the American political system. Many States, including Pennsylvania, allow the Governors the opportunity to reject individual spending initiatives that are brought within a comprehensive budgetary package.

Having served as a State representative and a State senator, I can assure you that the threat of an Executive’s blue line, or blue pencil as we say in Pennsylvania, often forces smarter and more disciplined spending on the part of the legislative body. What is more, when the Executive acts with greater fiscal restraint, the Executive is less likely to exercise that power granted under line item veto.

And if the Executive acts in an arbitrary or capricious manner, the legislative body knows how to respond and retaliate, if necessary, through the budget process. Thus, the legislature and the Executive act as potential deterrent to one another’s spending proclivities. I have seen this happen many times.

This legislation as drafted does not, in my opinion, cede Congress’ constitutionally mandated spending prerogative to the President. In this bill, the Chief Executive may designate for rejection up to five earmarks per spending bill, 10 in the case of an omnibus or reconciliation package. Congress, however, has the final say on those earmarks, as the legislation provides for an expedited process of returning them to Congress in order to have an up-or-down vote on these rescissions. In this way, the spending proclivities of both sides are kept in check, and we will make important strides toward imposing a culture of fiscal restraint in Washington.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield to my good friend, the gentleman from California (Mrs. CAPPs), for 1½ minutes.

Mrs. CAPPs. I thank my colleague from Florida for yielding.

Mr. Speaker, I rise in opposition to this legislation. It is laughable to use this bill for our friends in the majority to preach about responsible budgeting. We have a huge budget deficit precisely because of Republican budget policy combining endless tax cuts with endless spending, including hundreds of billions of dollars in so-called emergency spending.

For example, last week the House spent another $94 billion off the books mostly to pay for the Iraq war. No offsets, nothing to pay for this spending, just pass it and move on. So I urge my colleagues to vote against the bill and against this gimmicky rule.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. ENGLISH), a leader on our Ways and Means Committee.

Mr. ENGLISH of Pennsylvania. I thank the gentleman.

Mr. Speaker, Benjamin Franklin once admonished: before you consult your fancy, consult your purse.

It is the nature of all legislative bodies, including this one, to consult their constituents’ fancies, but it is ultimately the responsibility of Chief Executives, including the President, to first consult the purse.

What we propose to do in this legislation is give the President a power to consult the purse that is fundamental and is available to most current Governors. This is an important mechanism which will allow for the elimination, the challenge of individual spending items.

This is certainly a modest proposal, Mr. Speaker. It is not as strong as what we passed back in 1995 when I first came to Congress, but that was ruled unconstitutional after we gave President Clinton, a President of the other
Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 1½ minutes to my colleague from Texas (Mr. CONAWAY), a member of the Budget Committee.

Mr. CONAWAY. Mr. Speaker, I appreciate the gentleman yielding this time.

I rise in support of the rule and also the underlying bill. It is interesting that the other side is trying to speak out of both sides of their mouth on the fact they rail on the President constantly for not having used his veto power, and yet the previous speakers also talk about vetolike power being somehow ceding congressional responsibility to the President. I do not think you can have it both ways.

Support this decision line item veto because it does apply to all spending. In addition, the spending that would be singled out for this treatment would actually not be spent somewhere else if it were upheld, and it would actually go against reducing the deficit.

In addition, just the threat of this would act as deterrent to those Members who would put things into a particular appropriations bill or a spending bill that would be embarrassing for the President to sign. The President would have an opportunity to use his line item veto process.

So I rise in support of the rule and also the underlying bill and encourage my colleagues to join me.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield ½ minutes to the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Speaker, I thank my colleague from Florida, and special thanks to Mr. RYAN for his hard work trying to bring the needed amendment to a bill that is constitutional, which, while not perfect, certainly is an important step in the right direction.

Why is this an important step? It shines the light on special-interest spending, whether it is earmarks or whether it is special-interest tax breaks.

Citizens Against Government Waste estimated that there were nearly 10,000 of these special-interest projects in last year's appropriations bill, totaling $29 billion, and so it is, in my opinion, extremely appropriate that we shine the light on this special-interest spending.

The substitute, which our friends on the other side of the aisle have talked about, would have further restricted this bill to make it almost meaningless by exempting large swaths of the Federal spending from this rescission authority.

I am pleased to go forward with this bill.

I would remind my friends on the other side of the aisle, it has bipartisan support. There were four members of the Budget Committee that voted for it.
Let us vote for it today and let the President have this opportunity to shine the light on unnecessary spending.

Mr. PUTNAM. Mr. Speaker, I yield 1½ minutes to my friend from North Carolina (Mr. McHENRY).

Mr. McHENRY. Mr. Speaker, I thank my colleague from Florida for yielding this time to me.

This is a very important bill offered by my friend from Wisconsin (Mr. HASTINGS) this time to me.

The legislative line item veto is something that is necessary for us to get our fiscal house in order. What this will do is enable Congress to work with the executive branch to root out special-interest projects.

Case in point. We just passed an emergency spending bill not 2, 3 weeks ago on this House floor. It included $38 million for funding for the National Oceanic and Atmospheric Administration to fund “activities involving oysters.” This is an emergency spending bill. Certainly something that is not reasonable. I like oysters, I like them baked, I like them fried, I like them raw. They all really taste great, but does that mean that we should spend $38 million for this?

That is a great case in point for the President to be able to use a legislative line item veto and for us to act to root out this wasteful spending.

Washington big government has an infinite appetite for more, more programs, more spending, more taxes. We have to take a principled stand to reform this, to fix this problem, to root out this waste, and this will put us on a diet if we pass this legislative line item veto.

I encourage the House to approve the rule today and to vote for the underlying bill.

Mr. PUTNAM. Mr. Speaker, may I inquire as to the time remaining on each side?

The SPEAKER pro tempore. Is there an objection?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, before we turn over our constitutionally granted power to the executive branch, let us vote on a measure that will place the deficit, rein in irresponsible spending and help to bring accountability back to the House’s legislative process.

Mr. SPRATT’s bill does many things to encourage deficit reduction. It reinstates pay-as-you-go rules for both mandatory spending and revenues. It amends the Congressional Budget Act to stop the reconciliation process from being used to make the deficit worse or the surplus smaller. It enforces the 3-day layover requirement in the House rules to give Members adequate time to review legislation. It adds earmark provisions. The bill protects important mandatory spending like Social Security, Medicare and veterans benefits from any expedited rescission process. It prohibits the President or executive branch officials from using the rescission authority as a bargaining tool or even a source of blackmail just to secure votes.

In all fairness, when Mr. Clinton was the President of the United States, the first thing that he did with the veto power he had was veto something in toto.

It will be used in a partisan manner. It is important for Members to know that defeating the previous question will not block the underlying bill, but by voting “no” on the previous question, we will be able to consider the Spratt alternative bill.

I urge all Members to vote “no” on the previous question.

Mr. PUTNAM. Mr. Speaker, this has been an important debate. It has been a good debate about an issue that has been around for a long time, and it has been around under a variety of iterations, the first version having been found unconstitutional, as my friend from Florida pointed out, and the Democratic-sponsored version of 173 Democrats when President Clinton was the one who would get the line item veto; in 1994, under the sponsorship of a Democrat, 173 Democrats supporting; in 2004, a bipartisan-sponsored bill, 45 Democrats supporting. Apparently there was a case that was dependent on who the President was in office, whether there was Democratic support for the line item veto; 174 votes for the line item veto when President Clinton was in office, only 45 when President Bush was in office.

But be that as it may, this remains a bipartisan issue. It is an institutional issue. And this effort is carefully crafted to protect this institution, this legislative branch, so that the power of the purse rests with us; but we have expanded the ability to root out wasteful spending.

This is an important issue. I urge the House to adopt the rule and adopt the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I have the honor of chairing the Subcommittee on Legislative and Budget Process of the Rules Committee. My Subcommittee was the first to address this legislation with a hearing last March, shortly after the measure was introduced.

During our hearing, we heard from two distinguished Members of the House, including the bill’s sponsor, Representative PAUL RYAN, as well as Chairman LEWIS of the Appropriations Committee. And we heard the administration’s position from Office of Management and Budget (OMB) Deputy Director, now Deputy Chief of Staff for the President, Joel Kaplan. Finally, we received historical perspective on this issue from Donald Marron, the Acting Director of the Congressional Budget Office (CBO).

Several problems were brought out with regard to the legislation. I believe that the Committees of jurisdiction have worked diligently with the author of the resolution to appropriately address most problems. Among the concerns brought out during our Subcommittee hearing were:

• The number of small, technical messages that could be submitted by the President on each annual Appropriations law.

• The amount of time that the President could withhold funding for requested rescissions.

• The scope of the rescission request, specifically tax benefits and mandatory spending.

I am pleased that input was welcomed by Representative RYAN and that these concerns
have been addressed. Parameters have been included that will lessen the potential legisla-
tive burden on the Congress and prevent the possibility of excessive delaying tactics by the
President.
I certainly do not believe that the underlying legisla-
tive process is broken. Despite the recent changes, I think that five special messages per bill may still be too many. Think about 50 possible expedited special messages that Congress would have to consider after pass-
ing 10 appropriations bills. The legislative bur-
den may be extraordinary.
In balance, however, since the bill gives us another tool to promote good stewardship of the people’s money, I urge my colleagues to support the Rule and the underlying legisla-
tion. I look forward to a full debate on efforts such as this to increase fiscal discipline in the Congress’ budget process.
The material previously referred to by Mr. HASTINGS of Florida is as fol-
lows:

**PREVIOUS QUESTION ON H. RES. 886—THE RULE PROVIDING FOR CONSIDERATION OF H.R. 4890, LEGISLATIVE LINE ITEM VETO**

At the end of the resolution add the fol-
lowing new section:

> “Sec. 2. Immediately upon the adoption of this resolve, the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5667) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expe-
cided consideration of certain proposed re-
scissions of discretionary budget authority, promote fiscal responsibility, restate Pay-
As-You-Go rules, require responsible use of reconciliatory procedures, and for other pur-
poses. The first stage of the bill will be dispensed with. All points of order against consider-
ation of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and con-
trolled by the chairman and ranking minor-
ity member of the Committee on the Budget.
The bill shall be considered as read. At the conclusion of consideration of the bill for the
amendment the Committee shall rise and re-
port the bill to the House with such amend-
ments as may have been adopted. The pre-
vious question on the amendment shall be ordered on the bill and amendments thereto to final
passage without intervention motion except one motion to recommence with or with-
out instructions.

**SRC. 3. If the Committee of the Whole rises
and reports that it has come to no resolution of
the bill, then on the next legislative day the
House shall, immediately after the third
daily order of business under clause 1 of Rule
XIV, resolve into the Committee of the Whole
for further consideration of the bill.”

**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 or-
dering 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 de-
bating.

Mr. Clarence Cannon’s Precedents of the House of Representatives, (VI, 308-311) de-
scribes the vote on the previous question on the rule as “a motion to direct or control the consider-
ation of the subject before they are being made by the Member in charge.” To
defeat the previous question is to give the
opposition a chance to decide the subject be-
fore the House. Cannon cites the Speaker’s
ruling of January 13, 1928, to the effect that
“the refusal of the House to sustain the de-
mand 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 of-
fered a motion to proceed to 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 (Hollinhouse) said: “The previous question having been refused, the
gentleman from New York, Mr. Fitz-
gerald, 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 to allow the opposition, at least for
the moment, to offer an alternative plan. It
is a vote to allow the opposition, at least for
the moment, to offer an amendment. It
has no substantive legislative or policy im-
plcations whatsoever.” But that is not what
they have always said. Listen to the Repub-
lican Leadership Manual on the Legislative
Process in the United States House of Rep-
how the Republican Leadership Manual con-
siders 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 for debate for the purpose of of-
fering 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, the Member who led the
opposition to offer 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.”

Deshler’s Procedure in the U.S. House of Represen-
tatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on a rule [a special rule reported from the Committee
on Rules] opens the resolution to amend-
ment and further debate.” (Chapter 21, sec-
ction 21.2) Section 21.3 continues: Upon rejec-
tion of the motion for the previous question
on a resolution reported from the Committee
on Rules, control shifts to the Member lead-
ing the opposition to offer the previous question, who may offer a proper amendment or mo-
tion who controls the time for debate thereon.”

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

Mr. PUTNAM: Mr. Speaker, I yield back the balance of my time, and I
move the previous question on the res-
olution.

**THE SPEAKER pro tempore.** The question is on ordering the previous question.

The vote was taken by electronic de-
vice, and there were—yeas 226, nays 194, not voting 12, as follows:

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**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

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

Votes will be taken in the following order:

1. Ordering the previous question on H. Res. 885, by the yeas and nays:
   - Adoption of H. Res. 885, if ordered;
   - Ordering the previous question on H. Res. 886, by the yeas and nays;
   - Adoption of H. Res. 886, if ordered.

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

*Providing for consideration of H.R. 5638, Permanent Estate Tax Relief Act of 2006*

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 885, on which the yeas and nays were ordered.

The Clerk read the title of the resolu-
tion.

**THE SPEAKER pro tempore.** The question is on ordering the previous question.

The vote was taken by electronic de-
vice, and there were—yeas 226, nays 194, not voting 12, as follows:

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Mr. CHANDLER and Mr. JEFFERSO

So the previous question was ordered. The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—aye 228, noes 194, not voting 10, as follows:

[Roll No. 309]

The result of the vote was announced

Mr. TAYLOR (NY) moved that the ayes have it.

[Roll No. 309]

RECORDED VOTE

Mr. CHANDLER. Mr. Speaker, please announce the vote as stated.

[Roll No. 309]

RECORDED VOTE

Mr. DAVIS (TX), Mr. JORDAN (NC), Mr. PAYNE, and Mr. VANDERHUFF, Mr. Chairman, moved that the ayes have it.

NOTE—10

So the resolution was agreed to.

A motion to reconsider was laid on the table.
The Speaker pro tempore. The pending business is the vote on ordering the previous question on House Resolution 886, on which the yeas and nays were ordered to be printed.

The Clerk read the title of the resolution.

The Speaker pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were yeas—227, nays 196, not voting 9, as follows:

(Roll No. 310)

AYES—227

Abercrombie, Neal

Ackerman, Napoléon

Allen, Gene

Andrews, Grijalva

Baca, Gutiérrez

Baird, Harrell

Balduf, Harris (FL)

Barber, Hice

Becerra, Hinojosa

Bell, Boehner

Berman, Rohrabacher

Berry, Issa

Bishop (GA), Jones

Bishop (NY), Israel

Boehner, Issa

Boswell, Issa

Boucher, Issa

Brady (PA), Jefferson

Brown (OH), Jones (OH)

Cardenas, Kim

Capuano, Kildey

Carpenter, Milliken (MI)

Chandler, Lowey

Clay, Lewis (GA)

Costello, Loeﬄen

Cotler, Lowery

Crowley, MacCain

Cuccinelli, Mallory

Davis (AL), Marshall

Davis (CA), Matsushita

Davis (IL), Matsu

Davis (TN), McCollo

DeGette, McGovern

Delahunt, McKinney

Dicks, Mickey

DiGirolamo, Meek (PA)

Edwards, Meeks (NY)

Engel, Meeks (FL)

Eskridge, Millender

Farr, Miller (NC)

Fattah, Milliken (MI)

Fleming, Mica

Ford, Moore (KS)

Frank (NY), Moran (VA)

Gordon, Murtha

NAYS—196

Aderholt, Young (AK)

Akin, Young, Paul

Alexander, Rayburn

Bachus, Skelton

Baker, Rogers (AL)

Bartlett (MD), Hinojosa

Barton (TX), House

Bass, Yarmuth

Beauregard, Petri

Beauregard, Pearce

Bilirakis, Pence

Bilirakis, Frelinghuysen

Bilirakis, Pickering

Blackburn, Pitts

Boehlert, Poe

Boustany, Pombo

Bradley (NH), Petri

Brady (TX), Pete

Brown (NY), Lowey

Brown-Waite, Slaughter

Burgess, Shaw

Burton (IN), Shadegg

Aderholt, Young (AK)

Akin, Skelton

Alexander, Pickering

Bachus, Pence

Baker, Rayburn

Bartlett (MD), Hinojosa

Barton (TX), House

Bass, Yarmuth

Beauregard, Petri

Bilirakis, Pence

Bilirakis, Pickering

Blackburn, Pitts

Boehlert, Poe

Boustany, Pombo

Bradley (NH), Hinojosa

Brady (TX), Pete

Brown (NY), Lowey

Brown-Waite, Slaughter

Burgess, Shaw

Burton (IN), Shadegg

Aderholt, Young (AK)

Akin, Skelton

Alexander, Pickering

Bachus, Pence

Baker, Rayburn

Bartlett (MD), Hinojosa

Barton (TX), House

Bass, Yarmuth

Beauregard, Petri

Bilirakis, Pence

Bilirakis, Pickering

Blackburn, Pitts

Boehlert, Poe

Boustany, Pombo

Bradley (NH), Hinojosa

Brady (TX), Pete

Brown (NY), Lowey

Brown-Waite, Slaughter

Burgess, Shaw

Burton (IN), Shadegg

Aderholt, Young (AK)

Akin, Skelton

Alexander, Pickering

Bachus, Pence

Baker, Rayburn

Bartlett (MD), Hinojosa

Barton (TX), House

Bass, Yarmuth

Beauregard, Petri

Bilirakis, Pence

Bilirakis, Pickering

Blackburn, Pitts

Boehlert, Poe

Boustany, Pombo

Bradley (NH), Hinojosa

Brady (TX), Pete

Brown (NY), Lowey

Brown-Waite, Slaughter

Burgess, Shaw

Burton (IN), Shadegg

Aderholt, Young (AK)

Akin, Skelton

Alexander, Pickering

Bachus, Pence

Baker, Rayburn

Bartlett (MD), Hinojosa

Barton (TX), House

Bass, Yarmuth

Beauregard, Petri

Bilirakis, Pence

Bilirakis, Pickering

Blackburn, Pitts

Boehlert, Poe

Boustany, Pombo

Bradley (NH), Hinojosa

Brady (TX), Pete

Brown (NY), Lowey

Brown-Waite, Slaughter

Burgess, Shaw

Burton (IN), Shadegg

Aderholt, Young (AK)

Akin, Skelton

Alexander, Pickering

Bachus, Pence

Baker, Rayburn

Bartlett (MD), Hinojosa

Barton (TX), House

Bass, Yarmuth

Beauregard, Petri

Bilirakis, Pence

Bilirakis, Pickering

Blackburn, Pitts

Boehlert, Poe

Boustany, Pombo

Bradley (NH), Hinojosa

Brady (TX), Pete

Brown (NY), Lowey

Brown-Waite, Slaughter

Burgess, Shadegg

Burton (IN), Shadegg

Aderholt, Young (AK)

Akin, Skelton

Alexander, Pickering

Bachus, Pence

Baker, Rayburn

Bartlett (MD), Hinojosa

Barton (TX), House

Bass, Yarmuth

Beauregard, Petri

Bilirakis, Pence

Bilirakis, Pickering

Blackburn, Pitts

Boehlert, Poe

Boustany, Pombo

Bradley (NH), Hinojosa

Brady (TX), Pete

Brown (NY), Lowey

Brown-Waite, Slaughter

Burgess, Shadegg

Burton (IN), Shadegg

Aderholt, Young (AK)

Akin, Skelton

Alexander, Pickering

Bachus, Pence

Baker, Rayburn

Bartlett (MD), Hinojosa

Barton (TX), House

Bass, Yarmuth

Beauregard, Petri

Bilirakis, Pence

Bilirakis, Pickering

Blackburn, Pitts

Boehlert, Poe

Boustany, Pombo

Bradley (NH), Hinojosa

Brady (TX), Pete

Brown (NY), Lowey

Brown-Waite, Slaughter

Burgess, Shadegg

Burton (IN), Shadegg

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

Recorded Vote

Mr. Hastings of Florida. Mr. Speaker, I demand a recorded vote. A recorded vote was ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were yeas—228, nays 196, not voting 9, as follows:

AYES—228

Aderholt, Young (AK)

Akin, Skelton

Alexander, Pickering

Bachus, Pence

Baker, Rayburn

Bartlett (MD), Hinojosa

Barton (TX), House

Bass, Yarmuth

Beauregard, Petri

Bilirakis, Pence

Blackburn, Cot. Rayburn

Boustany, Pombo

Bradley (NH), Hinojosa

Brady (TX), Pete

Brown (NY), Lowey

Brown-Waite, Slaughter

Burgess, Shadegg

Burton (IN), Shadegg

Aderholt, Young (AK)

Akin, Skelton

Alexander, Pickering

Bachus, Pence

Baker, Rayburn

Bartlett (MD), Hinojosa

Barton (TX), House

Bass, Yarmuth

Beauregard, Petri

Bilirakis, Pence

Bilirakis, Pickering

Blackburn, Pitts

Boehlert, Poe

Boustany, Pombo

Bradley (NH), Hinojosa

Brady (TX), Pete

Brown (NY), Lowey

Brown-Waite, Slaughter

Burgess, Shadegg

Burton (IN), Shadegg

Aderholt, Young (AK)

Akin, Skelton

Alexander, Pickering

Bachus, Pence

Baker, Rayburn

Bartlett (MD), Hinojosa

Barton (TX), House

Bass, Yarmuth

Beauregard, Petri

Bilirakis, Pence

Bilirakis, Pickering

Blackburn, Pitts

Boehlert, Poe

Boustany, Pombo

Bradley (NH), Hinojosa

Brady (TX), Pete

Brown (NY), Lowey

Brown-Waite, Slaughter

Burgess, Shadegg

Burton (IN), Shadegg

Aderholt, Young (AK)

Akin, Skelton

Alexander, Pickering

Bachus, Pence

Baker, Rayburn

Bartlett (MD), Hinojosa

Barton (TX), House

Bass, Yarmuth

Beauregard, Petri

Bilirakis, Pence

Bilirakis, Pickering

Blackburn, Pitts

Boehlert, Poe

Boustany, Pombo

Bradley (NH), Hinojosa

Brady (TX), Pete

Brown (NY), Lowey

Brown-Waite, Slaughter

Burgess, Shadegg

Burton (IN), Shadegg

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.
appropriate to consider this bill until the Republican leadership schedules a vote on an increase in the minimum wage, which they are now blocking. Therefore, under clause 3, rule XVI, I demand a vote on the question of consideration.

The SPEAKER pro tempore. The gentleman from California demands the question of consideration.

Under clause 3 of rule XVI, the question is, Will the House now consider the bill?

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

RECORDED VOTE

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

A recorded vote was taken by electronic device, and there were—ayes 238, noes 188, not voting 6, as follows:

[Roll No. 312]

AYES—238

Anderholm—Emerson
Akin—Emerson (PA)
Alexander—Everett
Bachus—Ferebee
Baker—Ferguson
Barrett (SC)—Fitzpatrick (PA)
Barrow—Fleary
Bartlett (MD)—Foley
Barton (TX)—Forbes
Baxley—Forrant
Beauprez—Fossella
Bigger—Fournier
Bilirakis—Franz (AZ)
Bishop (GA)—Frelinghuysen
Bishop (UT)—Gallagher
Blackburn—Garrett (NJ)
Blount—Gibbons
Boehlert—Glickreis
Boehner—Gillmor
Bollina—Gingrey
Bono—Goode
Boozman—Goodlatte
Boren—Granger
Boucher—Graves
Boustany—Green (WI)
Royd—Green (CT)
Bradley (NE)—Guenther
Brady (TX)—Harr
Brown (SC)—Hart
Brown-Waite—Hasting (WA)
Burgess—Hayworth
Burtin (IN)—Helley
Buser—Hensarling
Calvert—Herger
Campbell (CA)—Hobson
Cannon—Hostetler
Cantor—Hulbert
Capito—Hyde
Castle—Incis (SC)
Chabot—Isa
Chocola—Istook
Cole (OK)—Jindal
Conaway—Johnson (CT)
Cramer—Johnson (IL)
Crenshaw—Johnson (NC)
Cubin—Kelley
Culver—Kethan
Davis (KY)—King (IA)
Davis (TN)—King (NY)
Davis, J. B. A.—Kingston
Davis, Tom—Kirk
Deal (GA)—Kirk
Diaz-Balart, L.—Knollenberg
Diaz-Balart, M.—Kolbe
Dooley—Kiyavash
Drae—LaHood
Dreier—Lamb
Deuce—LaTourette
Ehlers—Leach

Saxten—Schmidt
Schwarz (MI)—Sensenbrenner
Sessions—Shadegg
Sherwood—Shimkus
Simmons—Simpson
Smith (NJ)—Smith (TX)

Sorel—Souders
Snead—Sullivan
Sweeney—Tancredo
Terry—Taylor (NC)
Thompson—Tiahrt
Turner—Young (AK)
Young (FL)

NOES—188

Abercrombie—Allen
Armstrong—Andrews
Baraja—Baird
Baldwin—Beene
Becker—Berry
Bishop (KY)—Boswell
Bradys (PA)—Brown (OH)
Brown, Corrine—Brown, Corrine
Buckley—Butterfield
Capuano—Capps
Carol—Carnahan
Case—Case
Chandler—Chase
Clay—Clay
Cleaver—Cleaver
Clyburn—Clyburn
Costa—Costa
Costello—Cotler
Crawley—Currier
Cummings—Davis (AL)
Davis (CA)—Davis (CA)
Davis (IL)—Davis (IL)
DeFazio—DeFazio
DeGette—DeGette
DeLauro—Dicks
DeLauro—Dicks
Dodd—Dodd
Doggett—Doolittle
Dorothy—Dukakis
Downey—Duncan
Duncan—Duncan
Duckworth—Duncan

SANDERS—1323

S. CON. RES. 103. CONCURRENT RESOLUTION TO CORRECT THE ENROLLMENT BILL NO. 889.

PERMANENT ESTATE TAX RELIEF ACT OF 2006

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 885, I call up the bill (H.R. 5638) to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

Ms. PELOSI. Mr. Speaker, I rise on the question of consideration. It is in
A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 885, the bill is considered read.

The text of the bill is as follows:

H22JNPT1ccoleman on PROD1PC71 with HOUSE

VERDATE Aug 31 2005 03:36 Jun 23, 2006 Jkt 049060 PO 00000 Frm 00021 Fmt 4634 Sfmt 0634 E:\CR\FM\K22JN7.041

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 “Permanent Estate Tax Relief Act of 2006”.

SEC. 2. REFORM AND EXTENSION OF ESTATE TAX AFTER 2009.

(a) Restoration of Unified Credit To $5,000,000—Subsection (c) of section 2505(a) of the Internal Revenue Code of 1986 relating to general rule for unified credit against gift tax, after the application of subsection (g), is amended by adding at the end the following:

‘‘(c) Applicable Credit Amount.—

(1) In general.—For purposes of this section, the applicable credit amount is the amount of tax which would be determined under the rate schedule set forth in section 2501(c) if the amount with respect to which such tentative tax is to be computed were the applicable exclusion amount.

(2) Applicable Exclusion Amount.—For purposes of this subsection, the applicable exclusion amount is $5,000,000.’’.

(b) Exclusion Equivalent of Unified Credit Equal to $5,000,000—Subsection (c) of section 2010 of such Code (relating to unified credit against estate tax) is amended by adding after such subsection the following:

‘‘(c) Applicable Credit Amount.—

(1) In general.—For purposes of this section, the applicable credit amount is the amount of tax which would be determined under the rate schedule set forth in section 2501(c) if the amount with respect to which such tentative tax is to be computed were the applicable exclusion amount.

(2) Applicable Exclusion Amount.—For purposes of this subsection, the applicable exclusion amount is $5,000,000.’’.

(c) Rate Schedule.—

(1) In general.—Subsection (c) of section 2001 of such Code (relating to rate schedule) is amended to read as follows:

‘‘(c) Rate Schedule.—The tentative tax is equal to the sum of—

(1) the product of the rate specified in section 1(h)(1)(C) in effect on the date of the decedent’s death multiplied by so much of the sum described in subsection (b)(1) as does not exceed $25,000,000, and

(2) the product of twice the rate specified in section 2501(c) in effect on the date of the decedent’s death multiplied by so much of the sum described in subsection (b)(1) as equals or exceeds $25,000,000.’’.

(2) Conforming Amendment.—Section 2502(a) of such Code (relating to computation of tax), after the application of subsection (g), is amended by adding at the end the following:

‘‘In computing the tentative tax under section 2001(c) for purposes of this subsection, the last day of the calendar year in which the death was irrevocably substituted for ‘‘the date of the decedent’s death’’ each place it appears in such section.’’.

(d) Modifications of Estate and Gift Taxes Resulting from Different Tax Rates.—

(1) Estate Tax—

(A) General.—Section 2001(b)(2) of such Code (relating to computation of tax) is amended by striking ‘‘if the provisions of subsection (c) (as in effect at the decedent’s death)’’ and inserting in its place ‘‘if the modifications described in subsection (g)’’.

(B) Modifications.—Section 2001 of such Code is amended by adding at the end the following:

‘‘(g) Modifications to Gift Tax Payable to Reflect Different Tax Rates.—For purposes of applying subsection (b)(2) with respect to gifts, the rate of tax under subsection (c) in effect at the decedent’s death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

(1) the tax imposed by chapter 12 with respect to such gifts, and

(2) the credit allowed against such tax under section 2655, including in computing—

(A) the applicable credit amount under section 2505(a)(1), and

(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).

For purposes of paragraph (2)(A), the applicable credit amount for any calendar year before the date of the decedent’s death determined under section 6018(a)(1) for such year.’’.

(2) Gift Tax.—Section 2506(a) of such Code (relating to unified credit against gift tax), after the application of subsection (g), is amended by adding at the end the following new flush sentence:

‘‘For purposes of applying paragraph (2) for any calendar year, the rates of tax used in computing the tax under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar years.’’.

(e) Repeal of Deduction for State Death Taxes—

(1) In general.—Section 2058 of such Code (relating to State death taxes) is amended by adding after such section the following:

‘‘(c) Termination.—This section shall not apply to the estates of decedents dying after December 31, 2006.’’.

(2) Conforming Amendment.—Section 2106(a)(4) of such Code is amended by adding at the end the following new flush sentence: ‘‘This paragraph shall apply only to the estates of decedents dying after December 31, 2009.’’.

(f) Effective Date.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

(g) Additional Modifications to Estate Tax—

(1) In general.—The following provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such provisions, are hereby repealed:

(A) Subtitles A and K of title V.

(B) Subsection (d), and so much of subsection (f)(3) as relates to subsection (d), of section 511.

(C) Paragraph (2) of subsection (b), and paragraph (2) of subsection (e), of section 521.

(D) Subsection (a) of section 2001 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

(2) Repeal of Deadwood—

(A) Sections 2011, 2057, and 2604 of the Internal Revenue Code of 1986 are hereby repealed.

(B) The table of sections for part II of subchapter J of chapter 26 of such Code is amended by striking the item relating to section 2604.

SEC. 3. UNIFIED CREDIT INCREASED BY UNEXHAUSTED UNIFIED CREDIT OF DECEASED SPOUSE.

(a) In General.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (de-
1986 is amended by adding at the end the following new subsection:

SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.

(a) In General.—In the case of a taxpayer which elects the application of this section for any taxable year, there shall be allowed a deduction against gross income equal to 60 percent of such taxpayer’s qualified timber gain for such year.

(b) Qualified Timber Gain.—For purposes of this section, the term ‘qualified timber gain’ means the excess of the fair market value of property to which section 1202 applies, over the lesser of—

1. the taxpayer’s qualified timber gain for such year, or

2. the taxpayer’s net capital gain for such year, or

(c) Qualified Timber Gain.—For purposes of this section, the term ‘qualified timber gain’ means the excess of—

1. the amount of the taxpayer’s tax, and

2. the Secretary of the Treasury may prescribe such regulations as are appropriate,

(c) Special Rules for Pass-Through Entities.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1203(b)), the term ‘qualified timber gain’ means—

1. the election under this section shall be made separately by each such taxpayer subject to tax on such gain, and

2. the Secretary may prescribe such regulations as are appropriate to apply this section to such gain.

(d) Termination.—No disposition of timber after December 31, 2008, shall be taken into account under subsection (b).

(b) Coordination With Maximum Capital Gains Rates.—

(1) Taxpayers Other Than Corporations.—Section 1(h)(1)(A) of such Code is amended by adding at the end the following new paragraph:

2. Reduction of Net Capital Gain.—For purposes of this subsection, the term ‘net capital gain’ means the excess of the fair market value of property to which section 1202 applies, over the lesser of—

1. the amount of the taxpayer’s tax, and

2. the Secretary may prescribe such regulations as are appropriate,

(c) Special Rules for Pass-Through Entities.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1203(b))—

1. the election under this section shall be made separately by each such taxpayer subject to tax on such gain, and

2. the Secretary may prescribe such regulations as are appropriate to apply this section to such gain.

(d) Termination.—No disposition of timber after December 31, 2008, shall be taken into account under subsection (b).

(b) Coordination With Maximum Capital Gains Rates.—

(1) Taxpayers Other Than Corporations.—Section 1(h)(1)(A) of such Code is amended by adding at the end the following new paragraph:

2. Reduction of Net Capital Gain.—For purposes of this subsection, the term ‘net capital gain’ means the excess of the fair market value of property to which section 1202 applies, over the lesser of—

1. the amount of the taxpayer’s tax, and

2. the Secretary may prescribe such regulations as are appropriate,

(c) Special Rules for Pass-Through Entities.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1203(b))—

1. the election under this section shall be made separately by each such taxpayer subject to tax on such gain, and

2. the Secretary may prescribe such regulations as are appropriate to apply this section to such gain.

(d) Termination.—No disposition of timber after December 31, 2008, shall be taken into account under subsection (b).

(b) Coordination With Maximum Capital Gains Rates.—

(1) Taxpayers Other Than Corporations.—Section 1(h)(1)(A) of such Code is amended by adding at the end the following new paragraph:

2. Reduction of Net Capital Gain.—For purposes of this subsection, the term ‘net capital gain’ means the excess of the fair market value of property to which section 1202 applies, over the lesser of—

1. the amount of the taxpayer’s tax, and

2. the Secretary may prescribe such regulations as are appropriate,

(c) Special Rules for Pass-Through Entities.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1203(b))—

1. the election under this section shall be made separately by each such taxpayer subject to tax on such gain, and

2. the Secretary may prescribe such regulations as are appropriate to apply this section to such gain.

(d) Termination.—No disposition of timber after December 31, 2008, shall be taken into account under subsection (b).

(b) Coordination With Maximum Capital Gains Rates.—

(1) Taxpayers Other Than Corporations.—Section 1(h)(1)(A) of such Code is amended by adding at the end the following new paragraph:

2. Reduction of Net Capital Gain.—For purposes of this subsection, the term ‘net capital gain’ means the excess of the fair market value of property to which section 1202 applies, over the lesser of—

1. the amount of the taxpayer’s tax, and

2. the Secretary may prescribe such regulations as are appropriate,

(c) Special Rules for Pass-Through Entities.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1203(b))—

1. the election under this section shall be made separately by each such taxpayer subject to tax on such gain, and

2. the Secretary may prescribe such regulations as are appropriate to apply this section to such gain.

(d) Termination.—No disposition of timber after December 31, 2008, shall be taken into account under subsection (b).

(b) Coordination With Maximum Capital Gains Rates.—

(1) Taxpayers Other Than Corporations.—Section 1(h)(1)(A) of such Code is amended by adding at the end the following new paragraph:

2. Reduction of Net Capital Gain.—For purposes of this subsection, the term ‘net capital gain’ means the excess of the fair market value of property to which section 1202 applies, over the lesser of—

1. the amount of the taxpayer’s tax, and

2. the Secretary may prescribe such regulations as are appropriate,

(c) Special Rules for Pass-Through Entities.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1203(b))—

1. the election under this section shall be made separately by each such taxpayer subject to tax on such gain, and

2. the Secretary may prescribe such regulations as are appropriate to apply this section to such gain.

(d) Termination.—No disposition of timber after December 31, 2008, shall be taken into account under subsection (b).

(b) Coordination With Maximum Capital Gains Rates.—

(1) Taxpayers Other Than Corporations.—Section 1(h)(1)(A) of such Code is amended by adding at the end the following new paragraph:

2. Reduction of Net Capital Gain.—For purposes of this subsection, the term ‘net capital gain’ means the excess of the fair market value of property to which section 1202 applies, over the lesser of—

1. the amount of the taxpayer’s tax, and

2. the Secretary may prescribe such regulations as are appropriate,
For purposes of paragraph (2)(A), the applicable credit amount for any calendar year before 1998 is the amount which would be determined under section 2010(c) if the applicable exclusion amount were the dollar amount under section 6016(a)(1) for such year.

(2) GIFT TAX.—Section 2505(a) of such Code (relating to unified credit against gift tax), after clause (ii), is amended by adding at the end the following new sentence:

"For purposes of applying paragraph (2) for any calendar year, the rates of tax used in computing the tax under section 2502(a)(2) for such calendar year shall, in lieu of the rates prescribed for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

SEC. 4. DEDUCTION FOR QUALIFIED TIMBER GAIN.

(a) IN GENERAL.—Part I of subchapter F of chapter 11 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.

"(a) IN GENERAL.—In the case of a taxpayer which elects the application of this section for a taxable year, there shall be allowed a deduction against gross income equal to 60 percent of the lesser of—

"(1) the taxpayer’s qualified timber gain for such year, or

"(2) the taxpayer’s net capital gain for such year.

"(b) QUALIFIED TIMBER GAIN.—For purposes of paragraph (2)(A), the term ‘qualified timber gain’ means, with respect to any taxpayer for any taxable year, the excess (if any) of—

"(1) the sum of the taxpayer’s gains described in subsection (a) and section 631 for such year, over

"(2) the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii), and

"(3) the case of a taxpayer which is a corporation, the amount which the corporation would be required to take into account under section 1221 for such year, if the corporation were an individual taxpayer.

"(c) PROVISIONS APPLICABLE TO QUALIFIED TIMBER GAINS.—

"(1) TAXPAYERS OTHER THAN CORPORATIONS.—Paragraph (2) of section 1(h) of such Code is amended to read as follows:

"(2) REDUCTION OF NET CAPITAL GAIN.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the sum of—

"(i) the amount described in paragraph (1) of section 1293(a), and

"(ii) the amount described in paragraph (2) of such section."

"(2) CORPORATIONS.—Section 1201 of such Code is amended by redesignating subsection (b) as subsection (c) and inserting after such subsection the following new subsection:

"(b) QUALIFIED TIMBER GAIN NOT TAKEN INTO ACCOUNT.—For purposes of this section, in the case of a corporation with respect to which an election is in effect under section 1221, the net capital gain for any taxable year shall be reduced (but not below zero) by the corporation’s qualified timber gain (as defined in section 1203(b))."

"(c) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMS OTHER DEDUCTIONS.—Subsection (a) of section 62 of such Code is amended by inserting before the last sentence of such subsection, the following new paragraph:

"(2) QUALIFIED TIMBER GAIN.—The deduction allowed by section 1233.

"(d) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Subsection (c) of section 50(g)(4) of such Code is amended by adding at the end the following new clause:

"(2) DEDUCTION FOR QUALIFIED TIMBER GAIN.—Clause (i) shall not apply to any deduction allowed under section 1233.

SEC. 5. DEDUCTION FOR QUALIFIED TIMBER GAIN CORPORATION.

"SEC. 1204. DEDUCTION FOR QUALIFIED TIMBER GAIN CORPORATION.

"(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by—

"(1) striking the item relating to section 2604.

"(2) Section 2631(c) of such Code is amended by—

"(i) striking ‘qualified timber gain’ and inserting ‘basic exclusion amount’.

"(ii) changing ‘subsection (a)’ to ‘subsection (b)’.

"(3) Section 2631(d) of such Code is amended by—

"(i) striking ‘qualified timber gain’ and inserting ‘basic exclusion amount’.

"(4) Section 2631(e) of such Code is amended by—

"(i) striking ‘qualified timber gain’ and inserting ‘basic exclusion amount’.

"(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 6. DEDUCTION FOR UNIFIED CREDIT.

"SEC. 2058. DEDUCTION FOR UNIFIED CREDIT.

"(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by—

"(1) striking ‘qualified timber gain’ and inserting ‘basic exclusion amount’.

"(2) changing ‘subsection (a)’ to ‘subsection (b)’.

"(3) changing ‘qualified timber gain’ to ‘basic exclusion amount’.

"(4) changing ‘subsection (a)’ to ‘subsection (b)’.

"(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 7. TAXPAYERS OTHER THAN CORPORATIONS.

"SEC. 2057. TAXPAYERS OTHER THAN CORPORATIONS.

"(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by—

"(1) striking ‘qualified timber gain’ and inserting ‘basic exclusion amount’.

"(2) changing ‘subsection (a)’ to ‘subsection (b)’.

"(3) changing ‘qualified timber gain’ to ‘basic exclusion amount’.

"(4) changing ‘subsection (a)’ to ‘subsection (b)’.

"(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 8. DEDUCTION FOR QUALIFIED TIMBER GAIN CORPORATION.

"SEC. 2056. DEDUCTION FOR QUALIFIED TIMBER GAIN CORPORATION.

"(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by—

"(1) striking ‘qualified timber gain’ and inserting ‘basic exclusion amount’.

"(2) changing ‘subsection (a)’ to ‘subsection (b)’.

"(3) changing ‘qualified timber gain’ to ‘basic exclusion amount’.

"(4) changing ‘subsection (a)’ to ‘subsection (b)’.

"(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 9. DEDUCTION FOR QUALIFIED TIMBER GAIN CORPORATION.

"SEC. 2055. DEDUCTION FOR QUALIFIED TIMBER GAIN CORPORATION.

"(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by—

"(1) striking ‘qualified timber gain’ and inserting ‘basic exclusion amount’.

"(2) changing ‘subsection (a)’ to ‘subsection (b)’.

"(3) changing ‘qualified timber gain’ to ‘basic exclusion amount’.

"(4) changing ‘subsection (a)’ to ‘subsection (b)’.

"(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.
(e) Deduction Allowed in Computing Taxable Income of Electing Small Business Trusts.—Subparagraph (C) of section 641(c)(2) of such Code is amended by inserting after the period the following new clause:—

“(iv) The deduction allowed under section 1203.”

(3) Conforming Amendments.—

(1) Paragraph (B) of section 172(d)(2) of such Code is amended to read as follows:—

“(B) the exclusion under section 1202 and the deduction under section 1203 shall not be allowed.”

(2) Paragraph (4) of section 642(c) of such Code is amended by striking the last sentence and inserting the following:—

“To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202 and for any deduction allowable to the estate or trust under section 1203.”

(3) Paragraph (3) of section 643(a) of such Code is amended by striking the last sentence and inserting the following:—

“(C) Subparagraphs (A) and (B) of section 1203 shall not apply to a foreign trust. In the case of such a trust—

“(i) there shall be included in the gross income of the estate or trust the excess of the gain from the sale or exchange of capital assets reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges; and

“(ii) the deduction under section 1203 shall not be taken into account.”

(4) Subparagraph (C) of section 643(a)(6) of such Code is amended to read as follows:—

“(C) Subparagraph (I) of section 1202 shall not apply to a foreign trust. In the case of such a trust—

“(i) there shall be included in the gross income of the estate or trust the excess of the gain from the sale or exchange of capital assets reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges; and

“(ii) the deduction under section 1203 shall not be taken into account.”

(5) Paragraph (4) of section 691(c) of such Code is amended by inserting “1203,” after “1202.”

(6) Paragraph (2) of section 871(a) of such Code is amended by striking “section 1202” and inserting “sections 1202 and 1203”.

(7) The table of sections for part I of subchapter P of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 1203. Deduction for qualified timber gain.”

(g) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) Taxable years which include date of enactment.—The use of any taxable year which includes the date of the enactment of this Act, for purposes of the Internal Revenue Code of 1986, the taxpayer’s qualified timber gain shall not exceed the excess that would be described in section 1203(b) of such Code, as added by this section, if only dispositions of timber after such date were taken into account.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) and the gentleman from New York, (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Speaker, on June 16, the United States Senate majority leader put out the following statement asking for the House to send a bill to us that would be a permanent solution to the death tax. I will encourage them to attach appropriate provisions to make it attractive and will hold a vote by July 4. This measure, H.R. 5638, is the response to the majority leader’s request.

This House is on record with a bipartisan vote in favor of repealing the estate and gift taxes. But I want to note that the Senate on a procedural or cloture vote rejected that offer from the House by 57 votes in favor of moving forward, short of the 60 necessary.

I heard during the discussion on the rule the ranking minority member on Rules, Ms. SLAUGHTER, say that this bill, H.R. 5638, will pass. I, too, in agreeing with her, believe that the bill will pass. It will be available to the Senate to take from the desk, and it will be then the Senate’s decision to pass or defeat it.

I want to underscore the point, this is a response to the majority leader’s request. This is not a first offer; it is the only offer to the majority leader’s request that the chairman intends to offer.

This bill was crafted as a compromise. Compromises are supposed to be reasonable; but, most importantly, they are supposed to be doable. The goal of a compromise is to make law. H.R. 5638 is a compromise.

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

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

Mr. Speaker, some may ask, why now are we taking up this bill? Why have we decided that, this is the majority, that at a time that our Nation is at war, when our men and women are dying to bring democracy to Iraq, where there are problems getting the equipment they need to protect themselves, when we cannot provide even our veterans with adequate health care and education opportunities, why now, when we find ourselves with a historic $9 trillion indebtedness, when just the interest of this debt is going to prohibit the Congresses that follow us from doing the things that our great Nation would want to do, why now, when the people that have been hit by Rita and Katrina can’t restore their lives, why now, when the poor are increasing in population, are we reaching out to the richest of the rich Americans? Why now, when our men and women are dying to bring democracy to Iraq, where there are problems getting the equipment they need to protect themselves, when we cannot provide even our veterans with adequate health care and education opportunities, why now, when the poor are increasing in population, are we reaching out to the richest of the rich Americans?

Why now would the Republican leadership make this a priority for three-tenths of a percent on the right side of our needy population, are we reaching out to the richest of the rich Americans? Why now, when the problems of this Republic some indebtedness for the freedom and equality and opportunity that they receive.

And so if you have any question about supporting the programs that you are proud of as Americans, not as Democrats or Republicans, not as economic or social services by saying how can we pay for it.

So I submit to you that anytime a party is prepared to give $2 trillion of tax cuts because it is going to present economic growth and then go to Communist China to borrow the money, there is something wrong with that picture.

And I am suggesting, too, that these 7,500 beneficiaries, they are not begging for this money. They are not getting calls every day. We certainly don’t get them. And they wish they were getting them, but they are not getting them, because most people God has blessed to get into this income status are so satisfied that they believe that they owe this Republic some indebtedness for the freedom and equality and opportunity that they receive.

And so if you have any question about supporting the programs that you are proud of as Americans, not as Democrats or Republicans, not as economic or social services by saying how can we pay for it.

I am going to tell you why. Because they have a mission. They are so organized that they want to destroy everything that Franklin Delano Roosevelt started. And it is not me that is saying that. It is their voting record that says it. Things that Americans are so proud of.

Social Security, a little cushion for people who work every day in their lives and all they want is a little help with their security. Privatization, that is what we have to do. Medicare, this is something that we have to come to depend on. They want it to implode, the things that they cannot deal with from a political point of view, the third rails, if they will.

If they make certain that there are no resources left for Democrats to handle, they have won. And they don’t care how many Republicans lose, because their mission is to destroy a bit of our social services by saying how can we pay for it.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PRICE of Georgia). The gallery is requested to refrain from showing either positive or negative response to proceedings on the floor.

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

Mr. Speaker, as we might have expected, the gentleman from New York wheeled out all the usual arguments. I hope he didn’t trip as he went back to his seat with the flag tightly wrapped around him in terms of his arguments of patriotism. The class warfare card was played; the rich card was played.

“This is for the richest of the rich...” he said. I tell the gentleman from California, I want to know who the richest of the rich are. Is it going to be a historic vote, and the question is going to be, Which side of this vote did you vote on?

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

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Mr. RANGEL. Mr. Speaker, if the rich don’t want it and the middle class don’t want it, why can’t we get on with just the minimum-wage increase and put this behind us?

Mr. Speaker, the gentleman from Michigan (Mr. KILDEE) has a unanimous consent request.

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

Mr. KILDEE. Mr. Speaker, I rise in opposition to H.R. 5638.

Mr. Speaker, in the past, I had considered a compromise that would exempt $5 million per individual and $10 million per couple from the Federal estate tax.

I believed that to be a reasonable compromise to a complete repeal of the Estate Tax. But I supported that figure of $5 and $10 million exemption before other tax cuts had driven us into huge deficits.

This Congress has already approved seven tax cuts.

In addition, Mr. Speaker, our Nation is currently engaged in two wars, two very costly wars in terms of human lives and Federal tax dollars.

Seven tax cuts and two wars make it difficult for me to support this reform of the Federal estate tax.

I also wish the House Republican leadership had allowed us to offer a reasonable democratic substitute amendment. Our amendment would permanently raise the exemption on the estate tax to $3.5 million per person and $7 million per couple.

An exemption at that level would protect over 99 percent of all Americans from ever having to worry about paying the estate tax.

Mr. Speaker, I urge my colleagues to oppose H.R. 5638.

Mr. RANGEL. Mr. Speaker, I would like our Democratic whip, the distinguished gentleman from Maryland (Mr. HOYER), to be given 2½ minutes.

Mr. HOYER. This has nothing to do with the economy and everything to do with fiscal responsibility.

Mr. Speaker, over the last 5½ years, this Republican majority has repeatedly pushed tax legislation that is blatantly unfair, grossly irresponsible, and fiscally ruinous. Today, however, they outdo even themselves.

Our Nation is at war, our brave troops are under fire, our Nation is facing record budget deficits. That is the legacy of this Republican leadership.

And the national debt, which now stands at $3.4 trillion, is exploding under this Republican Congress and administration.

Despite all the challenges facing the people of our Nation, today this Republican majority insists that we give a huge tax break to the heirs of the wealthiest people in America. I am for modification that is in process, not this bill.

If there ever was a bill that demonstrated the Republican Party’s misguided priorities and the deep differences between our parties, this is the one. Democrats are continuing to fight to raise the Federal minimum wage which has not been increased since 1997 and which is at its lowest level in half a century: 6.6 million workers would be affected, 7,500 people in this bill.

As the majority leader told the press on Tuesday: “I am opposed to it,” meaning the increase in the minimum wage, and “I think the majority of our conference is opposed to it.”

But this bill comes to us, not been to committee, never marked up in committee, comes directly to the floor with no consideration.

Let us be clear about the facts. Less than 1 percent of all estates in America will pay estate taxes in 2006 under this year’s exemption before this bill. And when the exemption increases in 2009 to $5 million, which $3 million, $7 million for couples, only 7,500 estates in America will be subject to the estate tax. But that is not enough. Warren Buffet said they talk about class warfare and his class is winning. Amen, Mr. Buffet.

Today, House Republicans are falling all over themselves to give the heirs of approximately 7,500 estates a tax cut. This bill is not only morally reprehensible but fiscally ruinous. The Center for Budget and Policy Priorities estimates that this Republican bill will cost $762 billion over its first 10 years.

You don’t have $762 billion. We are all correct, you are going to borrow it for the Chinese, from the Saudis, from the Germans, from the Japanese, and others. And who is going to pay the bill? Our children are going to have to pay the bill, our grandchildren are going to have to pay that bill, because you won’t have the worst cuts.

The Wall Street Journal, which was quoted by Mr. THOMAS, said the other day they didn’t agree with PAYGO. Why don’t they agree with PAYGO? Because it would undercut tax cuts. Why would it undercut tax cuts? Because you neither have the courage nor the ability to pay for your tax cuts.

Vote against this bad bill.

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Mr. Speaker, I reserve the balance of my time.
Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

I am heartened by the gentleman from Maryland’s statement that he is now in support of current law which will move to 3.5. Everyone just needs to remember to put it into effect. I expect 5 or 6 years from now he will be in favor of this particular measure when he speaks on the floor, although he will be opposed to putting it into law. I always appreciate those kinds of positions.

The gentleman also quoted a very liberal think tank that dreams up numbers that allows them to make outlandish statements on the floor of the House. The Joint Committee on Taxation, the official scorekeeper, says that over a 10-year period this measure will not be $700-some billion; it is $283 billion.

Again, you will hear extremely outrageous statements, as we heard on the underlying legislation in which, for example, the gentleman from Maryland opposed but now blithely says I support. The point is, why not right the first time? Why not support the legislation when it is in front of you? Why not vote now for H.R. 5638 instead of waiting to say you are for what the bill did after it becomes law?

Mr. Speaker, it is now my pleasure to yield 2 minutes to a member of the Ways and Means Committee, the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. I thank the distinguished chairman of the Ways and Means Committee, the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. I thank the distinguished chairman of the Ways and Means Committee for this time as we again return to the well of the people’s House; and how interesting it is, Mr. Speaker, that so many arguments are devoid of real facts and taken perhaps as articles of faith.

I heard the minority whip come to the well and attempt to whip up partisan passions as if this bill had some grand nefarious design. No, Mr. Speaker, that is not the case. And I will avoid pointing out the obvious outlook of my friends on the left who basically take the time of an article of faith that people who succeed should be penalized.

I rise in strong support of this commonsense compromise because, according to the Joint Committee on Taxation, this legislation would permanently protect more than 99.7 percent of all taxpayers from ever paying this egregious estate tax and would reduce the harmful economic distortions caused by the current law estate tax.

And, again, I am not a partisan argument. The standard bearer of the Democratic Party in the State of Arizona, now a decade ago, has constantly contacted me as a Member of Congress saying, when are you going to take the long lasting action on the estate tax? Because I cannot pass my business down to my children in the current conditions.

Why would we penalize those who succeed, and on top of that, by extension, penalize the very people my friends on the left purport to help? Because business owners create jobs. The government does not create the jobs.

For increased economic activity, for a good, solid, consistent policy that helps the most people in the best ways, support this legislation.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), an outstanding member of the Ways and Means Committee.

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

Mr. LEVIN. Mr. Speaker, this bill is a test whose side are you on: The 300 million Americans who will be alive in the year 2009 or the 7,500 families whose estates would be taxed according to 2009 and figures. That is a Joint Tax Committee statement. It is $300 million versus 7,500 families.

This is not a compromise. This is a sellout, a sellout of 300 million people. It is at a time when you will not even bring up a minimum-wage bill. At a time when middle-income families are under pressure. I read from The Economist, not a very liberal magazine: In the late 1990s everybody shared in this boom, but something changed. After you adjust for inflation, the wages of the typical American worker have risen less than 1 percent since 2000. In the previous 5 years, they rose over 6 percent.

Yes, there is class warfare by you on 300 million Americans, not on the family farmer, the small business person.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. Issa) on the compromise bill, H.R. 5638.

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

Mr. ISSA. Mr. Speaker, I want to thank the chair for bringing this important piece of legislation to the floor, not because it is good enough. It is not. Not even the Democrats. It does not. But because it is the best we can do.

I just came from speaking with the very small business people that you just heard somehow they were going to protect in another way. I just finished hearing that 300 million people is what it was all about, which is a rounding error up, and 7,500 that would pay the tax that die, but, of course, we are using two different figures, as we often do.

It is not about 300 million, because 300 million people will not die next year, but it is about the businesses that will die if we do not do something, and this is not good enough. It is a down payment.

I rise in support of this bill, not because it is good enough. It is not. It does not keep the promise I made to the people of my district to end once and for all the unfair double taxation of the dead, but I do rise in support of this because it is the best we can do. I promise today to vote for this bill, and then I promise to come back until, in fact, we once and for all eliminate the unreasonable and unfair double taxation.

So please support this piece of important legislation.

Mr. RANGEL. Mr. Speaker, and that is the best they can do.

Mr. Speaker, I yield 2 minutes to the outstanding gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank Mr. RANGEL for yielding me this time.

There is no question that we need to clean up our Tax Code. We need to make it predictable. We need to deal with expiring provisions. I would hope that we would deal with the savers’ credit that is scheduled to expire because that helps low-wage workers, and we need to deal with that.

I would hope that we would adjust the Federal estate tax and make the changes permanent, but I cannot support this bill.

This bill is fiscally irresponsible. By the chairman’s own account, the Joint Tax Committee estimates that it will cost us $283 billion that we do not have.

This $283 billion is $283 billion in the second 5 years of the program because we already have a law in place now. So the annual loss of revenue is close to $60 billion a year. There is no offset to that loss.

To the credit of a Marylander who contacted me and wants to see a permanent change in the estate tax, that person at least had enough courage to suggest offsets so that we would not be adding to the deficit of the country, but this legislation does not do that. It is fiscally irresponsible.

Mr. Speaker, it speaks to our priorities. Yes, we have time to deal with estate taxes that will benefit basically people who have wealth in excess of millions of dollars, but we do not have enough time to deal with increasing the minimum wage that has been stagnant now for the last 10 years, people making $5.15 an hour. Where is the priorities on this? We have time to take up the reform of the estate tax, but we cannot deal with college education costs and a tuition tax credit that was allowed to expire. Where is our compassion for people who really do need our help? Two hundred eighty-three billion dollars for the wealthy, nothing to help people who are trying to struggle with a college education.

How about the doughnut hole in Medicare? We all know seniors cannot afford it. How about using some of that money to deal with the Medicare prescription drug bill, or how about paying down our deficit?
I would hope that both Democrats and Republicans would agree that our first priority should be to pay down our deficit. The problem, Mr. Speaker, is that we are not dealing with the problems of typical families. Instead, we are dealing with those who do not need the help.

I urge my colleagues to reject this legislation.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. HERGER), a member of the Ways and Means Committee.

Mr. HERGER. Mr. Speaker, all across America following the death of a loved one, people of modest means are all too often faced with the grim prospect of selling a family farm or small business just to pay the taxes that come due. Such was the case in my own family when my cousins had to sell the farm that had been in our family since the early 1900s just to pay the taxes. This is simply wrong.

I rise in strong support of the Permanent Estate Tax Relief Act. Like many others in this House, I continue to strongly support permanent repeal of the death tax. Americans should not have to pay this onerous double tax on savings and capital.

Currently, we are scheduled to have a 1-year full repeal of the death tax in 2010, but if Congress fails to act, the death tax will return full force in 2011, reducing exemption levels and restoring maximum tax rates of nearly 60 percent.

Mr. Speaker, this bill before us institutes permanent relief for those subject to the death tax and restores predictability and certainty to small business owners and family farmers planning for the future. It boosts exemption levels and prevents the death tax from choking our nation's economy.

Mr. Speaker, I urge passage of this legislation.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the outstanding gentleman from the State of Washington (Mr. McDermott).

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

Mr. McDERMOTT. Mr. Speaker, as I look around the House today, there is scarcely a dozen people on the floor, so they must be somewhere else, probably watching this on television.

So those of you who have just tuned in on television, you are watching not the House of Representatives, but the theater of the absurd. What has gone on in this floor this morning and will continue in this afternoon is absolutely absurd.

The first thing we did was we refused to consider a bill to raise the minimum wage. The minimum wage has been the same since 1990 approximately $5.15 an hour. This is what ordinary Americans consider a starting wage, and this House will not do it.

Now, the second act of this theater of the absurd is let us get rid of the estate tax. It was put in by who? By a public-spirited Republican, Theodore Roosevelt, right. That’s not some wild-eyed lefty. It was a guy who was a public-spirited Republican President of the United States, and it is used as a way to finance things that we think we ought to do.

If you read last Sunday’s New York Times, and you read the debt that this country is in, and just read the section on college. You can see what we could do if we would shift the cost of education back on to the State and off the back of our kids. The average debt coming out of college is $20,000. Why would you want to be a schoolteacher dragging that kind of debt or a doctor, $150,000? But, no, we have to pass a law to give an unending ability of people to get rich in this country and never give anything back.

Now, when you talk about who calls you in your district, well, Mr. Gates called me and he said, do not vote for the repeal of the estate tax.

Now, the third act to this thing, just so you understand how really crazy this is, the third act we are going to do before we leave here today is pass the line item veto to the President. It is a total capitulation by the right, by the House Republicans, saying, please save us from ourselves; we cannot stop giving money away.

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

It is a pleasure to indicate that for the first time in my memory I completely agreed with the gentleman from Washington when he said, if you have just tuned in, and you are watching me, you are watching the theater of the absurd.

We are not repealing the estate tax so Mr. Gates wasted a phone call. I hope he is a little more in tune with reality. So Mr. Gates wasted a phone call. I hope he is a little more in tune with reality. So Mr. Gates wasted a phone call. I hope he is a little more in tune with reality.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. Brady), a member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, I yield to the gentleman from Texas (Mr. Brady).

Mr. BRADY. Mr. Speaker, it is my pleasure to indicate that for the first time in my memory I completely agreed with the gentleman from Washington when he said, if you have just tuned in, and you are watching me, you are watching the theater of the absurd.

We are not repealing the estate tax so Mr. Gates wasted a phone call. I hope he is a little more in tune with what is going on in the software world than he is what is going on in the floor of the House.

We are not doing away with the estate tax. We are producing a compromise which will pass this House and go to the Senate in an attempt to make permanent law and remove uncertainty.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. Brady), a member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, when I first came to Congress, I had a family-owned nursery come sit down with me and explain to me the effect of the death tax, and two of the three children still worked in the nursery. What they showed me on paper was that because the tax, when their parents died, if they could take out enough life insurance on their parents, and if they could go back to the bank and borrow enough money, which, by the way, if you have enough life insurance on your parents, you can cut out half of the estate tax. But if they could borrow enough money, they might be able to keep their family nursery. Think about that. They were telling me if they could make enough money off their parents’ death and borrow enough money, they might be able to keep their family nursery, might.

The death tax is the wrong tax. It hits the wrong people at exactly the wrong time. In the days of the Great Depression, small businesses do not get handed down to the next generation. It is the main reason more and more family farmers and ranches get sold off to pay Uncle Sam for all the big spending programs we have done today.

Permanent repeal of the death tax remains everyone’s goal, my belief, on the Republican side of this Chamber.

But any day I can free more family farms and ranches from the specter of the death tax, I am going to support it. Any day I can lower the death tax rate permanently on family groceries and family small businesses, I am strongly going to do that. Until full repeal occurs, I will strongly support lowering this tax. I support this bill.

Mr. RANGEL. Mr. Speaker, I recognize the conscience of the Democratic Caucus, Mr. Lewis, the gentleman from Georgia, for 2 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, Mr. Rangel, for yielding.

Mr. Speaker, I come to the floor today because I am sick and tired of the greed that is prevailing in this House. The Republican majority today will help millionaires with their estate tax cut while forgetting hardworking Americans, millions of them, by refusing to increase the minimum wage.

This is unbelievable. It is immoral and it is wrong.

The majority must wake up and see the struggles of minimum-wage workers. They work hard every day to feed their families. People cannot afford health care. People are struggling to fill their cars with gasoline. Many people live in poverty. They live paycheck to paycheck, and they have not seen an increase in the minimum wage in 9 years.

This Congress should be ashamed. Be ashamed. When will we stop helping the superrich? They do not need our help. They are not begging for our help. They are not calling us, they are not sending letters or e-mails, they are not asking us to help. When will we start to take care of the least among us?

What would the great teacher say, what would the great teacher say when he comes into the Chamber and sweeps the money out of the Chamber?

Franklin Delano Roosevelt says that “the test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.” We are failing this test and we are failing this test. We are failing this test.

This is not progress. This is not helping the least among us. This is greed and it is disgraceful.
I urge my colleagues to defeat this bill.

Mr. THOMAS. Mr. Speaker, it is now my pleasure to yield 2 minutes to a member of the Ways and Means Committee, the gentleman from Pennsylvania. (Ms. HART asked and was given permission to revise and extend her remarks.)

Ms. HART. Mr. Speaker, I thank the chairman for yielding me some time on this issue, one that I have worked on for quite a few years.

When I was a State senator in Pennsylvania, we rolled back the death tax 1.5 percent. We immediately saw healthier small businesses, healthier family businesses, and healthier family bank accounts.

I rise in support of this bill that further addresses a tax problem that the Federal Government has attempted to solve for a number of years. It is one of the most burdensome issues facing our constituents when we talk about tax policy and what incentives we need in our Tax Code to promote entrepreneurship and to promote economic and job growth.

The death tax is a clear example of tax law that deters this kind of growth. It deters an individual from starting a business. It deters a family from keeping a business going for generations. Worse than that, it deters the very people that the other side was referring to that this allegedly hurts, the family business owners, the middle class. These are our small business people.

A report recently released by the Joint Economic Committee highlighted a number of disadvantages created by the death tax. First, it inhibits economic efficiency and it stifles innovation. One survey noted that two-thirds of the respondents stated that the death tax was the top reason why it was difficult for a small business to survive from one generation to the next.

One of the biggest complaints I hear from these people, family business owners, small farmers in my district, is the immediate cost of complying with that tax. The majority of the assets held by a family business are farm property or business equipment or the business’s building. They are invested in the business. This isn’t cash. So they do not have the liquid assets to pay this tax.

So what do they have to do? In order to find the capital to pay this death tax, we force these families to sell off a part of their business and to sell off parts of their family farm to pay the tax. How do they call them? I am really baffled. I don’t think it helps them. They tell me it doesn’t help them, and they have asked us for relief. Today’s bill puts us in the direction of further relief for these families, these family business people, these family farmers.

I want my colleagues to look at the facts. Look at how people respond to death tax cuts, with more job growth, and support this bill.

Mr. RANGEL. Mr. Speaker, I would like to yield 2 1/2 minutes to a leader in the United States Congress and a member of the Ways and Means Committee, the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman for yielding. Ladies and gentlemen, our government is in complete disarray. We have no policy in Iraq. We have seen the highest level of fiscal irresponsibility this government has ever imposed on the American public. We have breathtaking record deficits in our budget. And our priorities, as articulated in this House, are upside down.

We have soldiers today who are dying. We have millions of Americans working to feed their family on a minimum wage of $5.15 an hour. We have gasoline prices that are double what they were when President Bush first took office. They pay a tax. They write a check from our friends on the Republican side to deal with all of this? A tax cut that will go to the wealthiest families in America.

I hope, ladies and gentlemen, that we will recognize that every time a Member who supports this tax cut for the wealthiest families in America comes up to talk, that we recognize that they are talking about helping 7,500 families, period. Of the millions of Americans and those Americans who will die, this bill will help only around 7,500 of all of America’s families. It is because it deals with only the very wealthiest.

So everything they say, put it in context. It will help 7,500 families. Or put another way: of a thousand people who will die in America, less than two will receive the hundreds of billions of dollars in tax cuts that will go to those 7,500 families, less than two of every 1,000 Americans who will die.

What could we, instead of giving money to the very wealthy in America, do? Well, we could have fully funded the Medicare prescription drug benefit that Republicans have failed to fund. We could have sent 40 million American children to a year of Head Start. We could have provided full health insurance for 174 million children for one additional year. We could have hired 5 million additional public school teachers for one year. We could have given 4-year scholarships to 14 million students to public universities. We could have provided worldwide AIDS programs for 20 years. And we could have provided for every child in the world basic immunization for the next 96 years.

Our priorities are upside down.

Mr. THOMAS. Mr. Speaker, I am pleased to be able to be on the floor in support of this important piece of legislation. I am also grateful to the chairman not only for this piece of legislation but for the significant legislation he has brought to the floor year after year that has resulted in an economy that is growing, an economy that creates opportunity, an economy with the lowest unemployment rate, an unemployment rate below the average of the 1970s, the 1980s, or the 1990s.

As I listen to this debate, what we are really talking about today is do we want to let this inheritance tax go back to the level that it was in 2001, where every family farm, every small business that had accumulated value and assets of $600,000 would see 65 percent of the excess of that go to the Federal Government.

Now, I will say first of all that I never thought a trip to the undertaker could also necessitate a trip to visit the IRS by somebody in your family. And while I would like to see the total elimination of the death tax, I think that the bill that the chairman has brought to the floor today solves the problem for millions of American families who have businesses and farms that are worth more than that old exemption; that this suddenly lets them put money that has been going into tax avoidance into continuing to grow their business in continuing to create jobs, continuing to create opportunity, and continuing to expand and build.

Many of the family farmers and small business folks that I work with have built their business with their mom and dad right there at their side. And, frankly, at the time mom and dad passes away, it is really hard for them to know in their mind who helped create the wealth of this business, who helped grow this farm that they grew up on and who didn’t have to suddenly decide, as Ms. HART pointed out, what do I sell, which piece of equipment do I sell, what part of the farm do I sell, do I have to sell the corner grocery store and service station just to pay the inheritance tax?

This creates an opportunity for families working together to continue to grow their businesses, to invest their money in the future of their businesses, in the jobs of the people that they hire, in the community that they are a part of, and to give a greater level of assurance that their children can continue to do the same kind of job, in the same kind of place, with the same kind of opportunity that they had.

There is nothing you have when you die that you haven’t paid taxes on two and three and four times. This bill, for a significant number of Americans, says you don’t have to pay taxes that last time after you die. It is the right step to take today. I am interested in taking more steps in the future to continue to work to eliminate this tax, but this is a critically important step...
for us to take as we approach 2010 and to let money that has been going into tax avoidance go into growing this economy.

Mr. RANGEL. Mr. Speaker, how much time is remaining on both sides? And was given permission to revise and extend his remarks.

Mr. NEAL of Massachusetts. Thank you, Mr. RANGEL, very much.

And was given permission to revise and extend his remarks.

Mr. RANGEL. Mr. Speaker, how much time is remaining on both sides?

Mr. NEAL of Massachusetts. Thank you, Mr. RANGEL, very much.

What the other side wants you to believe today is that this is tax relief for the average American. What the majority whip said a couple of moments ago was flat out wrong; the economy is growing; we have to keep the economy growing. He cleverly neglected to mention the deficits are growing, the insurgency in Iraq and Afghanistan are growing. You need the money to pay for the troops.

You know what this is? This isn’t for hardworking families. This is the Paris Hilton Tax Relief Act. That is who we take care of with this. Not Conrad Hilton, Paris Hilton. She will be in great spirits this evening when she finds out that the Speaker has come to her assistance once again.

$2 trillion worth of tax cuts already, $800 billion more worth of tax cuts today, and friends across America, how do you square that with two wars? Seven tax cuts and two wars with no exit strategy in front of us, and they continue to cut taxes.

And the majority whip said, oh, he was cutting taxes for average Americans. We don’t have time in this institution to raise the minimum wage. We don’t have time for the people that clean the hotel rooms, make the beds, and shovel the streets. We don’t have time for them.

But, my God, today we have time for Paris Hilton. We will take care of her very well with this piece of legislation. The troops in Iraq? We will cut veterans benefits when they come home.

Let us make all kinds of changes here. But, my goodness, true to form, they are rich and they are not going to take it any more.

This Congress has bent over backwards to take care of the wealthy in America and the strong. And who do we neglect? People that do the menial jobs across this country that we depend upon every single day. Is there no end to this embarrassment of what we do on behalf of the powerful and the wealthy in America?

That is how much of the American population is going to benefit from what they do. Less than 2 percent of the American people are about to benefit from what they are going to do today.

I cannot believe the choice that this Congress is making today. During the last 10 days, committees within the House have turned back efforts to raise the minimum wage. We won’t provide any help to people who earn $5.15 per hour, $10,700 a year. At that wage, people have to work an entire 8-hour day in order to pay for a single tank of gas.

And after rejecting any relief for working poor families, what is the next order of business for the Republican Congress? Elimination of the inheritance tax—a tax that affects only the wealthiest 7,000 families in the United States.

The proposal under consideration today would cost $787 billion over the first 10 years; in effect, all to benefit the tiniest share of the wealthiest and most successful members of our society—people who want for nothing, and who have enjoyed the largest share of the rest of the tax cuts that we have passed since 2001.

In this year’s budget, the United States Congress cut funding for veterans. We cut funding for programs that helped the elderly and small children, We cut funding for student loans.

We have taken another step—unprecedented in our Nation’s history—of conducting two wars with six large tax cuts.

And even after all of that, here we are today, contemplating a tax cut worth hundreds of billions of dollars that will go to the likes of Paris Hilton.

Three estates in every 1,000 would benefit from this tax break. This is not widespread tax relief. This is not Main Street tax relief. This is Park Avenue tax relief that Main Street has to pay for.

This bill costs almost as much as estate tax repeal, and the benefits accrue to the people in our society who need tax relief the least. We have a record deficit, we have a skyrocketing national debt, and we have two wars to pay for. This isn’t fuzzy math, this is fantasy math.

Mr. THOMAS. Mr. Speaker, it is now my pleasure to yield 2 minutes to a new Member of the House of Representatives from the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank my colleague from California, Chairman THOMAS, for yielding me this time.

Ladies and gentlemen, I, like the majority of this House, would support full repeal of the estate tax, but that, as Chairman Thomas explained, has not passed the Senate, so this is a compromise proposal, but one which I fully support, and for three reasons I will give today: one is facts, second is economics, and the third is equity.

First of all, facts: people on the other side this afternoon have said that 7,500 families will benefit from this reduction in the death tax and that the tax they will not pay. I think it was $750 billion over 10 years. If you do the math on that, Mr. Speaker, you will find that that is $100 million per family.

Now, that is very odd, since families with as small as $1 million of a total taxable estate will be relieved from tax under this bill.

So facts are not what they say. The facts are hundreds of thousands, hundreds of thousands of families over the next 10 years will be relieved from paying tax on death under this compromise proposal.

Second, economics. We have seen that when we reduce the capital gains tax, the economy improved, and revenue to the government actually increased. The same thing will happen here.

People are out there with lead trusts, with remainder trusts, with family limited partnerships and all kinds of other things that generate benefit for this economy but are done simply so they can try to keep a house or a business or farm in their family, they won’t have to do that. Mr. Speaker, 99.7 percent of the families in America will not have to do that under this proposal.

The third is equity. Right now under the death tax as it exists, some people can leave their house to their children; some people can’t. Some people can leave their farm to their children; some others can’t. Some people can leave their business to their children; and some other people can’t.

Mr. Speaker, we should not have a tax policy that says to some people what you have worked for and earned in your life you may leave to your children, and other people can’t do that. I urge an “aye” vote on the bill.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee.

Mr. DOGGETT. For the wealthiest few, Republicans don’t just aim to eliminate the misnamed “death tax,” they want the death of all taxes.

They have got some exit strategy, not for our troops sacrificing their all and facing death in Iraq, it is an exit strategy for billionaires from the tax burden that they should share to support our Nation.


Student loans, Medicare, Medicaid? Cut, cut, cut. This is truly a “cut-and-rand” Congress: cutting relief for most Americans while running up a huge deficit to finance more billionaire tax breaks.

Will you benefit from these new tax breaks today? Take this quiz:

Do you play Yahtzee or maintain a fleet of yachts?

Do you wear a hard hat or a silk top hat?

Do you drive a pick-up or own a gallery of Picassos?

Do you pump gas by the gallon or sell it by the barrel?

Only if the answer is the latter for all of these questions are you likely to be among the handful of Americans who benefits from not having to pay a tax that Teddy Roosevelt, back when there were a few Teddy Roosevelt Republicans, called a key to not having us copy the landed aristocracy of the European continent.
Mr. THOMAS. Mr. Speaker, is it correct that it is a “compromise,” but only in the sense that it compromises our families and our Nation and strength.

Mr. THOMAS. Mr. Speaker, it is with great pleasure that I yield 2 minutes to a colleague, someone who understands the reason we are here today, a cosponsor of H.R. 8, the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Speaker, I thank the chairman for yielding me this time. I do rise in support of the Permanent Estate Tax Relief Act of 2006.

I want to make a statement on behalf of the farm families of this country. When I came to Congress in the early 1990s, my farm families told me stories over and over again of their problems. They did not want to farm the land that they farm. This is not a debate over their tax bill. This is a reasonable compromise.

A lot of us on this side of the aisle have worked long and hard in a bipartisan effort to make sure we had an opportunity to bring that voice of those farm families to the voice of small businesses in this country into alignment with the Federal Government so we could pass for them estate tax reform, estate tax relief that will give them some permanency.

We cannot afford that, but that step has a huge gap in it. It is not permanent. So we have done something of a helping hand, but we have also made this a lawyer’s mecca here. Estate tax planning is something they cannot do because they don’t have the ability to know exactly what is going to happen. Is everything in this bill that I want in this bill? No. And there are a lot of Members who didn’t get everything in this bill that they want, but this is a reasonable compromise.

I have cochaired a coalition of folks who want to eliminate the death tax, but I am here to say this is a reasonable alternative, and Members should support it.

Mr. RANGEL. Mr. Speaker, I would like to yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY), a Member who really understands this problem.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding.

To start out, let’s have a little truth in labeling. The chairman of the Ways and Means Committee calls it a compromise bill. Compromise involves some give and take. This is a bill that he created, no consultation, no discussion with the Senate, no discussion with the Ways and Means Committee, no discussion with anybody. That is not negotiation, that is not a compromise.

A compromise involves meeting people halfway. If you look at the revenue lost here, fully considering the lost revenue between 2010 and 2020, it is virtual repeal. We have been able to calculate it is roughly 80 percent of the cost of full repeal. Again, no compromise.

Let’s put this in the context of the fiscal situation facing this country, because this House majority has voted to increase the debt of this country, voted to raise it in March, and because the deficits were so horrendous, they had to raise it again in May. It now exceeds $9 trillion.

With the revenue, the $800 billion in the last decade of this bill, it will all have to be borrowed. Who are we borrowing from to help under their bill? The shocking fact is 43 percent of those who we are borrowing from to help are estates over $25 million, the richest few in this country.

There is another way. We can take the 2009 of $7 million for joint estates. This is the compromise Democrats would be willing to go for. It takes care of 99.7 percent of the estates in this country. We will go one further. We will allow an estate tax credit over and above that to the Social Security Trust Fund. Social Security actuarial tells us such a step would add 5 years to the life of the Social Security program.

So you have a very stark choice here, the majority bill which is going to hurt Social Security, or our bill which would add 5 years.

Mr. THOMAS. Mr. Speaker, it is a real pleasure to yield 4 minutes to a member of the Ways and Means Committee, to hear from the owner of the major metropolitan newspaper from Seattle, The Seattle Times, what he thinks about this issue, who has been in the forefront of this issue, has been in the forefront of this issue, and is one of those who not only knows this issue from an intellectual point of view, but who has lived it with his family, the gentleman from Missouri (Mr. HULSHOF).

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

Mr. HULSHOF. Mr. Speaker, one of the interesting things about sitting on the Ways and Means Committee, one that I have zeroed in on, is a compromise. One of the things that we heard from the philanthropic community, as far as opposition to complete repeal, is because of a concern about charities and foundations not being fully funded.

We heard from the philanthropic community as far as opposition to complete repeal, and I have heard it, and I have heard it from people. Mr. Gates, I wish the same generation would have a little truth, the same generation would have a little truth.

I would say to my friend from North Dakota, this is a compromise. As we debated this bill back in April 2005, he pointed out that H.R. 8, the complete repeal, did not include a step up in basis. This bill does, a complete step up in basis upon death.

We heard from the philanthropic community as far as opposition to complete repeal, and I have heard it, and I have heard it from people. Mr. Gates, I wish the same generation would have a little truth, the same generation would have a little truth.

And yet from the other side of the aisle, I think some folks just dusted off the talking points from a year and a half ago, because this is not the bill we debated then.

And my good friend from Georgia, and we are working together on a civil rights bill, to hear the word “greed,” or to hear from my friend from California say that only 7,500 families will pay the tax, what about the tens of thousands of American taxpayers, family-owned businesses, that had the same experience that I had of sitting across the mahogany table from their longtime family accountant when my mother passed away.

This 514-acre farm that she and my father had built, that my father had worked for nearly five decades, and I am sitting across the table from this family accountant, and he has an old adding machine with the tape on it, and he is punching in values for each of these assets. The acreage per value, the three tractors, the very used combined, the home that I grew up in, the modest life insurance policy, and suddenly as a Member on the Ways and Means Committee, I break out in tears because I know when he hits the total button, it is either going to be above an arbitrary line that Congress has set or below it. I know that if it is above that line, that I am probably going to have to sell off some of this family business, this farm I grew up on, just to pay the government.

What is ironic is if my mother had passed away 4 months earlier, I would have had to have sold a significant part of that farm just to pay the tax.

This is a very usable compromise, and I would say the fact we are here, of course, is that there is a determined
minority in the other body that has used the Senate’s rules and procedures to deny that complete repeal that we have been working for. This is a compromise that deserves bipartisan support, I urge its passage.

Mr. RANGEL. What is the time? I think I would want the majority to catch up in terms of the time gap.

The SPEAKER pro tempore (Mr. REHBERG). The gentleman from New York (Mr. RANGEL) has 4 minutes. The gentleman from California (Mr. THOMAS) has 4 minutes.

Mr. RANGEL. Mr. Speaker, I would like to yield for 2 minutes to the gentlewoman from Ohio (Mrs. JONES), a distinguished member of the Ways and Means Committee.

I rise this afternoon in opposition to this legislation. As we have all said earlier, those on this side of the aisle, this is no compromise. It will cost us so much money that many of us said earlier, those on this side of the aisle, that in 2009 you will be the beneficiary, that in 2009 you will be the beneficiary.

And like many of my colleagues, I support full and permanent repeal. This is a step in the right direction. I urge my colleagues to support that. I believe in the argument for an estate tax, saying that the “really big fortune, the swollen fortune, by the mere fact of its size, acquires qualities that go far to make it in its own right a public menace.”

President Theodore Roosevelt said, “I believe in a graduated tax on big fortunes properly safeguarded against easing.” Democrats believe that we must create wealth. We recognize that, that we must reward entrepreneurship and risk, and we must encourage hard work. That is why Democrats supported a targeted estate tax relief for small businesses and farmers, and families that would ensure 99.7 percent of all Americans don’t pay any estate tax.

This is in the spirit of Theodore Roose-velt, targeting the vast fortunes that differ not only in the quantity of wealth, but in the kind.

I salute Congressman EARL POMEROY for his leadership in giving Congress an alternative that is morally and fiscally responsible. Unfortunately, once again, the Republican leadership, just as they have blocked a vote on the minimum wage, are blocking Mr. POMEROY’s option to bring his proposal to the floor, which is responsible, which is paid for, and which is fair to all Americans.

Under Mr. POMEROY’s proposal, only the top .3 percent, that means 99.7 percent of Americans, most people in America, would not pay any estate tax. But it would leave that .3 percent, the very, very, superwealthy, to pay their fair share. There are very few people involved, but a great deal of money. We will have a chance to vote on it in the motion to recommit. Unfortunately, we will not have the time to debate it as an alternative.

We have these questions that have come before us when we are talking about this. We are talking about giving $800 billion to a few families in America. Democrats stand for fiscal responsibility, pay-as-you-go budgets, and no new deficit spending. Republicans, instead, have put forth the bill that will cost the American people, again, almost $800 billion; $800 billion that we don’t have, that we are going to have to borrow.

Mr. Speaker, I just rise today to ask the question. Whose money is it anyway? I think it is important to recognize that the Federal Government has no assets that didn’t derive from the hard work of the American taxpayer. And that is what we are talking about today.

And it is not just the families that pay the tax that are impacted on this. I have worked in several family busi-nesses, and some that I have worked with is a family. Everyone that works there is a family. And when you put a business at risk by requiring it to be sold simply to pay taxes, you put every job in that company at risk. If you have 25, if you have 50 employees, you are putting every single one of those jobs at risk by selling the company to someone you don’t know. They may live somewhere else and they may move the business or reduce it or do whatever you lose control. If you really own working families, you would not ever allow a business to be sold simply to pay the taxes.

And like many of my colleagues, I support full and permanent repeal. This is a step in the right direction. I urge my colleagues to support that.

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

Mr. THOMAS. Mr. Speaker, I believe I will be the last speaker.

Mr. RANGEL. Mr. Speaker, I yield myself to Mr. THOMAS. There seems to be some confusion as to who the beneficia-ry is of this special legislation. I suggest to you that if you belong to the one-third of 1 percent of not working families, but families that have inher-ited an estate that is valued over $3.5 million, or $7 million if you are a couple, that in 2009 you will be the beneficia-ry.

If there is some confusion about the hundreds of millions of people who do not work and $1 million of whom that are at minimum wage, then I suggest to you that you will get nothing from this. But if you are in doubt as to whether one side is just making it up as they go along, and the other side has any question about it, I suggest that you go to the Internet, www.house.gov.jct. That is the Joint Committee on Taxation, and you will be able to decide whether you hit the lottery. If your name is not there with the 7,500 families, then you are a loser in this enormously expensive legislatio-n.

Mr. Speaker, I yield the remainder of my time to the outstanding leader of the Democratic Party and, indeed, our country, Honorable NANCY PELOSI, Ms. PELOSI. Mr. Speaker, I thank the gentleman from New York for yielding. I congratulate him on his, as always, excellent leadership on behalf of the middle-class working families in America. I salute him for his excellent presentation today.

Mr. Speaker, today the House is con-sidering the ultimate values debate. The question before us today is, Do we want to cut taxes for the ultra-superrich, or, instead, do we first want to give hardworking Americans a raise?

Do we want to live in an aristocracy, or do we want to live in a democracy? Do we want to perpetuate wealth or reward work?

The estate tax is central to our de-mocracy. It is rooted in our commit-ment to create a strong and vibrant middle class and to give every Amer-ican an opportunity to achieve the American Dream.

After the Gilded Age, in which the elites of the time held power and wealth that far, far, far outstripped what the average American had, Amer-ica decided to go in a new direction.

One of America’s great Republican Presidents, Theodore Roosevelt, made the argument for an estate tax, saying that the “really big fortune, the swollen fortune, by the mere fact of its size, acquires qualities that go far to make it in its own right a public menace.”

Therefore, President Theodore Roosevelt said, “I believe in a graduated tax on big fortunes properly safeguarded against easing.”

Democrats believe that we must create wealth. We recognize that, that we must reward entrepreneurship and risk, and we must encourage hard work. That is why Democrats supported a targeted estate tax relief for small businesses and farmers, and families that would ensure 99.7 percent of all Americans don’t pay any estate tax.

This is in the spirit of Theodore Roose-velt, targeting the vast fortunes that differ not only in the quantity of wealth, but in the kind.

I salute Congressman EARL POMEROY for his leadership in giving Congress an alternative that is morally and fiscally responsible. Unfortunately, once again, the Republican leadership, just as they have blocked a vote on the minimum wage, are blocking Mr. POMEROY’s option to bring his proposal to the floor, which is responsible, which is paid for, and which is fair to all Americans.

Under Mr. POMEROY’s proposal, only the top .3 percent, that means 99.7 percent of Americans, most people in America, would not pay any estate tax. But it would leave that .3 percent, the very, very, superwealthy, to pay their fair share. There are very few people involved, but a great deal of money. We will have a chance to vote on it in the motion to recommit. Unfortunately, we will not have the time to debate it as an alternative.

We have these questions that have come before us when we are talking about this. We are talking about giving $800 billion to a few families in America. Democrats stand for fiscal responsibility, pay-as-you-go budgets, and no new deficit spending.

Republicans, instead, have put forth the bill that will cost the American people, again, almost $800 billion; $800 billion that we don’t have, that we are going to have to borrow.
Our national debt is becoming a national security issue. Countries that now own our debt, it is over $1 trillion already, and this doesn’t include this $800 billion, those countries that now own our debt will not only be making our toys, our clothes, and computers, they will be making our foreign policy. They have too much leverage over us.

With this bill today, the Republicans are giving tax cuts to the wealthy and asking the middle class to pay for it by writing off China and Japan for the interest payments on the debt and, ultimately, the payment on principal. It is ridiculous. It is ridiculous.

Let me get this straight. We are at war in Iraq. Many of the same people who wanted to support the stay-the-course that the President is on in Iraq, which has around a $400 billion price tag on it, that is off budget. They don’t want to pay for that. And that is a huge figure. And now the Republicans are saying, not only that, not only are we not paying for the war, it is off budget. We will just heap that debt on to future generations. They are saying, we are going to give twice as much as that to a few families in America. It is so unfair, this same week that we are asking the middle class to pay for that, life, work, and a significant victory, not in a theocracy, not in an aristocracy, but in a democracy.

Mr. THOMAS. Mr. Speaker, I rise in support of democracy and in opposition to aristocracy, and simply and humbly request I have the same clock that was just used.

How much time do I have remaining? The SPEAKER pro tempore. The gentleman’s time is expired.

Mr. Speaker, I also want to be on record as being opposed to a theocracy. And I will tell you that today, shortly, democracy will be demonstrated when the House of Representatives determines whether or not it sends this compromise to the Senate with a majority vote.

I know it is a mystery to some people. And I found it most revealing in a poll when Americans were being polled as to whether or not you supported either repeal or making smaller the estate or death tax.

One gentleman responded to the poll that he was in favor of repeal, and if he couldn’t get repeal, he wanted it smaller. And given the location in which the question was asked, in the home which the gentleman lived, the questioner said, “But you aren’t currently in a position to benefit from the estate tax, whether it’s repealed or not.” And he said very simply, “But I want to have the opportunity to be able to.”

That is really the American dream. It really is what democracy is all about. It really is keeping more of your hard-earned efforts at the end of your life, or, if this bill becomes law, the amount that is legally appropriate, $5 million per individual, to be given while you are alive or after you pass or partially when you are alive or partially when you have passed. As one of my colleagues said, after all, it is your money.

The estate tax does deal with progrowth or antigrowth because it is simply a tax on capital and savings. The lower the tax on capital and savings, the greater the opportunity for growth.

We have heard the argument that this really is not a compromise. I believe it is a compromise. I said why. But I think the real test as to whether some compromise is what I like to call the Goldilocks test. The Wall Street Journal thinks this is too cold. An individual representing the richest people in America, Dick Patten of the American Family Business Institute, says, “We flatly oppose the Thomas plan. It just isn’t good enough.” The gentleman from North Dakota says, this is virtually repeal. It is the wrong way too host.

Well, for some it is too hot; for some it is too cold. It sounds to me like we have got a compromise that has a chance to pass the United States Senate. We know it will pass the House of Representatives.

Mr. Majority Leader, you asked for a bill that should become law. Mr. Majority Leader, the House is sending you the bill you asked for.

I urge support of H.R. 5638. I urge the Senate to take up the compromise as soon as possible. And when that bill is sent to the President, the American people, those who work hard and expect to remain or pass on at the end of their lives a portion of their earnings during that life, will have achieved a significant victory, not in a theocracy, not in an aristocracy, but in a democracy.

Mr. DICKS. Mr. Speaker, the Chairman of the Ways and Means Committee has made a direct and sincere effort to seek a compromise position on the estate tax issue, and he should be commended here in the House today. Many of the Members of the House have conceded that the threshold at which estates are subject to the tax is not realistic in today’s economy, considering the assets many of these physicians routinely accrue in this country. While I believe the full repeal of the tax is unjustifiable, because it would mean such a huge loss of revenue to benefit primarily the wealthiest portion of our population, I believe there is interest in making some adjustment, if the cost in terms of lost revenues is reasonable. So I applaud the effort that was made to seek this compromise, however I rise today Mr. Speaker to oppose the unfortunate result, H.R. 5638, because I believe it doesn’t meet the test of being reasonable.

At a time when the annual budget deficit is now approaching $400 billion and when there are so many urgent issues in our society that we simply cannot afford to address, I believe the compromise that has been reached raises a threshold far higher than it should be and thus it relinquishes far too much revenue in order to assist a very high-income sector of our population. When fully implemented, and assuming that the current capital gains tax rates are extended permanently, this bill will reduce revenues by an average of $82 billion a year for the first ten years and fully implemented. To provide my colleagues with a frame of reference, $82 billion is well more than twice as much as we appropriated earlier this month for the entire Department of Homeland Security. It is nearly four times as much as the appropriation we will consider for the entire Department of Justice for the upcoming fiscal year.

In addition, Mr. Speaker, the nation is now engaged in wars in Iraq and Afghanistan—for which too few Americans are being asked to sacrifice—and we face a compelling need for substantial federal investments that are required to secure our homeland from the threats of terrorist attacks. It seems to me, Mr. Speaker, that it is neither prudent nor fiscally
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responsible to be adding such a large annual increase—another $82 billion—to the national debt at this time. We are cutting back on programs that benefit seniors, poor and middle-class Americans, and we are reducing our investment in education, health care, infrastructure and the environment. At this time, Mr. Speaker, I am concerned that the bill that, by its very nature, provides such a large share of its tax benefits to the least-neediest people here in the United States.

I regret that we could not reach a compromise on a provision that was more fiscally responsible, because the Chairman did accede to our request to accelerate the passage of another important piece of legislation, H.R. 3883, by adding it to the compromise package. I appreciate the Chairman's personal interest in the passage of the Timber Tax bill, which I have co-sponsored, in order to restore fairness to the tax code and allow regular corporations in the timber industry to compete on a level playing field with other “pass-through” entities that currently receive better tax treatment. Again, it is with great regret that I urge the House to defeat the entire estate tax bill, because I believe the Timber Tax language represents a modest and deserving provision that should be passed no matter what becomes of this legislation. We can defeat H.R. 5638 today and return to the attempt at reaching a reasonable, prudent and fiscally responsible compromise that addresses the legitimate needs of small business owners and that includes that Timber Tax provision. I urge a “no” vote on H.R. 5638.

Mr. SMITH of Washington. Mr. Speaker, today I cannot support a bill that contains an important piece of tax legislation, the Timber Tax Act of 2005. Unfortunately it is attached to a fiscally irresponsible tax cut that I cannot support.

Mr. UDALL of Colorado. Mr. Speaker, I am disappointed in the Republican Majority’s priorities. In today’s economy, the forest products industry is very important to Washington State with 8.5 million acres of privately owned forestland. There are more than two million people in the U.S. who make their living working for forest-related businesses. Furthermore, that alternative would have a level playing field with other corporations in the timber industry to compete on a level playing field with other “pass-through” entities that currently receive better tax treatment. Again, it is with great regret that I urge the House to defeat the entire estate tax bill, because I believe the Timber Tax language represents a modest and deserving provision that should be passed no matter what becomes of this legislation. We can defeat H.R. 5638 today and return to the attempt at reaching a reasonable, prudent and fiscally responsible compromise that addresses the legitimate needs of small business owners and that includes that Timber Tax provision. I urge a “no” vote on H.R. 5638.

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Mr. SMITH of Washington. Mr. Speaker, today I cannot support a bill that contains an important piece of tax legislation, the Timber Tax Act of 2005. Unfortunately it is attached to a fiscally irresponsible tax cut that I cannot support.
The death tax is one of the most egregious taxes in our system today and should be fully repealed. This tax is a punishment for people who have worked hard all their lives, who have built successful small businesses and who have succeeded in living the American dream.

It does not stand to reason that the United States, the most successful economy in the world, should punish its citizens with such a regressive tax. The United States has the second highest estate tax in the world at 46 percent, second only to Japan at 70 percent. This tax forces farmers, ranchers and small business owners to spend their special interest give aways than let Americans keep their own money. This is not the Government’s money. Washington has already taxed these earnings once, twice even three times. Do we really need to go back for more when you drain America’s economy?

Mr. Speaker, this tax is shameful, it is greedy and it is offensive and I support the efforts we are making here today to move towards a full repeal of the death tax.

Mr. Moran of Virginia. Mr. Speaker, I rise today in support of the Permanent Estate Tax Relief Act of 2006.

This legislation will exempt estates up to $5 million for an individual and $10 million for a couple; will tax the next $20 million in assets at 15 percent and assets above $25 million at 30 percent. According to the Joint Tax Committee, this measure will cost $279.9 billion in lost revenue between now and 2016, and at least $61 billion per year every year after.

This is unacceptable and is fiscally unsound. Not only will this add to the enormous budget deficits we are now facing, but it will also contribute to the increasing concentration of the Nation’s wealth among a very small number of Americans.

Thirty years ago the richest one percent of our population owned less than a fifth of our wealth. According to a report by the Federal Reserve Board, that one percent now owns over a third of the Nation’s wealth. Workers today are twenty four percent more productive than they were five years ago, but the median earnings of those workers have not risen in line with that change from historical patterns. The average CEO pay is now 400 times what a typical worker earns. Forty years ago it was 60 times what that of an average worker. We are creating a new upper class, one that our country has not seen since the rise of the robber barons, and this legislation ensures that this gap will grow ever wider.

Right now, a couple can pass on four million dollars to their children tax free. The New York Times attempted to find a farmer who had been affected by the estate tax. It was unable to do so, even with the assistance of the American Farm Bureau. I agree that we need to ensure that small businesses and family farms are able to be passed on to succeeding generations. This is why during debate on a permanent repeal of the estate tax I was supportive of keeping it at its 2009 level. Doing so would ensure that 997 out of every 1000 people can pass their assets on to their children and pay no estate tax.

According to the Urban Institute-Brookings Tax Policy Center, when the Death Tax was in place in 2011, only fifty farms and small businesses would owe any estate tax.

This legislation will not help the vast majority of our constituents. Instead it will help a small group of people maintain their enormous wealth and it threatening our country’s deficit. As Members of Congress, part of our job is to ensure that the Nation’s economy is strong for every person in the next generation. We don’t want to give ourselves hundreds of billions of tax cuts and leave it to children to find the tax money to pay for them.

Mr. SHUSTER. Mr. Speaker, in a letter to a friend, Benjamin Franklin wrote that “In this world, nothing is certain but death and taxes.” The two will soon go hand in hand unless Congress acts to fully and permanently repeal the Death Tax. After a lifetime of paying taxes the Death Tax unfairly imposes a double tax on small, family-owned businesses and farms. Our family farmers appear rich on paper, but in reality they bear the strains from bankruptcy. The Death Tax does not discriminate—it just forces the family to sell off the land to another larger farm in order to pay the tax. If Congress truly cares about the family farmer the best thing that can be done is to kill the Death Tax.

Mr. Speaker, most small business owners have the entire value of their business in their estate. With the Death Tax, the government immediately “inherits” a 37 to 55 percent piece of the estate, a blow that many family businesses and farms cannot survive. Taxing small business owner’s hard work in death punishes their families and threatens family businesses across the country. The mere threat of the tax forces business owners to spend thousands of dollars on accountants, lawyers, and so that they can attempt to ensure the survival of their business after their death.

Mr. Speaker, I grew up on a family farm, and owned and operated a small business before serving in this House. The Death Tax is real and has tangible effects on real people. The Death Tax penalizes hard-working family farmers and business owners hoping to pass on their land or shop—their legacy—onto their children. The Death Tax is an insult to all those who spend a lifetime of hard work to ensure that their children can continue the family business.

Mr. CONYERS. Mr. Speaker, the House of Representatives is known as the “People’s House.” Instead of taking up legislation that would improve the lives of a wide range of people, we are debating a tax break that will benefit a measly 7,500 Americans, or in other words, only the super-rich.

This bill would increase the estate tax exemption up to $5.25 million for an individual and $10 million for a couple. What is the cost of such a policy change? $823 billion over 9 years. It is shocking that the Congress refuses to give poor working Americans a 70 cent increase in the minimum wage, but have no hesitation in rewarding the very wealthy a $823 billion windfall.

Today, I received a letter from the UAW, who plainly argues that if we pass this legislation, it will exacerbate our enormous federal deficits and place additional burdens on future generations. With a federal debt of over $8 trillion, a tax break for the wealthy is no way to bring our budget back into balance or to reduce the enormous deficit this Administration has presided over.

I also received a letter from the National Education Association that persuasively argues how this legislation would seriously jeopardize the ability to invest in our children and public education in the future. By draining federal coffers of much-needed revenue, we will be forced to cut much-needed programs for education. Funding for health care, veterans benefits, environmental protections, affordable housing, student loans, and homeland security are all at risk if we pass this irresponsible legislation.

With so many important issues facing our country—41.2 million Americans without health insurance, no minimum wage increases since 1997, and billions of dollars squandered in Iraq, it is a shame that the People’s House has been hijacked by the narrow interests of the super-rich. Today’s vote is another in a long list of votes to benefit the special interests of a few. The time is long overdue for the Congress to deal with the myriad of critical issues facing Americans today.

Mr. ENGEL. Mr. Speaker, as Ronald Reagan used to say—there you go again—Republican friends are again taking care of the wealthy and ignoring the needs of the middle class. If they cared about middle class Americans, their priority would be to permanently fix the AMT that affects millions of Americans, not the estate tax that affects 1 percent of the American people. Republicans in Congress are making sure the rich get richer instead of lifting all Americans up economically.

The Republicans would like us to believe that they are fiscally conservatives, but they are borrowing and spending like drunken sailors, abandoning all fiscal discipline.

As a result, we are leaving our children and grandchildren with mountains of debt for years to come. Of the millions of American families, this bill will allow 830 super rich families get a $1 million tax break—a $1 million tax break.

History will not refer to us as the baby boomer generation but as the credit card generation, and we can trace it all back to the Republican mantra of cut taxes, borrow and spend.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to this legislation, which has been billed as a compromise proposal to legislation this chamber has passed to permanently repeal the estate tax. Instead of offering true compromise, this legislation simply muddles the tax code further and would deal a devastating blow to our national debt.

Make no mistake about it, I do not want to see the children of family farmers or small business owners have to pay dearly for the success of their hard-working parents. Democrats and Republicans alike understand that American families to be able to pay off their legacies and pass down their farms and small businesses to their heirs. A true compromise would balance the goal of protecting these estates and keeping our country’s fiscal house in order. This bill is no such compromise. This bill would exempt the first $1 million of a couple’s estate from the estate tax—an increase from the current $4 million exemption.

For estates valued below $25 million, the bill...
would impose the capital gains rate—currently 15 percent—and would tax values above $25 million at double the capital gains rate.

Americans should not be fooled by the complexity of this tax structure, because the result is still the same. This bill is a benefit to the wealthiest Americans. The Treasury will give back $602 billion; plus an exemption level that would shield 99.7 percent of all Americans from the estate tax.

Faced with a federal budget swimming in a sea of red ink, we should be making the fiscal compromises necessary to shore up Medicare and Social Security and ensure the continued solvency of federal programs that the most vulnerable Americans depend on for their own shot at the American Dream. Americans shouldn’t fall for our majority’s latest attempt to give millions to the Americans least in need, while leaving in need high and dry.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to this bill, H.R. 5638, the “Permanent Estate Tax Relief Act of 2006.”

Mr. Speaker, I have voted for estate tax relief before but I oppose this bill because it is irresponsible to cut taxes for the wealthy when the nation is at war and the national debt is over $8 trillion dollars.

The Joint Committee on Taxation estimates that THOMAS’s estate tax proposal will cost the Federal Government $602 billion, plus an extra $160 billion when interest is accounted for. Only 0.5 percent of the richest families in America currently pay estate taxes. Moreover, under current law in 2009, only 3 out of every 1,000 estates will pay a penny in estate taxes—all couples with estates up to $7 million—will pass on their entire estates tax-free. Any compromise proposal which deviates from 2009 current law—such as THOMAS’s bill and KY’s older proposal—is therefore crafted entirely to benefit this tiny sliver of the richest estates.

American voters stand strongly against drastic estate tax legislation. According to recent polling data, nearly 60 percent of voters hold the initial, unaided view that estate tax should be left as is or reformed, and only 23 percent support repeal. When asked about the estate tax, 42 percent of other budget priorities, voters rank repealing the estate tax as the last priority, and 55 percent of voters oppose repeal.

This so-called compromise, nearly as regressive and costly as a full repeal, is no compromise at all. Passing even this compromise legislation would constitute one of the most regressive tax cuts in the history of the United States. Middle- and lower-class Americans will be forced to shoulder the burden of radically decreasing the estate tax—both monetarily and through decreased public programs. In order to fund the permanent gap, the government will plunge further into debt, which will limit its ability to address the Social Security solvency gap and reduce the money available for public programs. It will also have to tap other tax sources, like payroll taxes, which will overwhelmingly hinder lower-income families.

I urge my colleagues to uphold the core American values of fairness and belief in meritocracy by rejecting this tax cut.

If we really wish to help the most deserving American families, we should raise the minimum wage.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in opposition to this so-called “Compromise” Estate Tax proposal. This bill does nothing to make compromises—it compromises our children’s futures, it compromises the future of our Social Security system, and it compromises our working families.

We’re facing real issues in this country. We have rising deficits and a Social Security system that needs to be further secured. And today we are debating a bill to effectively repeal a tax that affects only the largest one half of one percent of estates. In the first 10 years after it takes effect, it will cost more than $750 billion, including interest on the added debt. That bill will have to be paid by the rest of America, including our grandchildren.

My colleague, Congressman POMEROY, offered a substitute to reform the estate tax and help shore up Social Security. We could increase the current estate tax exclusion to $3 million per individual and $6 million per couple after it takes effect, and $1.5 million per individual and $3 million per couple in 2009. This would exempt 99.7 percent of estates from tax liability. And we could funnel estate tax revenues into Social Security, solving a full quarter of the trust fund’s shortfall.

Let me remind my colleagues that Social Security not only provides essential retirement security for our Nation’s seniors, it also provides disability and life insurance for our troops. We had an opportunity to turn estate tax funds into a dedicated source of revenue for this vital program. We had an opportunity for real reform.

Unfortunately, the majority on the Rules Committee rejected this opportunity by rejecting the Democratic amendment. Now we are debating some very different priorities. Instead of our proposal of funding for Social Security for our Nation’s seniors and military families, we’re talking about guaranteeing a huge tax break to multimillionaires and billionaires. Instead of seriously facing our massive deficits, we’re talking about adding to them.

Instituting real, clear tax reform, we’re talking about a tax rate that is not even defined outright in this bill. I have been willing to consider certain creative proposals that would allow individuals to voluntarily prepay their tax, but this proposal is a non-starter.

Mr. Speaker, I urge my colleagues to reject this false compromise. It’s time to stop passing special interest legislation like this and start focusing on real reforms that benefit all Americans.

Mr. STARK. Mr. Speaker, I rise in strong opposition to yet another tax break for the ultra-wealthy. This week, Republicans rejected an increase in the minimum wage that would have enabled people making $5.15 an hour to receive a $2 raise. Yet today they’re falling all over themselves to give every single person worth more than $20 million a $5.6 million tax break.

I believe a journalist couldn’t draw a clearer illustration of the Republicans’ misguided priorities. Though 46 million Americans lack health insurance and millions of children are denied access to quality education, Republicans insist on enriching those who least need our assistance.

It is irresponsible and immoral to decrease revenue by $800 billion. With this money, we could provide quality health care for every man, woman and child; make the dream of affordable college a reality for all those who can’t now afford higher education; or fund groundbreaking scientific research. It took us less than a decade to go to the moon. With a similar effort, we might cure AIDS or cancer.

The Republican priorities are clear: $5.6 billion for each of their rich campaign donors and $0 for hard working stiffs trying to raise a family.$5.15 an hour.

The Republicans are bowing down to 18 super-wealthy families who have spent nearly $500 million lobbying for estate tax repeal. These families own everything from Amway to Wal-Mart and stand to gain billions of dollars from the so-called compromise.

Another quite wealthy man has a different view. Bill Gates, Sr., recently said: “Given the fact that we have an unacceptable deficit, undeniable and huge demands resulting from our foreign involvement, and tragedies occurring here at home that need support from the federal government, it seems just plain irresponsible to talk about dismissing this particular source of federal revenue.”

I couldn’t say it any better myself, and I urge all my colleagues to vote “no” on this bill.

Mr. TIAHRT. Mr. Speaker, I am disappointed the House today voted to pass a bill that would replace one arbitrary unjust tax with another arbitrary unjust tax under the guise of compromise. House has overwhelmingly voted, with strong bipartisan support, to permanently repeal the death tax five times in the past 5 years. I have voted each time in favor of full repeal.

Some of my colleagues believe we will not be able to gain the Senate’s support for full repeal of this egregious tax. And for this reason, the House should pass a compromise bill that would partially eliminate a tax that an overwhelming majority of this body and my constituents believe should be completely repealed.

Rather than partially doing the right thing in the guise of compromise, the House should stand steadfast on this issue. When the House passed H.R. 5638 today, we sent a message of defeat on the willingness of this Congress to put this issue to rest. Once those who want to keep the death tax know the House is willing to compromise, it will be difficult, if not impossible, for this body to exert the political will to permanently and completely eliminate the death tax.

For this reason I opposed passage of the premature compromise bill.

My constituents in Kansas know the death tax is a duplicative tax on small businesses and family farms that, in many cases, families have spent generations building. Small business owners, farmers and ranchers should not
be taxed by the Federal Government when they die. This only forces their relatives to re-purchase what rightfully should remain in the family.

Additionally, this tax forces family businesses to invest in Uncle Sam rather than the economy. When families are forced to re-purchase businesses because of the death tax, that means less money is being invested in new jobs and capital expansion. The bottom line is that the death tax is a tax on the economy because it slows economic growth.

Now is not the time to compromise on the economy. Instead, we should be doing everything in our power to support long-term economic growth. Permanent repeal of the death tax will mean more high-quality, high-paying jobs for Americans.

When I voted against the compromise bill today, I did so to reassure my constituents I will continue fighting to permanently and fully repeal the death tax. Compromise is pre-mature, and discriminatory against families who have been good stewards of what they have earned.

My position is unchanged: The American people deserve full repeal of the death tax.

Mr. CAMP of Michigan. Mr. Speaker, today I rise to support permanent solution to the "estate tax" or what many call the "death tax." Whatever name it goes by, it is a tax on the American dream. This country was founded on, grew and has become the world's most powerful economic engine based on the entrepreneurial spirit of our citizens; the willingness to have an idea, invest in it and build a business around it.

America's history is replete with once small family operations that are now some of the world's best and best in their fields: Levi Strauss and his San Francisco dry goods store; Eberhard Anheuser and his son-in-law Adolphus Busch and their first struggling brewery in St. Louis; J. Willard Marriott and his wife Alice started with a root beer stand here in DC; and the Houghton family and their Corning Tapes Works, which provided the glass for Edison's first light bulb and now is a leader in fiber-optics, just to name a few.

Studies have shown that the death tax is the leading cause of dissolution for most small businesses and the end best in their fields: Teddy Roosevelt and the progressive era of over a century ago was a tax on significant wealth most often the bulk of which is accumulated capital which had never been taxed in the first place. The outright repeal has actually been opposed by some Americans, such as Warren Buffett. Indeed, Bill Gates, Sr., the father of America's richest person—Bill Gates—wrote about how the elimination of the inheritance tax was a bad idea. Since I came to Congress 10 years ago I have been supporting sensible reforms to raise the exemption, adjust the rates so that they are more gently graduated like they used to be, and provide deferral for owners of closely held businesses that wanted to continue in operation. Instead of a compromise that would overburdenly support by Republicans and Democrats alike, the Republican leadership continues to play games with families and businesses with this current bill.

This bill is tantamount to full repeal and will add hundreds of billions of dollars to our national deficit. The cost of H.R. 5638, estimated at $280 billion over 11 years, is 70 percent to 80 percent of the full repeal cost to the national treasury. Like previous legislative proposals to repeal the inheritance tax, this bill is full repeal legislation aimed at helping the most well-off Americans while deepening the Federal debt. This is the latest in a long string of fiscally irresponsible moves reflecting the misplaced priorities of this Congress.

Mr. ISSA. Mr. Speaker, I rise today in support of H.R. 5638, the Permanent Estate Tax Relief Act of 2006. Thank you for bringing this important issue to the floor.

I cosponsored and voted in favor of H.R. 8, the Death Tax Repeal Permanency Act of 2005, which was passed in this House last year. I still believe in the permanent repeal of the estate tax, because without permanent repeal businesses will die. This bill simply isn’t good enough. It doesn’t keep the promise that I made to the people in my district to end, once and for all, the double taxation of the deceased.

I will vote for this bill today because it is the best we can do at this time. In my mind this is only a downpayment, and I will work with the Congress to permanently eliminate this unreasonable and unfair double taxation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have voted for estate tax relief before but I oppose this bill because it is irresponsible to cut taxes for the wealthy when the Nation is at war and the national debt is over $8 trillion. Indeed, Mr. Speaker, I think it is unconscionable to be considering voting another tax cut to the wealthiest 0.3 percent of Americans.

The Joint Committee on Taxation estimates that this estate tax proposal will cost the Federal Government $42 billion annually without making any extra revenue each year that is well below the $160 billion when interest is accounted for. Only 0.5 percent of the richest families in America currently pay estate taxes. Moreover, under current law in 2009, only 3 out of every 1,000 estates will pay a penny in estate taxes. Couples with $7 million, 99.7 percent, will pass on their entire estates tax-free. Any compromise proposal which deviates from 2009 current law—as H.R. 5638—is therefore crafted entirely to benefit this tiny sliver of the richest estates.

CONGRESSIONAL RECORD — HOUSE June 22, 2006
Single mothers would benefit disproportionately from an increase—single mothers are 10.4 percent of workers affected by an increase, but they make up only 5.3 percent of the overall workforce. Approximately 1.8 million parents with children under 18 would benefit.

Contrary to popular myths and urban legends, adults make up the largest share of workers who would benefit from a minimum wage increase. Seventy-two percent of workers whose wages would be raised by a minimum wage increase to $7.25 by June 2007 are age 20 or older. Close to half, 43.9 percent, of workers who would benefit from a minimum wage increase work full time and an additional third, 34.5 percent, work between 20 and 34 hours per week.

Minimum wage increases benefit disadvantaged workers and women are the largest group of beneficiaries from a minimum wage increase; 60.6 percent of workers who would benefit from an increase to $7.25 by 2007 are women. An estimated 7.3 percent of working women would benefit directly from that increase in the minimum wage.

A disproportionate share of minorities would benefit from a minimum wage increase. African Americans represent 11.1 percent of the total workforce, but are 15.3 percent of workers affected by an increase. Similarly, 13.4 percent of the minimum wage force is Hispanic, but Hispanics are 19.7 percent of workers affected by an increase.

The benefits of the increase disproportionately help those working households at the bottom of the income scale. Although households in the bottom 20 percent received only 5.1 percent of national income, 38.1 percent of the benefits of a minimum wage increase to $7.25 would go to these workers. The majority of the benefits, 58.5 percent, of an increase would go to families with working, prime-aged adults in the bottom 40 percent of the income distribution.

Among families with children and a low-wage worker affected by a minimum wage increase to $7.25, the affected worker contributed, on average, half of the family's earnings. Thirty-six percent of such workers actually contribute 100 percent of their family's earnings.

A minimum wage increase would help reverse the trend of declining real wages for low-wage workers. Between 1979 and 1989, the minimum wage lost 31 percent of its real value. By contrast, between 1989 and 1997, the year of the most recent increase, the minimum wage was raised four times and recovered about one-third of the value it lost in the 1980s.

Income inequality has been increasing, in part, because of the declining real value of the minimum wage. Today, the minimum wage is 33 percent of the average hourly wage of American workers, the lowest level since 1949. A minimum wage increase is part of a broad strategy to end poverty. As we form families to rely on their earnings from low-paying jobs, a minimum wage increase is likely to have a greater impact on reducing poverty.

Mr. Speaker, the opponents of the minimum wage often claim that increasing the wage will cost jobs and harm the economy. Of course, Mr. Chairman, there is no credible study to support such claims. In fact, a 1998 EPI study failed to find any systematic, significant job loss associated with the 1996–97 minimum wage increase. The truth is that following the most recent increase in the minimum wage in 1996–97, the low-wage labor market performed better than it had in decades. And after the minimum wage was increased, the country went on to enjoy the most sustained period of declining unemployment rates in history. We had historic low levels of unemployment rates, increased average hourly wages, increased family income, and decreased poverty rates.

Studies have shown that the best performing small businesses are located in States with the highest minimum wages. Between 1998 and 2004, the job growth for small businesses in States with a minimum wage higher than the Federal level was 6.2 percent compared to a 4.1 percent growth in States where the Federal level prevailed.

So much for the discredited notion that raising the minimum wage harms the economy. It does not. But it increases the purchasing power of those who most need the money, which is far more than can be said of the Republicans' devotion to cutting taxes for multi-millionaires.

Mr. Speaker, Americans overwhelmingly side with progressive principles of rewarding hard work with a living wage. In a recent poll conducted by the Pew Research Center, 86 percent of Americans favored raising the minimum wage. In the 2004 election, voters in Florida and Nevada, two States won by President Bush, overwhelmingly approved ballot measures to raise the minimum wage. Even in Nevada's richest county, 61.5 percent of Douglas, where Bush received 63.5 percent of the vote, voters supported raising the minimum wage.

Forty-three percent of Americans consider raising the minimum wage to be a top priority. In contrast, only 34 percent considered making the recent Federal income tax cuts permanent and only 27 percent consider the passage of a constitutional amendment to ban same-sex marriage as top priorities.

Members of Congress have legislated a minimum salary for themselves and have seen fit to raise it eight times since they last raised the minimum wage. In 1968, if the Americans we represent spent a long-overdue pay raise by increasing the minimum wage to $7.25 over 3 years. Even this amount does not keep pace with the cost of living. The minimum wage would have to be increased to $9.05 to equal the purchasing power it had in 1968.

And if the minimum wage had increased at the same rate as the salary increase corporate CEOs have received, it would now be $23.03 per hour.

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

Mr. Rangel moves to recommit the bill to the Committee on Ways and Means with the following amendatory instructions: At the end of the bill insert the following:

(1) On June 21, 2006, the Committee on Rules of the House of Representatives met in an emergency meeting to provide a rule for the consideration of H.R. 5638, even though all the estate and gift tax provisions contained therein do not take effect until January 1, 2010.

(2) The estate tax provisions in H.R. 5638 will cost more than $800 billion (including interest) in the first 10 years in which the effect of the legislation is fully reflected in the budget deficit (fiscal years 2012–2022).

(3) More than half of that revenue cost will benefit only the wealthiest 0.3 percent of all decedents. Annually approximately 7500 estates nationwide will be the primary beneficiaries of these reductions in revenue. The House of Representatives that would provide an increase in the minimum wage.

(4) Under H.R. 5638, estates worth more than $2 million (annually approximately 900–900 estates alone) will get a $4.5 billion tax cut, on average a tax reduction of $5.6 million per estate.

(5) All of that revenue cost will be financed through Federal borrowing, much of which will be from foreign investors.

In contrast, the Committee on Rules of the House of Representatives has not met to provide a rule for the consideration of legislation supported by a Committee of the House of Representatives that would provide for an increase in the minimum wage.

(7) An increase in the minimum wage would benefit more than 6 million individuals, include 1.8 million parents with children under age 18. These numbers dwarf the numbers of individuals who would benefit from H.R. 5638.

(8) Congress has not increased the minimum wage since 1997. The minimum wage (on an inflation adjusted basis) is now at its lowest level in 50 years.

(9) Currently a person working full-time at the minimum wage would earn just $10,700 annually, less than two-tenths of one percent of the average benefit provided by H.R. 5638 to estates worth more than $20 million.

(10) The increase in annual income of a full-time minimum wage worker under the minimum wage legislation reported by the Committee of the House of Representatives would be less than one-tenth of one percent of the average benefit provided by H.R. 5638 to estates worth more than $20 million.

(11) Enacting the estate tax reductions contained in H.R. 5638, while refusing to increase the minimum wage, amounts to placing the interests of 7500 of the wealthiest estates annually above the interest of 6.6 million individuals who would benefit from a minimum wage increase, based on the above the Committee shall report the same back to the House only after the House has acted on an increase in the minimum wage.

POINT OF ORDER

The SPEAKER pro tempore. Mr. Speaker, I make a point of order against the motion to recommit and believe the point of order is in order because this supposed motion to recommit is not germane.
The SPEAKER pro tempore. Does any Member wish to speak on the point of order?

Mr. RANGEL. Mr. Speaker, may I respond?

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. RANGEL. Mr. Speaker, one may wonder how germane is it when we are considering a bill that 7,500 families will be the beneficiary at the cost of $800 billion over 10 years. It is opposed to what I am raising in the motion to recommit, and that is the lives of 6.6 million working people that really are working at the minimum wage. So there is a difference in how we perceive what we are doing today, whether the hundreds of millions of people that work every day should be sacrificed at a cost of close to $1 trillion when, in fact, we are talking about 7,500 families that have not worked for the money but are going to inherit the money.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. THOMAS. Mr. Speaker, is the gentleman supposed to respond to the point of order, or is he allowed to make a partisan political speech which is not germane to the point of order?

The SPEAKER pro tempore. The gentleman is allowed to speak on the point of order and address the issue of germaneness.

Mr. RANGEL. Well, that was my point, that I am trying to show the significance of the payers; taxpayers, where one group is at the minimum wage, and people who, right now 99.7 percent of these people, do not pay taxes on their estate. So clearly we are talking in terms of who is suffering the liability of taxes.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman must address the issue of germaneness, please. The gentleman may resume.

Mr. RANGEL. The germaneness is who are going to pay for this type of relief, is before us today? And the motion to recommit says that we should consider the millions of people that work every day that don’t get this type of relief.

Mr. THOMAS. Mr. Speaker, I have a point of order. Beginning your statement with “this is why it is germane” is not addressing the germaneness question.

The SPEAKER pro tempore. The gentleman should address his comments to the issue of germaneness of the motion to recommit.

Mr. RANGEL. Well, I will yield to the Chair to determine what is fair and what is equitable as we talk about the lives of working people that pay taxes every day as opposed to having a trillion dollars to be disbursed to people who don’t pay taxes.

The SPEAKER pro tempore. If no other Member wishes to address the point of order, the Chair is prepared to rule.

The gentleman makes a point of order that the amendment offered by the gentleman from New York is not germane.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a “subject different from that under consideration shall be admitted under color of amendment.” One of the central tenets of the germaneness rule is that an amendment should be within the jurisdiction of the committee of jurisdiction of the bill.

The bill, H.R. 5688, was referred to the Committee on Ways and Means. The amendment offered by the gentleman from New York in pertinent part addresses the minimum wage, a matter within the jurisdiction of the Education and the Workforce Committee. By addressing a matter outside the jurisdiction of the Committee on Ways and Means, the amendment is not germane.

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

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. THOMAS. Mr. Speaker, under the rule of this bill, the minority was allowed a motion to recommit. A motion to recommit was offered. It was clearly on its face non-germane. However, under the rules, that nongermane bill was read. It amounts to a political pamphlet.

Mr. RANGEL. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The gentleman will suspend.

Does the gentleman have a parliamentary inquiry?

Mr. THOMAS. Yes. The offer of the motion to recommit would have been exhausted, and would simply say if that is not the case, they could offer another 10 partisan tracts on the argument that it is a motion to recommit, make the same arguments, and never violate the rules, and that is not under the spirit of the rules.

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. RANGEL. Mr. Speaker, I move to 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? Those in favor say “aye.” (Members responded by voice.)

Mr. THOMAS. Mr. Speaker, the gentleman was not timely in his request to appeal the decision of the Chair.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. HOYER. Mr. Speaker, a vote is in progress.

The SPEAKER pro tempore. Members will suspend.

For what purpose does the gentleman from California rise?

Mr. THOMAS. Mr. Speaker, the gentleman moves to lay the motion on the table.

Mr. HOYER. The House is in the process of a vote.

Mr. THOMAS. Mr. Speaker, I move to table the motion.

The SPEAKER pro tempore. The question is on tabling the appeal.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, parliamentary inquiry. I make a point of order that that motion is not in order. The Speaker called for a vote. The aye votes were taken. The next question is the no votes. We are in the process of a vote. And until such time as that vote is concluded, a motion is not in order.

The SPEAKER pro tempore. The gentleman from California was seeking recognition. The question is on the motion to table.

POINT OF ORDER

Mr. HOYER. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point.

Mr. HOYER. Mr. Speaker, you can run over us. We understand that. We do not have the votes. But you called the vote, Mr. Speaker, and we were in the process of a vote, and he had not been recognized at that point. Now, the fact that he was seeking recognition or not is irrelevant.

The SPEAKER pro tempore. Does the gentleman have a point of order?

Mr. HOYER. Yes.

The SPEAKER pro tempore. State your point of order, please.

Mr. HOYER. That the gentleman’s motion is not in order because we were in the process of voting on the issue that was propounded by the gentleman from New York.

The SPEAKER pro tempore. When the Chair began to put the question, the gentleman from California was on his feet seeking recognition. The gentleman’s motion was to table.

Mr. HOYER. I appeal the ruling of the Chair.

MOTION TO TABLE OFFERED BY MR. THOMAS

Mr. RANGEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANGEL. First of all, when I asked for a vote, you asked for the votes for the ayes. It was my intention, in case we had lost, to ask for a vote on this because a quorum is not present. What is happening here, and my parliamentary inquiry is, once you took the ayes, we never got an opportunity to find out the nays. So I am in the position now that I cannot challenge the Chair. After you asked for the aye votes, you never asked for the nay votes. How can we determine what the ruling of the Chair is?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. HOYER. Mr. Speaker, I have appealed the previous ruling of the Chair. An appeal to the ruling of the Chair is pending.

The SPEAKER pro tempore. The gentleman will suspend.
For what purpose does the gentleman from California rise?

Mr. THOMAS. The gentleman from California rises, just as he did previously, to gain recognition to indicate that I move that we table the motion to lay the bill on the table of the objection of the gentleman from Maryland on the ruling of the Chair.

So I now have a lay on the table of two objections of the ruling of the Chair.

The SPEAKER pro tempore. The Chair has made a ruling on a germaneness point of order. An appeal has been taken. No further appeal may be erected at this point. The situation that the gentleman from Maryland seeks to appeal from is not appealable.

The Chair has recognized the gentleman from California and his motion to table, and that is the business before the House.

Mr. SABO. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SABO. Mr. Speaker, I am sitting here waiting for time to expire so I could cast a vote, and I heard the motion made by the gentleman from New York.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. SABO. Then I heard the Speaker call for a vote.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SABO. I am just curious, did the Speaker call for a vote, and did I hear some people vote aye?

The SPEAKER pro tempore. The gentleman is not stating a pertinent parliamentary inquiry.

The question is on the motion to table.

Mr. SABO. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. Does the minority whip seek recognition?

Mr. HOYER. I do. I make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. I would propound this parliamentary inquiry. Is it appropriate during the course of a vote, and after one side of the vote has been made and pending the request for the nay? Is this case, is it appropriate to stop that vote and then recognize someone at that point in time?

The SPEAKER pro tempore. The gentleman began to take a voice vote, but then realized that a Member timely sought recognition for a proper purpose.

Mr. HOYER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. The Speaker’s recollection is different than mine. The Speaker propounds and the Parliamentary advisers that apparently you began. Frankly, we were in the process. You had called for the ayes, the ayes had been made, and you were then about to call for the nays.

So I would suggest it was not a question you had begun and then saw that the gentleman from California had risen and then sought to recognize him. What you did was after calling for the ayes, which were enunciated, you then stopped the vote and then recognized the gentleman from California.

My question to you, therefore, did you not respond to. Once the vote is in progress, and I suggest to the Speaker and those who might advise him that the RECORD will reflect that the vote had been called, it is in that context that I ask you, Mr. Speaker, not if you had started, but, in fact, we were in the progress of a vote.

The SPEAKER pro tempore. The Chair made a ruling. An appeal was taken. The Chair next stated the question. The Chair next began to put the question but, in fact, we were in the progress of a vote.

Mr. HOYER. Mr. Speaker, on that I would propound this.

The question was taken; and the Record will reflect that the vote was taken. The business before the House is the motion to table.

Mr. SABO. I am just curious, did the Speaker call for a vote, and did I hear some people vote aye?

The SPEAKER pro tempore. The gentleman from California was seeking recognition. The Chair next began to put the question.

The Chair has recognized the gentleman from California and his motion to table, and that is the business before the House.

The Speaker calls for a vote, and did I hear the gentleman from California rise?

The SPEAKER pro tempore. The Speaker pro tempore announced that the motion to table.
The SPEAKER pro tempore (Mr. Pomeroy) moves to recommit the bill to the House forthwith with the following:

Mr. POMEROY. Yes, I am.

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Mr. POMEROY. Yes, I am.
It would exclude all estates from taxation at the $3 million level and $6 million joint level beginning January of next year. In 2009, it would move as the present law affords to the $3.5- and $7 million, excluding all estates below that.

Many of us believe that the estate tax needs reform, and we think this reform at the levels $7 million joint exclusion from 2009 and thereafter is very meaningful reform indeed, and, in fact, it makes the estate tax go away for 99.7 percent of the people in this country.

Yet it compares very favorably in cost impact to the Thomas proposal before the House; indeed, 40 percent of the costs of outright repeal for the motion to recommit compared to the Thomas proposal, which, when fully phased in years 2010 to 2020, costs 80 percent, maybe even more. We estimate at least $800 billion will be lost, and we mean actually borrowed because we are in deep deficits.

It is a small number, in March, that you take the tax off some, somebody else is probably going to have to pick up the tab. So here you have got a tax that is of no consequence to 99.7 percent of the people in this country. We are going to respect the other 0.3 percent. We will raise the national borrowing limit in March, all of this driven by out-of-control deficits, and here you are about to advance a proposal that would lose $800 billion in the next decade, the very decade when 78 million Americans will move into the workplace. We have got solemn commitments, the promise of Medicare and the promise of Social Security, and there is no way in the world we have the funding base, particularly if the Thomas alternative would become law, to meet those promises to the American people.

So I say this: Let us pass this motion to recommit. Let us give estate tax relief to 99.7 percent of the people in this country, and let us retain some ability to pay for the Social Security, Medicare, and the really important education and health care that we must pay for.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit. The SPEAKER pro tempore. The gentleman from North Dakota is recognized for 5 minutes in support of his motion.

Mr. POMEROY. Mr. Speaker, I am going to be brief with the 5 minutes allocated for this side. I do not intend to use all of it, with the reason we are presenting this information and this alternative under the motion to recommit is because the Rules Committee, when offering this House a so-called compromise on the estate tax reform, only allowed one version and did not allow the minority even the opportunity to offer a different level of compromise. So we have to use this motion to recommit, and I will tell you quickly what it does.
The vote was taken by electronic device, and there were—ayes 289, noes 156, not voting 8, as follows:

AYES—289

Noes—156

[Roll No. 314]

AYES—182

Mr. CUELLAR changed his vote from "no" to "aye." So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

Mr. RANGEL. The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. RANGEL. Is this at this stage a motion to adjourn in order?

The SPEAKER pro tempore. The motion to adjourn is not in order.

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

RECORDED VOTE

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

A recorded vote was ordered.

A Speaker pro tempore. This will be a 5-minute vote.

[Roll No. 315]
July 6, 2006
CONGRESSIONAL RECORD—HOUSE
H4467
MESSAGES FROM THE PRESIDENT
A message in writing from the President of the United States was communicated to the House by Mr. Wanda Evans, one of his secretaries.

MESSAGE FROM THE PRESIDENT

Mr. NUSSELE. Mr. Speaker, pursuant to House Resolution 886, I call up the bill (H.R. 4890) to amend the Congressional and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 886, the bill is considered read. The text of the bill is as follows:

H.R. 4890

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 “Legislative Line Item Veto Act of 2006”.

SEC. 2. LEGISLATIVE LINE ITEM VETO.

(a) In General.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking part E and inserting the following:

“PART E—LEGISLATIVE LINE ITEM VETO

“SEC. 1021. (a) Proposed Rescisions.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any amount of discretionary budget authority or the rescission, in whole or in part, of any item of direct spending.

“(b) Transmittal of Special Message.—

“(1) Special Message.—

“(a) In General.—The President may transmit to Congress a special message containing any dollar amount of discretionary budget authority or any item of direct spending.

“(b) Contents of Special Message.—Each special message shall specify, with respect to the budget authority or item of direct spending proposed to be rescinded—

“(i) the amount of budget authority or the specific item of direct spending that the President proposes be rescinded;

“(ii) any account, department, or establishment therein, and any fiscal year or fiscal years for which the amount of budget authority or item of direct spending is proposed to be rescinded;

“(iii) any reasons why such budget authority or item of direct spending should be rescinded;

“(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year of the proposed rescission;

“(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission;

“(vi) a draft bill that, if enacted, would rescind the budget authority or item of direct spending proposed to be rescinded in that special message;

“(2) Enactment of Rescission Bill.—

“(A) Deficit Reduction.—Amounts of budget authority or items of direct spending which are rescinded pursuant to enactment of a bill as provided under this section shall be dedicated only to deficit reduction and shall not be used as an offset for other spending increases;

“(B) Adjustment of Committee Allocations.—Not later than 5 days after the date of enactment of a rescission bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels section 302(a) to reflect the rescission, and the appropriate committees shall report revised allocations pursuant to section 302(b), as appropriate.

“(C) Adjustments to Caps.—After enactment of a rescission bill as provided under this section, the Office of Management and Budget shall revise budget levels pursuant to the Balanced Budget and Emergency Deficit Control Act, as appropriate.

“(D) Procedures for Expedited Consideration.—

“(1) In General.—

“(2) Authorization.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of each House shall introduce (by request) a bill to rescind the amounts of budget authority or items of direct spending, as specified in the special message and the President’s draft bill. If the bill is not introduced as provided in the preceding sentence in either House, on the third day after the date of receipt of that special message, any Member of that House may introduce the bill.

“(3) Consideration and Reporting.—The bill shall be referred to the appropriate committee. The committee shall report the bill without substantive revision and with or without recommendation. The committee shall report the bill not later than the fifth day of session of that House after the date of introduction of the bill in that House. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

“(4) Final Passage.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on a motion in the House of Representatives on a motion to reconsider the vote by which the motion is agreed to or disagreed to.

“(5) Limitations on Debate.— Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to reconsider the bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

“(6) Appeals.—Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

“(7) Application of House Rules.—Except to the extent specified in this section, consideration of a bill under this section shall be governed by the Rules of the
House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3) CONSIDERATION IN THE SENATE.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

"(B) LIMITS ON DEBATE.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

"(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

"(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

"(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

"(F) CONSIDERATION OF THE HOUSE BILL.—

"(1) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), then the Senate may consider, and the vote under paragraph (1)(C) may occur, the House companion bill.

"(2) Early availability.—If the Senate votes, pursuant to paragraph (1)(C), the Senate may consider, and the vote under paragraph (1)(C) may occur, the House companion bill to the bill introduced in the Senate if the Senate receives the House companion bill to the bill in the Senate prior to the vote required under paragraph (1)(C) and not more than 1 hour after the vote required under paragraph (1)(C).

"(G) DEFINITIONS.—For purposes of this section—

"(i) the term ‘appropriation law’ means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

"(ii) a ‘deferral’ has, with respect to any dollar amount of discretionary budget authority, the same meaning as the phrase ‘deferral of budget authority’ defined in section 1011(1) in part B (2 U.S.C. 682(1));

"(iii) the term ‘discretionary budget authority’ means the entire dollar amount of budget authority and obligation limitations—

"(A) specified in an appropriation law, or the entire dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

"(B) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

"(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

"(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law;

"(E) represented by the product of the estimated procurement cost and the total quantity of items for which budget authority is provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

"(F) the terms ‘rescind’ or ‘rescission’ mean to modify or repeal a provision of law to prevent—

"(A) budget authority from having legal force or effect;

"(B) in the case of entitlement authority, to prevent the specific legal obligation of the United States from having legal force or effect; and

"(C) in the case of the food stamp program, to prevent the specific provision of law that provides such benefit from having legal force or effect;

"(G) the term ‘direct spending’ means budget authority provided by law (other than an appropriation law); entitlement authority; and the food stamp program;

"(H) the term ‘direct spending’ means any specific provision of law enacted after the effective date of the Legislative Line Item Veto Act of 2006 that is estimated to result in a change in budget authority or outlays for direct spending relative to the most recent levels calculated pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and that have included with a budget submission under section 1105(a) of title 31, United States Code, and with respect to estimates made after that budget submission that are not included with it, estimates consistent with the economic and technical assumptions underlying the most recently submitted President’s budget;

"(I) the term ‘suspension’ means, with respect to an item of direct spending or a targeted tax benefit, to stop for a specified period, in whole or in part, the carrying into effect of the specific provision of law that provides such benefit; and

"(III) the term ‘targeted tax benefit’ means—

"(i) any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preferential tax treatment for purposes of the Internal Revenue Code of 1986 in any fiscal year for which the provision is in effect; and

"(ii) any Federal tax provision that provides temporary or permanent transitional relief for 10 or fewer beneficiaries in any fiscal year from a change to the Internal Revenue Code of 1986.

"(B) A provision shall not be treated as described in subparagraph (A)(i) if the effect of that provision is that—

"(i) all persons in the same industry or engagement, or all persons by type of activity receive the same treatment;

"(ii) all persons owning the same type of property, or issuing the same type of debt or investment, receive the same treatment; or

"(iii) any difference in the treatment of persons is based solely on—

"(IV) in the case of businesses and associations, the size or form of the business or association involved;

"(V) in the case of individuals, general demographic conditions, such as income, marital status, number of dependents, or tax-return-filing status;

"(VI) the amount involved; or

"(VII) a generally-available election under the Internal Revenue Code of 1986.

"(2) In the case of a provision described in paragraph (A)(i) if—

"(I) it provides for the retention of prior law with respect to all binding contracts or other legally enforceable obligations in existence on a date contemporaneous with congressional action analyzing such date; or

"(ii) it is a technical correction to previously enacted legislation that is estimated to have no revenue effect;

"(B) a provision shall not be treated as described in paragraph (A)(ii) if—

"(I) it provides for the retention of prior law with respect to all binding contracts or other legally enforceable obligations in existence on a date contemporaneous with congressional action analyzing such date; or

"(ii) it is a technical correction to previously enacted legislation that is estimated to have no revenue effect;

"(C) a provision shall not be treated as described in paragraph (A)(ii) if—

"(I) it provides for the retention of prior law with respect to all binding contracts or other legally enforceable obligations in existence on a date contemporaneous with congressional action analyzing such date; or

"(ii) it is a technical correction to previously enacted legislation that is estimated to have no revenue effect;
"(b) Application to Targeted Tax Benefits.—The President may propose the repeal of any targeted tax benefit in any bill that includes such a benefit, under the same conditions and subject to the same Congressional consideration, as a proposal under this section to rescind an item of direct spending.

(b) Exercise of Rulemaking Powers.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "and 1017(9)," and

(2) in subsection (d), by striking "section 1017(9)" and inserting "sections 1017 and 1021,"

(d) Clerical Amendments.—(1) Section 1(a) of the Balanced Budget and Impoundment Control Act of 1985 is amended by—

(A) striking "Parts A and B" before "title X" and inserting "Parts A, B, and C;" and

(B) striking the last sentence and inserting at the end the following new sentence: "Part C of title X also may be cited as the "Legislative Line Item Veto Act of 2006.""

(2) Table of Contents.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the following for part C of title X and inserting the following:

"PART C—Legislative Line Item Veto"

"Sec. 1021. Expedited consideration of certain legislative instructions.

Sec. 1023. Effective date.

Sec. 1025. Severability.

Sec. 1027. Title X of the Congressional Budget and Impoundment Control Act of 1974, as amended by sections 1019 and 1020, respectively, and title X of the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

Sec. 1029. Trust funds and special funds."

(3) In General.—The President may transmit to the Congress a special message proposing to cancel any dollar amounts of discretionary budget authority, items of direct spending, or targeted tax benefits.

(4) Amendments to Special Message.—Each special message related to the discretionary budget authority, items of direct spending, or targeted tax benefits that the President proposes to cancel;"
“(3) Considertion in the Senate.—

“(A) Motion to Proceed to Consideration.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall be made by the President and may be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

“(B) Limits on Debate.—In the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to sub-paragraph (1)(C)), the Senate may consider, and the vote under paragraph (1)(C) may occur on, the House companion bill.

“(C) Appeals.—In the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

“(D) Motion to Limit Debate.—A motion in the Senate to further limit debate on a bill under this subsection is not in order.

“(E) Motion to Reconsider.—A motion to reconsider a bill under this subsection is not in order.

“(F) Consideration of the House Bill.—

“(i) In General.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), and the Senate may consider, and the vote under paragraph (1)(C) may occur on, the House companion bill.

“(ii) Procedure After Vote on Senate Bill.—In the Senate, pursuant to paragraph (1)(C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill to the Senate bill, the Senate shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

“(G) Amendments Prohibited.—No amendment to, or motion to strike a provision from, a bill considered under this section shall be in order either in the Senate or the House of Representatives.

“Presidential Deferral Authority

“Sec. 1013. (a) Temporary Presidential Authority to Withhold Discretionary Budget Authority.

“(1) In General.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period not to exceed 45 calendar days from the date the President transmits the special message to the Congress.

“(2) Early Availability.—The President shall terminate the suspension of any targeted tax benefit described in this section on the date specified by the President if the President determines that the suspension of the benefit would not further the purposes of this Act.

“(3) Identification of Targeted Tax Benefits—

“(a) Statement.

“(1) In General.—The chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate acting jointly (hereafter in this subsection referred to as the Committee of conference of the two Houses) shall make a report to the Committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any targeted tax benefits. The chairmen shall provide to the Committee of conference a statement identifying any such targeted tax benefits or declaring that the bill or joint resolution does not contain any targeted tax benefits. A targeted tax benefit shall be made available to any Member of Congress by the chairmen immediately upon request.

“(2) Statement Included in Legislation.—

“(A) In General.—Notwithstanding any other rule of the House of Representatives or any rule or precedent of the Senate, any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 shall be prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any targeted tax benefits. The chairmen shall provide to the Committee of conference a statement identifying any such targeted tax benefits or declaring that the bill or joint resolution does not contain any targeted tax benefits. A targeted tax benefit shall be made available to any Member of Congress by the chairmen immediately upon request.

“(B) Approval Bill.

“(1) In General.—A proposed or approved appropriation bill shall be prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any targeted tax benefits or declaring that the bill or joint resolution does not contain any targeted tax benefits. The chairmen shall provide to the Committee of conference a statement identifying any such targeted tax benefits or declaring that the bill or joint resolution does not contain any targeted tax benefits. A targeted tax benefit shall be made available to any Member of Congress by the chairmen immediately upon request.

“(2) Application.—The separate section permitted under subsection (a) shall read as follows: ‘Section 1021 of the Congressional Budget and Impoundment Control Act of 1974 shall apply to...’

“(3) With the blank spaces being filled in with—

“(A) in any case in which the chairmen identify targeted tax benefits in the statement required under subsection (a), the word ‘only’ in the first blank space and a list of all of the specific provisions of the bill or joint resolution identified by the chairmen in such statement in the second blank space.

“(B) in any case in which the chairmen declare that there are no targeted tax benefits in the statement required under subsection (a), the word ‘not’ in the first blank space and the phrase ‘any provision of this Act’ in the second blank space.

“(4) Identification in Revenue Estimate.—With respect to any target benefit described in the reconciliation bill or joint resolution with respect to which the chairmen provide a statement under subsection (a), the Joint Committee on Taxation shall—

“(i) in the case of a statement described in subsection (b)(2)(A), list the targeted tax benefits identified by the chairmen in such statement in any revenue estimate prepared by the Joint Committee on Taxation for the revenue reference report which accompanies such bill or joint resolution,

“(ii) in the case of a statement described in subsection (b)(2)(B), list the targeted tax benefits identified by the chairmen in such statement in any revenue estimate prepared by the Joint Committee on Taxation for the revenue reference report which accompanies such bill or joint resolution,

“(2) In the case of a statement described in subsection (b)(2)(B), indicate in such revenue estimate that no provision in such bill or joint resolution has been identified as a targeted tax benefit.

“(3) President’s Authority.—If any revenue or reconciliation bill or joint resolution is signed into law—

“(A) in the case of a bill signed with a separate section described in subsection (b)(2), the President may use the authority granted in this section only with respect to any targeted tax benefit specified in the law, if any, identified in such separate section; or

“(B) without a separate section described in subsection (b)(2), the President may use the authority granted in this section with respect to any targeted tax benefit in that law.

“TREATMENT OF CANCELLATIONS

“Sec. 1015. The cancellation of any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed cancellations contained in that bill shall be null and void and any such dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit shall be made available for obligation or item of direct spending or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

“DEFINITIONS

“Sec. 1017. As used in this part—

“(1) Appropriation.—The term ‘appropriation law’ means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

“(2) Approval Bill.—The term ‘approval bill’ means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority, items of direct spending, or targeted tax benefits, is not made available for obligation or item of direct spending or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

“(3) Statement.—

“(A) in any case in which the chairmen identify targeted tax benefits in the statement required under subsection (a), the word ‘only’ in the first blank space and a list of all of the specific provisions of the bill or joint resolution identified by the chairmen in such statement in the second blank space.

“(B) in any case in which the chairmen declare that there are no targeted tax benefits in the statement required under subsection (a), the word ‘not’ in the first blank space and the phrase ‘any provision of this Act’ in the second blank space.

“(C) with the blank spaces being filled in with—

“(1) in the case of a statement described in subsection (b)(2)(A), list the targeted tax benefits identified by the chairmen in such statement in any revenue estimate prepared by the Joint Committee on Taxation for the revenue reference report which accompanies such bill or joint resolution,

“(2) in the case of a statement described in subsection (b)(2)(B), list the targeted tax benefits identified by the chairmen in such statement in any revenue estimate prepared by the Joint Committee on Taxation for the revenue reference report which accompanies such bill or joint resolution,

“(3) President’s Authority.—If any revenue or reconciliation bill or joint resolution is signed into law—

“(A) in the case of a bill signed with a separate section described in subsection (b)(2), the President may use the authority granted in this section only with respect to any targeted tax benefit specified in the law, if any, identified in such separate section; or

“(B) without a separate section described in subsection (b)(2), the President may use the authority granted in this section with respect to any targeted tax benefit in that law.

“TREATMENT OF CANCELLATIONS

“Sec. 1015. The cancellation of any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed cancellations contained in that bill shall be null and void and any such dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit shall be made available for obligation or item of direct spending or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

“DEFINITIONS

“Sec. 1017. As used in this part—

“(1) Appropriation.—The term ‘appropriation law’ means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

“(2) Approval Bill.—The term ‘approval bill’ means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority, items of direct spending, or targeted tax benefits, is not made available for obligation or item of direct spending or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

“(3) Statement.—

“(A) in any case in which the chairmen identify targeted tax benefits in the statement required under subsection (a), the word ‘only’ in the first blank space and a list of all of the specific provisions of the bill or joint resolution identified by the chairmen in such statement in the second blank space.

“(B) in any case in which the chairmen declare that there are no targeted tax benefits in the statement required under subsection (a), the word ‘not’ in the first blank space and the phrase ‘any provision of this Act’ in the second blank space.

“(C) with the blank spaces being filled in with—

“(1) in the case of a statement described in subsection (b)(2)(A), list the targeted tax benefits identified by the chairmen in such statement in any revenue estimate prepared by the Joint Committee on Taxation for the revenue reference report which accompanies such bill or joint resolution,

“(2) in the case of a statement described in subsection (b)(2)(B), list the targeted tax benefits identified by the chairmen in such statement in any revenue estimate prepared by the Joint Committee on Taxation for the revenue reference report which accompanies such bill or joint resolution,
Law.

than an appropriation law) that mandates the
erning committee report accompanying such
cluded in the statement of managers or the gov-
of items specified in an appropriation law or in-
mated procurement cost and the total quantity

programs, projects, or activities for which budg-
expenditure of budget authority from accounts,
program, project, or activity in a law (other
or effect;

(C) in the case of the food stamp program, to
present the specific provision of law that pro-
vides such benefit from having legal force or ef-
fect;

(D) a targeted tax benefit from having legal force or effect; and

to make any necessary, conforming statutory
change to ensure that such targeted tax benefit
is not implemented and that any budgetary re-
sources are appropriately canceled.

(3) OMB.—The term "OMB" means the Direc-
tor of the Office of Management and Budget.

(10) OMNIBUS RECONCILIATION OR APPROPRIA-
TION MEASURE.—The term 'omnibus reconcili-
ation or appropriation measure' means—

(A) in the case of a single bill (as defined in
section 1105(a) of title 31, United States Code, in the
first year or the 5-year period for which the item is
effective. However, such item does not include
an extension of budget authority to fund direct
spending, but instead only refers to provi-
sions of law that increase such direct spending.

(b) Upon the receipt of a special message
under section 1011 proposing to cancel any item
of direct spending, the Director of the Congres-
sional Budget Office shall prepare an estimate
of the savings in budget authority or outlays res-
ulting from such proposed cancellation relative
to the most recent levels calculated consistent
with the methodology used to calculate a base-
line under section 257 of the Balanced Budget
and Emergency Deficit Control Act of 1985 and in-
cluded with the budget submission under section
1105(a) of title 31, United States Code, in the
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sions of law that increase such direct spending.

(9) OMB.—The term "OMB" means the Direc-
tor of the Office of Management and Budget.

(10) OMNIBUS RECONCILIATION OR APPROPRIA-
TION MEASURE.—The term 'omnibus reconcili-
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(9) OMB.—The term "OMB" means the Direc-
tor of the Office of Management and Budget.
vote against the entire bill, most of which is for legitimate purposes. So we are never going to completely eliminate the appetite on both sides of the aisle for tacking onto these large bills special-interest projects. But what we can do and what we continue to try to do is to reform the process and minimize the impact of these wasteful items on the taxpayer.

That brings us to the bill at hand. The Legislative Line Item Veto Act of 2006 introduced by the gentleman from Wisconsin is another powerful tool. It provides an additional effective tool for reducing wasteful spending. It is endorsed, it is cosponsored by a bipartisan majority of this House, men and women on both sides of the aisle, that for years on both sides of the aisle in a bipartisan way have been working not only to reform the budget process, but to figure out ways to adopt a so-called line item veto.

President, for time immemorial, have called Congress for not working on this. Our President today has done the same. We need to get this done. We need to put it into law. We need to try it with a sunset attached in order to make sure that we can move this down the budget process. Don’t use the excuse that this is not a perfect bill. Don’t use the excuse that this is somehow the wrong time. That’s an excuse in an election year when you don’t want to go home and explain to your constituents why every time you cosponsored it, why every time you voted for it, except this time. This time somehow it is not perfect; this time somehow it is political; this time the timing just doesn’t quite seem right. Those are not excuses that will hold water with the constituents back home.

We need to take this opportunity to do what is right and move the Legislative Line Item Veto Act of 2006.

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

Mr. SPRATT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I can’t help but notice the juxtaposition on the estate tax bill that will decrease revenues by $233 billion over its first 10 years of implementation and this bill which comes to us wearing the mantle of fiscal responsibility, but will barely dent the addition to the deficits we just made if that bill becomes law.

Mr. Speaker, I have written and brought to the floor of this House and seen to passage at least two, maybe three, expedited rescission bills back in the 1990s. But I can’t bring those bills to this floor today because the Rules Committee won’t let me. They shut me out 100 percent. Every amendment I requested was rejected, even though they were serious and substantive amendments to the bills.

So I would say to others who were here on previous occasions: Look at this bill carefully because it is not the same bill we have voted upon before.

This bill allows the President a window of 45 days in which to pick items to be rescinded. It allows the President to send five rescission bills for every appropriation bill. Five times 11, there are 55 appropriation bills, equals 55. If we have a President who makes full use of that, we are inviting chaos.

The original bill and the substitute I would have offered provide the President 10 days, which is enough. Furthermore, the more time you give the President, the more apt that the cuts have to be for political purposes rather than budgetary purposes. Ten days is enough for a budgetary review.

Secondly, this bill allows the House, us, Congress, to vote up or down. That’s it, no amendments, no way that we can pull through the list that the President sends back up here and pick out what is a worthy project and make the case for them.

The original bill which we voted upon before and my substitute allowed a Member to go and seek removal of a worthy spending item from the rescission list.

Next, this bill allows the President to strike something called direct spending items. That’s budget talk for Social Security, Medicare, veterans benefits, agriculture benefits, on and on. What we have in this bill in a fast track, an expedited track to passage, summary treatment of things that the President sends up here that are supposed to be turned around in less than 30 days, and that is no way to decide substantive changes in Medicare and Social Security, but that is what this bill provides.

The original bill and my substitute have no mention of Medicare or Social Security direct spending in it. It applied to discretionary spending, as it should.

This bill allows the President to strike targeted tax benefits. So did the original bill. I offered that amendment. But this bill defines targeted tax benefits to mean those with fewer than 100 beneficiaries. That was a targeted tax benefit.

This bill defines the number down to one beneficiary and lets the Ways and Means Committee chairman be the arbiter of that. This is a sham. It is a serious deficiency in this bill, and it distinguishes this bill from the others that have come before it.

This bill allows the President to impose a 90-day impoundment on spending items for which he seeks rescission, but by the track set up in this bill, it will only take 30 days for a rescission to run its course. Why not simply confine the amount of impoundment time to 30 days? Mingling close to the amount of time it will take to consider a rescission request?

This may seem like a small point, but we are giving a substantial grant of authority to the President. If it is not used or not used in a way that we approve, then we better keep it on tight rein. This bill sunsets in 6 years. We would sun set it in 2 years. Keep it on a
tight rein in case it is abused. It may be a small point, but it could be a major point as well.

There are other things that we would have proposed in amendments that we would offer that would make this bill better. The gentleman just talked about earmarks. We put earmark reforms in our substitute. You will not find the word “earmark” anywhere in this bill.

If you are going to do this, and your objective is to take down the deficit, then let’s put something in here known to work toward that end, and that is the PAYGO rule. It worked so well for us in the 1990s and can work again for us. Why not use this moving vehicle in the name of fiscal responsibility to pass PAYGO as well as rescission? If we did something like that, you truly would have a bipartisan bill.

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

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the chairman of the Appropriations Committee, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I congratulate the gentleman from Wisconsin (Mr. RYAN) for the work he has done on this very important bill. We have had our differences, but in the meantime he has been more than cooperative.

Mr. Speaker, I rise in opposition to the Legislative Line Item Veto Act. My opposition is based on Congress’s experience with previous efforts to give the President line item veto authority, as well as my serious concerns over what this bill would do to the balance of budgetary power between the Legislative and Executive Branches.

During 1997, President Clinton exercised his authority under the Line Item Veto Act of 1996 to cancel spending authority or tax benefits 82 times. The cumulative change in discretionary budget authority amounted to $479 million, or less than three one-hundredths of one percent of the total fiscal year 1998 Federal budget. The cancellations made during this period were mired in controversy. On October 6, 1997, President Clinton cancelled $287 million for 38 military construction projects in 24 States. Soon after the cancellations were announced, the administration admitted, in response to bipartisan criticism, that they had used flawed information in deciding to cancel nearly 300 projects.

The administration used three criteria in making these decisions. The cancelled projects: (1) were not requested by the military; (2) could not make contributions to the national defense in fiscal year 1998; and (3) would not benefit the quality of life of military personnel. These criteria were applied by the bureaucrats within the White House andOMB without consulting either the Department of Defense or the Members of Congress who sponsored the projects.

Congress’s motivation for funding many of these projects was to make a statement to the National Command and Control Facility at Fort Irwin, CA, would enable the Army to safely train personnel in the live firing of ordnance. Renovation

Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, I am pleased to be bringing this bill to the floor today, and I would like to explain why we are doing this, why this is needed.

Just last year, according to the CRS or Citizens Against Government Waste, whichever group you want to talk about, we had over 10,000 earmarks here, totaling almost $28 billion.

Mr. Speaker, not every one of those earmarks came in just conference reports, but many of them did.

Mr. Speaker, we need more transparency and more accountability in how we spend the taxpayer dollars. In particular, Mr. Speaker, we ought to have the ability to be able to have votes on the individual merits of spending items, particularly those that we never have a chance to vote on, things that go into conference reports.

The earmark reform legislation that we passed earlier this year did a lot to address bringing more transparency and accountability to the spending system as bills come to the floor. This is a perfect complement to that, the legislative line item veto, because after bills are considered, after conference reports are dealt with, we often find out that in conference a lot of things get put into those bills that we didn’t get a chance to scrutinize. We ought to be able to vote on those things.

And I want to get to the constitutional point in just a moment. Here is exactly how the process is laid out under this constitutional legislative line item veto: number one, after a bill becomes law, the President identifies an item of discretionary spending, direct spending or special interest tax break in legislation that is being signed into law. The President then submits a special message to Congress, no more than five, asking for the rescission of a spending item. After receiving this bill or messages, the House and the Senate have a total of 14 legislative days to bring it to the
And because of that, we have made six pious notes of, which I took to heart. Weeks ago, which I took very, very close. In particular, he brought six items of concern to the committee. 3. Watched this process for many years for the sake of a few of our country’s wealthiest families is evidence enough of where the priorities of the Bush administration and the Republican congressional leadership lie.

In fact, the line item veto has very little to do with budgeting at all. It has to do with power, presidential power. The shift of constitutional power from Congress to the executive branch has greatly accelerated since the 1990s. As congressional scholars Tom Mann and Norm Ornstein observe, the Republican Congress, under the administration of George W. Bush, has featured “a general obedience to presidential initiative and passivity in the face of Presidential power.”

This bill would tilt the balance of power even further in the direction of the White House. Specific provisions of the bill would give the President inordinate control over the appropriations process. For example, the President could cherry-pick from among a wide range of provisions, authorizations or appropriations, discretionary or mandatory, and package them together in whatever way he saw fit, requiring Congress to act up or down on the entire package.

This bill would give the White House unprecedented leverage over Congress by allowing the President to condition his support for our priorities on the acquiescence in his priorities. It is for this exact reason that many experts believe this bill would actually increase government spending, not reduce it. Now, Mr. Speaker, I will take a back seat to no one in targeting bridges to nowhere and other examples of congressional waste. But I also know this: Presidents almost invariably ask for more money than Congress is willing to appropriate. The profligacy of our current President is well documented.

The line item veto is not about spending versus saving. It is about letting the President, not Congress, decide what we are spending money on. Mr. Speaker, if the leadership of this House were serious about getting our finances in order, it would never have abandoned the pay-as-you-go rules, which helped produce balanced budgets and even surpluses in the 1990s. And it would reinstate those rules today, as proposed by Mr. SPRATT’s substitute. The Spratt substitute would also have addressed several other key weaknesses of H.R. 4890. But once again, the Republican leadership бюх the rules to deny us a vote on it. Instead, we get this fig-leaf bill designed to hide the fiscal sins of this Republican Congress from the American public.

Mr. Speaker, the House of Representatives has three fundamental powers: declaring war, conducting oversight, and the power of the purse. We have already gone a long way to sacrifice the first two to the executive branch. Do we really want to give away the only one we have left?

I urge my colleagues to oppose this misguided legislation.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the distinguished majority whip, Mr. BLUNT.

Mr. BLUNT. Mr. Speaker, today I come to the floor in support of this bill, the Line Item Veto Act, and I applaud Congressman PAUL RYAN for his hard work on this legislation.

The Line Item Veto Act will work to eliminate wasteful spending, safeguard against questionable appropriation decisions, and further protect taxpayers’ dollars from waste, fraud and abuse. It becomes another important tool that helps us restrain spending and meets the constitutional test that the line item veto given to the President during the Clinton administration but reversed by the Supreme Court could not meet. It may not be everything that line item veto was, but I think Mr. RYAN has worked hard to make it everything it could be and meet that constitutional standard.

At the same time, it increases transparency in the process, it protects legitimate spending requests that direct funds to carry out important projects that benefit Americans, and it also gives Congress the final word in that important constitutional responsibility that the previous speaker mentioned.
was uniquely given to us. We bring someone else into this process in a way that helps. It will make a difference. I think it is more than barely a dent, but even a dent becomes another tool, makes a difference. I think it makes a significant difference.

Mr. RYAN has worked hard. He was given six challenges to the original proposal that he brought to this Congress. He made six significant changes. I urge my colleagues to join him in passing this bill and giving the President and this Congress the assistance that this and future Congresses need to help us restrain spending in Washington.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Speaker, I would support the proposal before this House today if there were just one additional provision, and that is something I moved during the Budget Committee last week, to reinstate and add as an amendment to this PAYGO provisions that Mr. SPRATT mentioned early.

PAYGO sounds complex. All it really is if you have a new spending proposal or a revenue proposal, the first question is, here is my proposal. The second provision is, here is how it will be paid for.

If we want to truly restore fiscal responsibility to this body, and to our Nation, then let us reinstate PAYGO that expired in 2002.

Over the last 5 years Congress has raised the debt limit four times by $3 trillion; raised the debt limit by $3 trillion in the last 5 years. The most recent was almost $900 billion in March of this year.

Unfortunately, our current fiscal carelessness is going to land squarely on the shoulders of our kids and grandkids. We are putting our children and grandchildren in a hole so deep they may never be able to climb out. Each person in this country now has their share of the national debt at $26,000.

This debt tax, Mr. Speaker, that we are imposing on our children and grandchildren cannot be repealed and can only be reduced if we take responsible steps now. We should and must reinstate PAYGO rules. In fact, former chairman of the Federal Reserve Board Greenspan testified in front of our Budget Committee, as did David Walker, the Comptroller General of our country, in favor of reinstating this rule.

Again, I would support line item veto if we had the addition of PAYGO rules. I think we need to take this measure now, and I urge people to look at this seriously and to reinstate PAYGO.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield ½ minutes to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I want to say this: as a member of the Appropriations Committee, I am proud that this year the House Appropriations Committee has eliminated 95 different programs and greatly reduced the number of Member projects and earmarks. In each year we receive about 25,000 requests for earmarks. And yet, if there is another tool out there we can use to scrutinize spending, I don’t think any of us should be afraid to do it.

I support the line item veto. I think that the compromise that Mr. RYAN has crafted to get around the questions that we, as a Congress, gave to the Democrat President Clinton administration, I think we should support this for any administration and leave party out of it.

It would give the President of the United States a tool, and it would give a self-imposed threat to this Chamber to make sure that anything that we put in the bill would stand the test of public scrutiny and transparency. If I have put an earmark in the appropriation bill, I ought to be able to defend it, and I ought to be able to defend it not just to any Democrat or Republican on the floor of the House, but to the President of the United States and to the folks back home.

I am not afraid of this. I think this is good fiscal policy. It builds on what the Appropriations Committee has already been doing in terms of eliminating 95 existing programs and bringing down Member earmarks tremendously. So I support this bill, and I hope that everybody else will.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I share my good friend from Wisconsin’s commitment to trying to lower the budget deficit.

Mr. SPRATT. Will the gentleman suspend?

I will yield you more time.

I simply want to say to my friend from Georgia, as a tool for transparency as to earmarks, we offered an amendment. The Rules Committee would not make it in order. Our substitute addresses the issue of earmarks. It reinstates the earmark reforms in the Oney bill which is now languishing in conference.

I yield the gentleman 2 minutes.

Mr. BAIRD. Mr. Speaker, I thank my ranking member.

The gentleman from Wisconsin is well intentioned. We all think, recognize the need to reduce the size of this deficit.

But there is an irony here, and the irony is this: The gentleman spoke about the need for transparency and accountability. I absolutely agree. But I would ask my friends on the majority side, if we are talking about transparency, why is it that time after time you bring bills before this body, giving us less than 24 hours to read them? Ironically, this bill gives the President 45 days to look at legislation before filing a rescission, and then we have 14 legislative days to act on that. You do not give us 14 hours to read the original bills.

We offered in the Budget Committee a proposal that would give us 72 hours, to move 2 days, to move to reduce the amount of paperwork, spending hundreds of billions of dollars. It was ruled out of order. Why is it that in our effort to establish fiscal responsibility we do not take responsibility ourselves, we hand it to the President and say keep us from signing again?

We have the authority within this body to review legislation if we would just insist that the Rules Committee pass a 72-hour rule and enforce it, not over ride it with the appropriately named “martial law” rules that they do. Let us require a full two-thirds vote of this institution before any bill is brought to this floor with less than 72 hours to read.

There is a Web site people can refer to, readthebill.org, and you can check this out. It is common sense. The public supports it. If we want to start bringing this House in order, let us bring our House in order, not give the keys to the executive branch, because I fear that the Framers would not have approved that.

I thank the ranking member for his leadership.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I thank Mr. RYAN for his leadership on this issue.

What we are dealing with today is a significant piece of puzzle that it is a puzzle. There is no question that in terms of having greater accountability and having fiscal responsibility, there are a number of steps we need to take as a Congress. And the piece today is talking about opening to the light of day, that certain earmarks that ought to be open to the light of day. And I would echo the comments of Mr. KINGSTON. If I have an earmark, I ought to be willing to put it up for an up-or-down vote. Everybody in this Congress has requested earmarks, and everyone should be comfortable defending those earmarks. And this is all about shedding the light of day on that process. And it will result, even without having a rescission, it is going to result in Members of Congress being a little more careful and being a little more substantive in the proposals they make, and it is going to make this body more accountable.

So with that in mind, I encourage my colleagues in a bipartisan fashion to embrace this work and to continue the work after this bill because, as I said, there are a number of steps we can take to encourage accountability and encourage greater fiscal responsibility.

But this is an important piece and important step.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. PETTERSON).
Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentleman for yielding.

I rise today in opposition to this bill, which threatens the ability of the Agriculture Committee to develop farm policy that addresses the new challenges that face American agriculture.

For 16 years I have represented a rural district in Congress, and during that time I have served on the Agriculture Committee, helping to write the last three farm bills. Those of us who serve on the Agriculture Committee have spent a lot of time learning about and talking to those involved in American agriculture. We have a responsibility to develop farm policy that is fiscally responsible and that keeps our farmers competitive and strong.

As the Agriculture Committee begins the process of writing the next farm bill, we will try to address the many emerging challenges that face American producers. As we consider priorities for agriculture, any new investments in bioenergy, conservation, specialty crops, and other programs, the farm bill will yield a new bill.

The farm bill has always had an uphill battle. As our country moves away from its agriculture roots, we must constantly reach out to our urban and suburban colleagues. Now we would face the reality that the President would veto the spending priorities that we set with input from all of agriculture, and, in my opinion, this could threaten the very delicate balance that we must maintain in the committee.

If we pass this bill and allow the President to cancel any new direct spending item, we will gut the Agriculture Committee's ability to create farm policy that addresses the new and changing world that our producers face.

In closing, I want to remind my colleagues that in 1993, when Democrats controlled the Congress and the Presidency, we reduced spending $392 billion over 5 years. Why is it that the Republicans that in 1993, when Democrats were doing it, yet a new bill?

The farm bill has always had an uphill battle. As our country moves away from its agriculture roots, we must constantly reach out to our urban and suburban colleagues. Now we would face the reality that the President would veto the spending priorities that we set with input from all of agriculture, and, in my opinion, this could threaten the very delicate balance that we must maintain in the committee.

If we pass this bill and allow the President to cancel any new direct spending item, we will gut the Agriculture Committee's ability to create farm policy that addresses the new and changing world that our producers face.

I am proud to be a co-sponsor of this bill and rise to ask my colleagues to vote in favor of this. I cannot help but be a little bit amused when I hear some of the opponents stand up and say that they kind of think this gives too much power to the President. It is like some brand new secret idea that the Republicans dreamed up to give a Republican President more power than he ought to have.

I just want to remind everyone this is not a brand new idea. It has been around a good while. People have pointed out that 43 governors in the States around the country have the same or similar kind of power, that we passed legislation like this through the Congress before. In fact, people have said they like it, both Democrats and Republicans.

Let me read you what one of the strongest supporters of this legislation, this line item veto, said. He said: "The farm bill is a chance to take big cuts in the Federal budget. This law gives the President the tools to cut wasteful spending, and even more important, it empowers our citizens, for the exercise of this veto or even the possibility of its exercise will throw a spotlight of public scrutiny onto the darkest corners of the Federal budget." Do you know who said that? President Clinton.

Mr. SPRATT. Mr. Speaker, I thankful my colleagues to add this tool to our arsenal. If you are serious about getting a handle on controlling spending, you will vote in favor of this.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my good friend for yielding me this time, but also for the substitute that he was hoping to offer here today so we could not have an exercise without us about the direction we need to go for fiscal responsibility in the House. Un fortunately, because of the way the rules are structured, we are prohibited from offering any amendments or this gentleman's substitute, which I think has a lot of merit.

I can understand that people with good intent, and there are many in this Chamber, can support a piece of legislation. Philosophically I agree that we need to move the heart of earmark reform. We need to move forward on earmark reform as this session progresses because this legislation alone will not deal with the issue. And I could support a piece of legislation like that if I thought there was the institutional will here in Congress and also down on Pennsylvania Avenue to finally get serious about fiscal responsibility.

But the facts are what they are, that under the Republican leadership over the last 6 years, we have had the largest, the largest, the largest, the largest, the largest increase in national debt in our Nation's history, that this President is the first President since Thomas Jefferson who has refused to veto one spending bill during his entire administration. He is not even using the rescission powers that are already granted to him that this legislation now is meant to expedite, and that is unfortunate.

The real issue. If we are going to get serious about getting back on fiscal track as a Nation, is we have got to go to what has proven to work. And what worked in the 1990s was something very simple called pay-as-you-go. It required tough budgeting decisions on both sides spending and the revenue sides that led to 4 years of budget surpluses where we were paying down the national debt rather than increasing the debt burden for our children and grandchildren and, even more importantly, becoming more dependent on foreign countries such as China to be financing our deficits today.

I am one of the institutionalists around here who feel that we have ceded too much power, too much control, too much authority to this administration or future administrations. And if anyone in this Chamber wants to stand up and claim that we are a co-equal branch of government today, they are fooling themselves. This legislation will make it clear.

Mr. RYAN of Wisconsin. Mr. Speaker, given that my friend from Wisconsin voted for virtually the same bill 2 years ago when Charlie Stenholm and I had it on the floor, I hope we can count on his support again.

Mr. Speaker, at this time I yield 1½ minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. BUDD. Mr. Speaker, I thank Congressmen RYAN and Ranking Member SPRATT.

I am a cosponsor of this legislation because my belief and my experience show me that this is an effective tool to restoring accountability in our government. Mr. Speaker, this legislation is good for our democracy and starting the process of eliminating wasteful spending in government.

This bill gives the President the latitude to recommend that appropriations, direct spending, or tax breaks be cut. These items are commonplace in nature and cross party lines. A spending item is as eligible for cancellation as a tax break. The items that are eligible for cancellation or rescission send a clear message to our constituents that we are serious about government accountability.

Common misperception holds that the President has the final say on items that he wishes to eliminate, but this is not correct. Under this legislation Congress has the final say. The President can recommend, but it is up to Congress to vote up or down on his particular cuts. Congress retains the power to say "no." There is no threat to our constitutional powers of the purse.

To address the concerns that the line item veto is a political tool, I urge my colleagues to keep in mind that neither party has a monopoly on the executive
branch. While the President is of one party today, this can certainly change tomorrow.

I urge my colleagues to vote for this bill that helps restore accountability in Washington and restores the faith of our constituents and here pretty intently. And there were two reasons like, oh, we are taking away revenue at the same time we are trying to do this, how can this be fiscally responsible?

This is not all that big a deal. The bottom line is it is another measure which is because it moves in the direction of transparency, which will help us move in the direction of perhaps balancing the budget. This itself will never balance the budget. It is too small an item as far as that is concerned. It is similar to a rainy day fund. It is similar to earmark reform or a sunset provision or a variety of other budgetary process matters that I think that we should take up in an effort as Republicans and Democrats to do this.

Mr. Speaker, I yield myself 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this bill has nothing to do with fiscal responsibility. If we were interested in fiscal responsibility, we would not have passed the tax bill just a few minutes ago that adds, over the course of just a few years, trillions of dollars in new deficits without any way to pay for it.

Mr. Speaker, 5 years ago we had a $5.5 trillion 10-year surplus. Now those 10 years look like they are going to come in at about a $3.5 trillion deficit, a $3.5 trillion deficit. If this bill had been in effect during those years and the President had used his new powers the way we might hope, we might have saved a few hundred thousand dollars, a few million, maybe even a few billion, but that is negligible compared to the $3.5 trillion that is is huge and that if the President used the new power in a fiscally responsible manner. Nothing in the bill prevents the President from using his new powers to coerce even more irresponsibility, such as using it as a hammer to coerce Members to support new tax cuts without paying for them.

Finally, Mr. Speaker, on the tax provisions, the bill only allows the President to veto teeny weeny, little targeted tax cuts, but does not allow him to veto huge, gargantuan, irresponsible, unpaid-for tax cuts.

Mr. Speaker, this path to fiscal responsibility is paved with hard choices. This ineffective gimmick is not one of them. We should not accept the bill.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 20 seconds to answer the gentleman from Virginia (Mr. SCOTT).

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Wisconsin for what he has done and for yielding.

Mr. Speaker, I would just like to add this as my own personal perspective. I was a State legislator and lieutenant governor and I was a governor. So I had this brief bit of experience in which I was worried about it, in a situation in which I used it, and then I came to Congress and I actually introduced legislation on this early on and later was a cosponsor of that legislation which became law and was later overruled by the Supreme Court.

I have heard a lot of arguments today, and I have listened to this both public and private and here pretty intently. And there were two reasons like, oh, we are taking away revenue at the same time we are trying to do this, how can this be fiscally responsible?

This is not all that big a deal. The bottom line is it is another measure which is because it moves in the direction of transparency, which will help us move in the direction of perhaps balancing the budget. This itself will never balance the budget. It is too small an item as far as that is concerned. It is similar to a rainy day fund. It is similar to earmark reform or a sunset provision or a variety of other budgetary process matters that I think that we should take up in an effort as Republicans and Democrats to do this.

This particular President, if people are concerned about that, will only be President 2½ more years. At some point we will have a different makeup of the Congress, a different makeup of the Presidency, and hopefully this will be around for 100 years.

But it is a very significant budgetary tool. The reason it is significant, Mr. Speaker, is because it allows people get together and talk about this, and people are very reluctant to proceed with something that may put in the light of day that which they may not want to see in the light of day. So you see a lot of restrictions.

It brings the executive branch and the legislative branch together in terms of planning where we are going to go as far as budgets are concerned. Unfortunately, that is not happening enough today. I think we are all concerned about budget deficits, we are all concerned about a lot of the problems which exist out there, and I think we need to work together to get this done.

So in my mind, adopting this is relatively simple. It is something we should be doing; it is something I would hope 100 percent of this Congress would support. I urge everyone to support it.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume to address an issue that Mr. RYAN spoke to just a moment ago.

This bill does apply to new direct spending items. Now, there could be some disagreement over what that means, but direct spending is mandatory spending, it is entitlement spending, and under that broad rubric falls Medicare, Medicaid, Social Security and veterans benefits.

The reason we are very concerned about broadening the reach to include mandatory programs like that is that these programs are entitlement programs, and what this bill essentially does is create a fast track, a 30-day turn-around. The President sends a bill here, we can’t amend it in committee, we can’t amend it on the floor, we only have an up-or-down vote, we have a limited amount of time for debate. It is a fast track with no substantive input from Congress, and I would hate to see us make an ill-adviced change in Social Security Medicare simply because it got wrapped up with other spending issues and was pushed through here on such a small fast track that we didn’t realize the consequences until we woke up a month or two later.

I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, in the end, there are only three essential powers that make the Congress the greatest legislative body in the history of the world. The first is the power to investigate; the second is the power to declare war; and the third is the power of the purse.

This Congress has already supinely given away most of its ability to declare war. It ceded that largely to the President.

This Congress has also engaged in a pitiful amount of oversight and investigation over the past 5 years. The only remaining power that Congress has is the power of the purse. If Members of this body want to diminish that power and further weaken the ability of the legislative body to do its job, then, by all means, vote for this underlying bill. If you think it would be a good idea to do that, then you ought to vote against it.

Can you imagine what a President like LBJ would have done with these powers to someone like Gaylord Nelson, from my own State, one of the three people who cast a vote against the original appropriation for Vietnam? LBJ would have put his arm around Gaylord’s shoulder and he would have said, Gaylord, if you can’t see your way through to be with me on this, you are going to lose an awful lot of things you care about in that budget. I will make your life miserable. I will send down rescissions again and again and again, on the wilderness, on you name it.

I believe that the most pernicious aspect of this proposal is that it will further gut the ability of Congress to review a President’s foreign policy initiatives in an independent fashion. God knows we have already failed in our responsibilities with respect to keeping an eye on the war, you are going to lose an awful lot of things you care about in that budget. I will make your life miserable. I will send down rescissions again and again and again, on the wilderness, on you name it.

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Let me be very clear: you cannot go into Social Security, Medicare and veterans benefits as we know it today. We are saying new programs. Why do we say it that way? Why any new direct spending programs?

There are 5,000-plus earmarks in the transportation bill just this last year. Why should that be taken off the table? If you did that, then the Bridge to Nowhere would be exempt from the line item veto. This is what most people who know this stuff think the Bridge to Nowhere ought to be one of the things that the President would want to go under the line item veto.

We are talking about new programs, not traditional entitlement programs that we have come to know and enjoy for many of our constituents.

Mr. Speaker, I yield 1 1/2 minutes to the distinguished gentleman from Colorado (Mr. UDALL).

I took an interest in this starting 2 years ago today, when we seemed to need some additional tools to bring these budget deficits under control. We have gone from surpluses to enormous deficits, and from reducing our national debt to increasing the debt tax on our children; and it is my opinion that the President would want to go under the line item veto.

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So, in sum, this will promote accountability. It will promote transparency. It is a small start. I believe that it balances the constitutional responsibilities between the President and the Congress; and perhaps if we pass the existing entitlement programs, we might want to fine-tune the bill while it is being considered in committee. I think the result has been to improve the bill considerably.

Mr. Speaker, under the Constitution Congress is primarily accountable to the American people for how their tax dollars are spent and spending.

By making the taxing and spending processes more transparent and specific, this bill can promote that accountability.

Of course, without knowing what the President might propose to rescind, I don't know if I would support some, all, or any of his proposals. But I do know that people in Colorado and across the country think there should be greater transparency about our decisions on taxing and spending.

And I know that they are also demanding that we be ready to take responsibility for those decisions.

This bill will promote both transparency and accountability, and so I urge its approval.

Mr. Speaker, 5 1/2 years now the Republican Congress and the administration have pursued what I have said repeatedly is the most reckless fiscal policy in the history of our Nation. I believe that.

When George Bush took office, he inherited a projected 10-year budget surplus of $5.6 trillion. There is no dispute on that. George Bush said that on the floor of this House. In March of 2001, he promised the American people, “We can proceed with tax relief without fear of budget deficits, even if the economy softens.”

Let’s compare Republican rhetoric with reality. That projected deficit surplus has been turned into a projected budget deficit of some $4 trillion, a historical fiscal turnaround of more than $9 trillion.

Republicans have created the four largest budget surpluses in American history. We Democrats have co-sponsored in this House or in the Senate or in the Presidency. It has been Republicans alone that have created these deficits.
They have raised the debt limit four times, and House Republicans have voted to increase it by an additional $633 billion, to a total of $9.6 trillion. Let me repeat: we had a $5.6 trillion surplus in January of 2001, according to President Bush. To now have an authorized deficit of $9.6 trillion.

They have spent every single nickel of Social Security money. It is no wonder that former Republican House majority leader Dick Armey of Texas told the Wall Street Journal in 2004, “I’m sitting here, and I’m upset about spending. There’s no way I can pin that on the Democrats. Republicans own the town now.”

Given their record, I think it takes some audacity, chutzpah perhaps would be a better word, for our Republican friends to come to this floor today with this so-called Legislative Line Item Veto Act and bemoan the growth in Federal spending and the dire fiscal condition of our country! Created by whom? Created by them. Republicans, after all, own the town, as I said Dick Armey noted.

Yet the President has failed to veto one bill. We are talking about a line item veto! This President has not vetoed a bill in over 195 years in this Nation and he hasn’t vetoed anything. All of the spending has been marked “approved” by George W. Bush, the President of the United States. He doesn’t exercise vetoes.

This Republican majority refuses to embrace the one real method of restraining spending and restoring fiscal discipline, the pay-as-you-go budget rules that applied to both spending and taxes and were adopted, I tell my Republican friends, in bipartisan votes in 1990 and again in 1997.

But you jettisoned them. Why did you jettison them? You jettisoned those rules because you knew you couldn’t fit your tax cuts into them. You didn’t have the courage to cut spending to meet your tax cuts. That is a fair policy. If you don’t want to spend, fine. If you want to cut taxes, fine. Cut spending. That is a fair policy. You haven’t done that.

You cut revenues, and you increased very substantially revenues, period. And don’t talk to me about the war. You included spending very radically on entitlement programs, the biggest increase in entitlement spending since 1965 on your watch, with very little help from Democrats, who overwhelmingly voted against those increases.

As the New York Times stated on Monday: “The line item veto bill is an attempt to look tough while avoiding the tried-and-true, and truly tough, deficit fix: reinstating the original pay-as-you-go rules.”

Mr. Speaker, this bill is very different from versions introduced in the 1990s. This President fails, to include PAYGO rules, but also applies to mandatory programs, including Medicare and Social Security. It gives the President 45 days to send a rescission message and fails to give Congress the power to amend the rescission package.

We are the policymakers. Article I. This Congress is the most compliant, complicit Congress perhaps in history in terms of being a lap dog for the President of the United States. We are the check. We are not a coequal branch. We are not a branch to ask leave of the President to take action.

The majority, unfortunately, refused to allow us to consider the substitute that the gentleman from Maryland offered. Don’t you have the courage to argue the merits of your case and let us argue the merits of our case and have a vote? Are you so afraid of the alternatives that you won’t even allow the vote? We ought to vote to this down. It is a ruse, it is a fraud, it is a sham.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to the gentleman from Texas, I would simply say, don’t you have the courage to argue the merits of your case and let us argue the merits of our case and have a vote? Are you so afraid of the alternatives that you won’t even allow the vote?

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Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, first I want to congratulate the gentleman from Wisconsin for his principled leadership in the area of the budget and to bring the line item veto back to the House. But watching this debate, Mr. Speaker, I find it both sad and amusing to see how many Democrats who have supported line item veto in the past now oppose it. In trying to account for this opposition, we are now witnessing acrobatics and contortions that we haven’t seen since the circus came to town.

The line item veto has been supported by such Democrats as President Bill Clinton, Vice President Al Gore, Senator John Kerry. The last time it was enacted in this body and became law over two-thirds of the Democrats voted for it.

But, Mr. Speaker, it is now an election year. The Democrat leadership again says no. But no is not an agenda; no is not a vision. And by saying no to the legislative line item veto, Democrats are saying yes to more wasteful spending.

Mr. Speaker, we know that almost every Governor in America already has some form of the line item veto to help combat wasteful spending. It brings transparency and accountability into a process that sorely needs it.

Now, this bill before us is frankly a very simple one. It allows the President to highlight examples of wasteful spending, submit them to Congress on an expedited basis, and have Congress vote on it. That is all it does. Nothing more, nothing less. But what is really important, Mr. Speaker, is that the savings, the resulting savings can only be spent on deficit relief. Democrats can’t have it both ways. They can’t oppose the legislative line item veto and then claim to be for deficit reduction. It cannot be done.

Now, we have just been lectured and the issue of responsibility from the gentleman from Maryland, but let us examine the record of the Democrats. For the last 10 years, every time the Republicans offer a budget, our friends from the other side of the aisle offer a budget that spends even more money. They criticize our prescription drug program, yet theirs cost even more. And thanks to their stonewalling, we were not able to reform and save Social Security for future generations.

This Republican majority refuses to even allow the vote? You jettisoned them? You jettisoned the legislative line item veto and then claim to be for deficit reduction. That is what their record is.

Mr. Speaker, if you want to help end the railroads to nowhere, the hydro-power projects, the indoor rainforest, say “yes” to the line item veto, say “yes” to our children’s fiscal future, and let us vote for this legislation.

Mr. SPRATTS. Mr. Speaker, I yield 1 minute to the gentlewoman from Flor- ida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida asked and was given permission to revise and extend her remarks.

Ms. CORRINE BROWN of Florida. This Republican Congress has now gone beyond being a rubber stamp for President Bush and is now handing him the responsibilities of Congress itself. They are putty, look at this putty in my hand, and the President squeezed them into doing anything that he wants even if their constituents don’t agree. That is why 77 percent of the public thinks this Congress is out of touch with their priorities and why 70 percent of the American public thinks President Bush is doing a terrible job.

Let me be clear. I did not vote to give President Clinton a line item veto. I certainly would not vote to give it to this President who, like no other President in the history of this country, tramples over the rights of Congress and the rights of American people, and still to this day they dare say they don’t agree. That is why 77 percent of the public thinks this Congress is out of touch with their priorities and why 70 percent of the American public thinks President Bush is doing a terrible job.

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yield 2 minutes to the gentleman from the Appropriations Committee from Illinois (Mr. KIRK).

Mr. KIRK. I thank the gentleman from Wisconsin, my next-door neighbor to the north, for this important legislation. It is in a commonsense way that budget-conscious Republicans and Democrats can come together to cut spending.

Now, this legislation is needed, because the line item veto has been used by America since 1811 to balance their budgets, and over 40 Governors, Republicans and Democrats, have this spending control.

Now, we in Congress joined with President Clinton to enact a line item veto in the 1990s, and he used that veto 82 times to defend the taxpayer. Unfortunately, the Supreme Court struck that needed reform down. And when they did, President Clinton called that a defeat for America.

The bill before the House now is modeled after the bipartisan base closings legislation that has been used to cut hundreds of millions of wasteful spending in the military by closing down bases that the Secretary of Defense and our commanders say that they do not need.

For us at this time, I think the government spends too much, that this is a needed reform tried and true for over 120 years by our Governors to keep balanced budgets and one that we need in this Congress.

We should all be worried, in the history of democracies, that while it is the best form of government on the planet, there is a troubled record of democracies spending their way into dictatorships. This needed reform helps us control spending to make sure that the American people keep their freedom, that the democracy that they live under is responsible with the taxpayer dollars, and that we do not waste those precious dollars on wasteful projects. That is why we should support this. That is why this should be bipartisan. President Clinton was right to have this power. Forty Governors are right, and it should be adopted by this House.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentleman for the recognition. I appreciate the opportunity to speak on behalf of this legislation. I also appreciate his hard work in bringing this to the floor.

I would like to make a couple of points. One, it seems the bit twisted logic for the folks on the other side to argue that the President shouldn’t have these authorities that are presented in this bill, but yet at the same time gripe that he hasn’t used the veto it already has, it doesn’t seem to me you can have it both ways.

I am in favor of this legislation because it does apply to all spending, both discretionary and direct, and it gives the President an opportunity to help us help ourselves in this regard.

A third point is that these savings actually will reduce the deficit. Unlike many of the opportunities that we take to try to reduce appropriations bills where that money simply stays within that pot of money and ultimately gets spent, this money would actually get spent and therefore have a direct impact on the deficit.

The last point is that, with these powers, would act as a self-limiting deterrent to frivolous earmarks that might be proposed. None of us are going to want to be on the President’s top 10 list when with this power he lists out the five projects in a single bill or the 10 projects in an omnibus bill. That is a distinction and a recognition that no one is going to want to have. So I think my colleagues would be much more diligent in their requests for special spending that this would address. So I rise today in favor of H.R. 4890 and urge my colleagues to vote for it.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of the time. The SPEAKER pro tempore. The gentleman is recognized for 3 minutes. (Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Speaker, this could be a bipartisan bill. The gentleman from Wisconsin (Mr. RYAN) has taken the amendment that sent us, which is a classic case of overreach, and improved it very much and I commend him for that. But it is not good enough; it is not worthy of passage, in my opinion. If it really was to be a bipartisan bill, if that is what you wanted, why did I get shut out in the Rules Committee?

I came forward with two substitutes, one germane, one nongermane, with various individual amendments, all of them substantive things. Sure, we could disagree about them, but I didn’t get to the opportunity under the Rules Committee’s provision to come here and offer those on the floor of the House.

I think in wrapping up, it is worth showing these charts to everybody again to show the path we are on, which is this path right here: a deficit this year of $300 billion to $350 billion, more than $400 billion last year; intrac- tation is clearly as you will see from the costs plotted by CBO, the numbers only get worse here that show the deficit sinking to almost $500 billion in 10 years.

The consequence of that? First of all, the debt ceiling, the legal limit to which we can borrow, we have seen an increase in the debt ceiling in the United States since President Bush came to office under your watch of $3.668 trillion. That is the increase in 5 fiscal years of the debt ceiling of the United States. Unprecedented indebtedness of the United States is shown right here. The statutory debt was $5.9 trillion when President Bush took office. If we continue on the track that we are on now with his budgets, we can expect to have a debt of nearly $11.3 trillion by the year 2011. That is where we are going.

It is hard to avoid the suspicion that this bill today is sort of a diversionary tactic, even by everybody’s admission, even its more ardent proponents, this won’t even put a dent in the deficit. As I said, we just adopted a bill which could have an impact on revenues over 10 years, if fully imple-mented, barely amount to a dent in the budget, a deficit addition of that kind.

Now, the gentleman said that I have engaged in acrobatics, as if I weren’t serious and sincere about the amendments I am proposing. But I have a problem with giving the President 45 days to pick through appropriation bills, because the wider the window, the more apt he will be to use it for political purposes. I have a problem with having the President send up five bills for every appropriation bill. There are 11 appropriation bills. We could have as many as 55 rescission bills here on the House floor, and then I am sure, as we take up these bills on Christmas Eve, you will be having Members ask: Who came up with these ideas?

I have a problem with direct spending that is reaching too far. If this is an experiment to start with, why not stick to discretionary spending? None of the previous bills have included that. So for all of these reasons, this could be a much better bill. And I would offer on a motion to recommit my only opportunity to try to improve this bill. The SPEAKER pro tempore. The gentleman has 4½ minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I want to address a few of the concerns that have been mentioned by the other side of the aisle.

First of all, this is a bipartisan bill. If you paid attention, a number of the speakers came to the floor from the other side of the well to speak in favor of this. Actually, three Democrats came to the floor in favor of this bill that we are considering right now. As a Democrat and one of three Democrats I am proud to call friends and supporters and coauthors of this proposal. In fact, we took an amendment of Mr. CUELLAR of Texas to improve this bill.

Other speakers have said this gives too much power to the President. Well, let us just remember one thing: the President already has rescission authority today. Today, the President can rescind something, defer spending, and send it to Congress. Here is the problem: Congress just ignores these things. In fact, President Reagan sent $25 billion of rescissions to Congress, and they ignored every one of them.
So we want to make that process work. We are taking the existing authority he has, making it actually shorter in time frame, and we are simply guaranteeing that we are going to vote on it.

If Congress wants to put into legislation in the first place, vote “yes” or “no” on the entire bill, then they have an important choice: sign or veto the entire bill.

That is wrong. We ought to be able to vote on that $50 million rainforest museum. This gives us the chance to do that, and this means that we can’t duck those votes.

This is a bipartisan bill. It has been so bipartisan in the past that Mr. SPRATT has offered very similar legislation. We got 173 Democrats on one of them, 174 on another. Mr. Stenholm and I offered a bill very similar to this 2 years ago; we got 45 Democrats on it. I hope that we will continue to get this bipartisan support that we had been getting.

But more importantly, Mr. Speaker, the American people know we need every tool we can get our hands on to go after wasteful spending. That is why taxpayer watchdog groups are key on voting this bill. The American Conservative Union, the Americans for Prosperity, Americans for Tax Reform, Citizens Against Government Waste, the Club For Growth, Freedom Works, National Federation of Independent Businesses, National Taxpayer Union, Taxpayers for Common Sense, the U.S. Chamber of Commerce are all key voting this vote as a key vote for the taxpayer. Other groups supporting this: ALEC, the American Taxpayer Alliance, Bond Market Association, Business Roundtable, Center for Individual Freedom, Council of Folded Coalition, Association of Wholesale Distributors, National Restaurant Association, 60 Plus, Traditional Values. The list goes on and on.

Mr. Speaker, the American people know we need this tool to go after wasteful spending, taxpayers need this tool so we can do this, and, more importantly, we need more transparency in our process here in Congress.

We passed earmark reform so that Members have to defend their earmarks when they come to the floor of the House when we write these bills in the beginning. But a lot of this stuff gets inserted at the end of the process in the conference reports; that is why we need to have this deterrent.

I think the success of this bill will be less in how much pork we get out of legislation that we line item veto out, and more in how much pork never gets put into legislation in the first place, because now we will have an extra deterrent. A Member of Congress who wants to slip some big piece of pork barrel spending that he probably couldn’t otherwise justify will think twice, because he or she may have to come to the well of the House and the well of the other body to defend that pork barrel spending.

This is good government. This is transparency. This is an added layer of accountability that is right for the taxpayer, and it is constitutional. It protects the prerogatives of the legislative branch. That is why I think this is a good bill. That is why I am pleased to call this a bipartisan bill. That is why I think we should strike this vote for the taxpayer.

With that, Mr. Speaker, I urge an “aye” vote for this.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I oppose this bill because the legislative line-item veto it seeks to create is merely a gimmick to divert attention from the majority’s pitiful record when it comes to fiscal management. In addition, and even more important, this so-called line item veto represents a dangerous, and in my view unconstitutional, transfer of power from the legislative branch to the Chief Executive.

Mr. Speaker, while H.R. 4890 seeks to address an important problem—the massive deficits run up by the majority and the majority’s squandering of the $5 trillion projected surplus bequeathed it and the administration by the Clinton administration—their “solution” to the problem resorts to legislative gimmicks instead of tackling the problem directly.

Since one-party control of the government began in 2001, Federal spending has ballooned 42 percent, an increase of over $580 billion a year, reflecting the budgets that President Bush has submitted to Congress. During that time, the President has not vetoed a single piece of legislation. In fact, President Bush has used the veto less than any President in the past 175 years.

Yet while the proposed line-item authority would give a big new stick to the executive branch, it would do little to bring fiscal sanity back to the appropriations process. Indeed, it might actually have the opposite effect of encouraging these special-interest handouts.

Conservative columnist George Will observes that the President may simply use the authority as a form of legislative horse-trading, suggesting that the administration could “buy legislators” support on other large matters in exchange for not vetoing the legislators’ favorite small items.

Both the Congressional Budget Office and the Congressional Research Service have reached similar conclusions. Indeed, it seems the President’s version of the line-item veto is more about transferring power to the executive branch than actually reigning in Federal spending.

That power transfer has already once been found unconstitutional by the Supreme Court. The majority decided that “the President’s role in the present case is altered only through the cumbersome process of amending the Constitution,” and there is no reason to believe that this attempt will be met any more favorably. In fact, the House bill actually gives the executive branch more power than the previous act, allowing the President up to 45 days to withhold funds before an objection is made.

Mr. Speaker, this Republican Congress has now gone beyond being a rubber stamp for President Bush and is now handing him the responsibilities of Congress itself.

They are putting in the President’s hands, and he is using them to do anything he wants, even if their constituents don’t agree.

This is why 77 percent of the American Public thinks this Congress is out of touch with their priorities, and why 70 percent of the American public thinks President Bush is doing a terrible job.

If Congress really wants to get a handle on spending, it should reform the earmarking process, instead of resorting to legislative gimmicks. The President could also do the unthinkable—bring out the old-fashioned veto stamp for the first time in 5 years.

If Mr. WELDON of Pennsylvania, or any other Speaker, is rise in strong support of the H.R. 4890 legislation giving the President Line Item Veto authority.

As a cosponsor of H.R. 4890, the Legislative Line Item Veto Act of 2006, I believe it will provide more transparency and scrutiny in the federal process while stemming in Federal spending. Currently, when Congress considers appropriations legislation we have the authority to closely scrutinize funding earmarks recommended by the President before deciding whether or not to fund them. The Line Item Veto legislation gives the President an opportunity to closely examine Congressional spending priorities and submit a proposal to Congress that would defund those items the President finds objectionable. The proposals by the President would be unamendable and would be subject to a simple up or down vote in the House and Senate.

While we have been working to restrain Federal spending, including voting to terminate over 95 Federal programs this year alone, this will be one more tool in the arsenal of fiscal discipline. It has the added benefit of keeping unacceptable spending out of these bills in the first place as all Members of Congress would know that last minute items added to these bills will be subject to individual scrutiny through the Line Item Veto.

In 1996, Congress passed the Line Item Veto Act of 1996. This law allowed the President to veto specific spending provisions. However, on April 10, 1997, a Federal court ruled that this legislation was unconstitutional, arguing that the power of the purse must be under the control of Congress, not the President. I voted for this law because it granted the President the authority to strike funding while ensuring that Congress could override the President’s line item veto with a 2/3 vote.

The Supreme Court, however, ruled that this did not leave spending decisions ultimately in the hands of Congress and struck down the law. Today’s bill addresses while ensuring Congress has the final say on the President’s line item veto recommendations by means of a simple majority vote in the House and Senate.

It is my understanding that many Democrats are going to play politics this year, and not vote for passage of the Line Item Veto. What is particularly noteworthy is that in the 103rd Congress over 170 House Democrats voted for the line item veto.

I urge you to support this legislation.

Ms. CORRINE BROWN of Florida. Mr. Speaker, this Republican Congress has now gone beyond being a rubber stamp for President Bush and is now handing him the responsibilities of Congress itself.

They are putting in the President’s hands, and he is using them to do anything he wants, even if their constituents don’t agree.

This is why 77 percent of the American Public thinks this Congress is out of touch with their priorities, and why 70 percent of the American public thinks President Bush is doing a terrible job.

Now I didn’t vote to give President Clinton a line-item veto, so I’m certainly not going to give it to the President who, more than any
other president in history, has trampled over the rights of Congress and the rights of the American people, and still today shows nothing but contempt for the will of the House and Senate.

This President has spent $450 Billion dollars on a $5.6 Trillion dollar deficit, and taken a $3.2 Trillion dollar surplus into a $3.2 Trillion dollar deficit, and this is who is supposed to stop the rampant spending of this Republican led Congress. This is a joke, and everyone here knows it.

Mr. Speaker, I rise today in strong support of the bipartisan Legislative Line-Item Veto Act of 2006. The line-item veto is a commonsense approach to restraining the growth in Federal spending.

The Legislative Line-Item Veto establishes an additional check against excessive, redundant, and narrowly focused spending provisions and special-interest tax breaks. This legislation would simply allow the President to identify questionable and unnecessary spending items in bills passed by Congress. It preserves Congress’ power of the purse by requiring a simple up or down vote on the President’s proposed rescissions. The final decision on spending or tax items remains in the hands of Congress.

With the passage of this important legislation, this Republican-led Congress continues to highlight its commitment to fiscal discipline and supporting policies that reform and reduce the growth of mandatory government programs. The constitutional reform, such as a line-item veto, can help rein in unnecessary and wasteful government spending while protecting the hard-earned money of American taxpayers.

Congress must act to bring greater transparency and accountability to the budget process. Constitutionally, a line-item veto is a useful tool to eliminate government spending that contributes to the waste, fraud, and abuse of taxpayer dollars.

Mr. Speaker, I rise today in opposition to the line-item veto measure before the House today.

I know the authors of this measure are sincere in their efforts and believe this measure will lead to a better Federal Government. But being sincere doesn’t make their efforts right, nor does it make them wise. Rather, they are fundamentally wrong.

For 200 years, the unfortunate truth is that power, slowly but surely, has been shifting from the legislative branch of Government to the executive branch. We all know this to be true. It should come as no surprise that this President, or the prior one, want this executive power. The reason why would be if this Congress finally stood up and said no. We all know that the President today has the ability to veto any bill Congress passes. And we all know he has not done so.

Some of my colleagues will argue that we make it too hard for him to veto a bill. That is not true.

Every day we have to vote on bills with many imperfections. They contain provisions we might support and others we strongly oppose. But we have to balance the good and the bad in each bill and then cast our vote and defend it to our constituents.

Why should the President be any different? Why should he get to undo a hard-earned compromise? I need not remind any Member...
of this body that many times the President has a role in that compromise—yet this measure would allow him to selectively undo that deal after the fact.

Let’s talk for a minute about spending. Even if this measure doesn’t really believe it will save any taxpayer money. They talk about earmarks and equate them with wasteful spending.

In reality, there are only two types of spending—that which is constitutionally directed and that which is recommended by the President. This measure places the recommendations of the President higher in importance than spending directed by the U.S. Congress. If the authors of this measure have such faith in the legislative branch of Government, why do we have 11,000 unused FEMA trailers sitting in a field in Hope, AR?

Why were millions and millions of dollars wasted on $2,000 credit cards that didn’t go to victims of Hurricanes Katrina and Rita, but were instead spent on things I ought not mention on this floor?

I could go on and on about $600 toilet seats and $400 hammers, but everyone here gets the point.

Let’s be clear Mr. Speaker, the taxpayers aren’t going to save a dime with the passage of this measure. Instead, we are going to weaken the Constitutional role of Congress, further strengthen the power of the executive branch, and provide a few Members of this body with the ability to go home and say they did something—however harmful it might be to the future of our Nation or inconsistent it might be with the intentions of our Nation’s founders.

My mother used to tell me, “Be careful what you wish for, you just might get it.” My mother’s advice would be well heeded by those who believe this measure is in the best interests of our Nation.

Mr. PAUL. Mr. Speaker, H.R. 4890, the Legislative Line Item Veto Act, is not an effective means of reining in excessive government spending. In fact, H.R. 4890 would most likely increase the size of government because future presidents will use their line item veto powers to pressure members of Congress to vote for presidential priorities in order to avoid having to veto projects “line item” vetoed. In my years in Congress, I cannot recall a single instance where a president lobby Congress to reduce spending. In fact, in 1996 Vice President Al Gore suggested that President Clinton could use his new line item veto power to force Congress to restore federal spending and programs eliminated in the 1996 welfare reform bill. Giving the president authority to pressure members of Congress to vote for new government programs in exchange for protecting members’ pet spending projects is hardly a victory for fiscal responsibility of all government.

H.R. 4890 supporters claim that this bill does not violate the Constitution. I am skeptical of this claim since giving the president the power to pick and choose which parts of legislation to sign into law transforms the president into a legislator, thus upending the Constitution to sign into law transforms the president into a legislator. Increasing the power of the executive branch will likely increase the size and power of the federal government. Therefore, I urge my colleagues to reject this bill and instead simply vote against all unconstitutional spending.

Ms. HARMAN. Mr. Speaker, over my years in the House, I have supported budget reforms to make the process more transparent and to eliminate excessive congressional spending. I joined many of my colleagues—on both sides of the aisle—in making the hard-fought and difficult deficit—deficit—deficit—deficit cutting in the 1990s.

Now, sadly, in this new decade and century, Congress must again take steps to impose fiscal discipline and balance the federal budget. In theory, the line-item veto seems to be a sensible idea, although fraught with constitutional challenges, I have voted in favor of similar legislation in the past.

At times, I have also voted in favor of cutting or eliminating the Estate Tax. In eras of government surpluses, we could afford such tax cuts.

However, times have changed. The Line-Item Veto bill is little more than a hand-over of Congressional authority to a White House that has already elevated overreaching to an art form.

At the same time, this new decade has seen a distinct lack of congressional oversight. In the current climate, a line-item veto is a step in the wrong direction, and cedes even more Legislative Branch power to a President accustomed to invoking extraordinary constitutional authority as needed.

To be true to their title, line-item vetoes should be considered along with other measures to help restore some fiscal sanity, such as “pay-go” budget rules and earmark reform. But this transfer of power to the Executive Branch is no answer.

Ironically, on the same day that the House is considering a Line-Item Veto—purportedly in the name of budget-balancing—we are also considering a massive cut in the estate tax. Although my family would personally benefit from a cut in the estate tax, this is the wrong tax cut, for the wrong people, at the wrong time.

We face the looming retirement of the baby boomers, a war in Iraq, and increasing obligations to our Nation’s veterans. We are still inadequately prepared to respond to a terrorist attack, natural disaster or flu pandemic. Our budget deficit is spiraling out of control. Middle class Americans are being squeezed by the rising costs of healthcare, energy and education.

We cannot be so reckless with our fiscal policy.

I will oppose both initiatives.

Mr. BUYER. Mr. Speaker, I rise in opposition to H.R. 4890, the Legislative Line Item Veto Act of 2006.
the projects. The projects (1) were not requested by the military; (2) could not make contributions to the national defense in FY 1998; and (3) would not benefit the quality of life and well-being of military personnel. The Clinton administration did not even attempt to claim this program had a military purpose. The Clinton administration even acknowledged that it used enormous authority as the basis for striking 18 of the 38 projects. The overwhelming majority of the projects were on the administration’s own 5-year construction plan. It cut critical funding for our Nation’s Guard and Reserves.

The Clinton administration stipulated to the power of raw executive arrogation and power. It was simply an exercise of the White House wanting its way and ignoring the spending priorities set by Congress. Furthermore, the Clinton White House made very clear that it would use the line-item veto as a matter of politics, rather than objective fiscal policy. The line item veto was being used as leverage against Congress to obtain consent to the White House’s demand for both more spending and for policy positions.

The Clinton administration made illegitimate the funding provided for the line-item veto . . . to reduce spending. They used the power to threaten the cutting of Members’ projects to extract more spending for the administration’s priorities; thereby, the line item veto was used to increase spending, not decrease spending. Despite this, federal spending. I am convinced that this legislation, if enacted, could again be misused by the executive branch, as has already been proven by the example of the Clinton administration. As Justice Kennedy wrote, “That a congressional cession of power is voluntary does not make it innocuous” (Clinton v. New York p. 4).

I am a voice for the Fourth District of Indiana. My constituents want controls on the budget and restraint in federal spending. But, neither will I have their voices muffled by an executive power grab. I took an oath to “defend the Constitution.” I must protect the voice of my constituents and the power the Constitution invests in me as their representative.

Mr. MACK. Mr. Speaker, I rise today in strong support of the Legislative Line Item Veto of 2005, offered by my friend, Mr. Ryan of Wisconsin.

I have said time and again that America’s long-term freedom, security and prosperity goes hand-in-hand with restoring fiscal discipline in Washington. The people of Southwestern Florida and the rest of the nation deserve a government that taxes less, spends less and regulates less. With this legislation, we will move closer to that goal. Congress and the President will be able to work together to rein in the federal budget deficit—an anchor tethered to our otherwise strong economy that needs immediate attention.

Moreover, if used properly, the Line Item Veto can be a positive and important tool to help ensure taxpayer dollars are being spent wisely and on the key services people need.

Mr. Speaker, we should not be fooled by those who believe we are ceding budgetary authority over to the Executive Branch, for it is Congress that has the ultimate say on any White House proposal. Instead, we are simply increasing our avenues for ways to cut down spending. Additionally, clear and limited time placed on the President is, and is not, allowed to do. Rest assured, the power of the purse—and its maintenance—will continue to rest solely with the United States Congress.

It is upon those principles I respectfully request my colleagues in the House stand together and take an important step in passing this bill authorizing the Line Item Veto. I look forward to the prospect of it being used in the fight to reign in the cost, size and scope of Washington. Mr. PETERS. Mr. Speaker, I want to thank the Speaker and my good friend and colleague from Wisconsin, PAUL RYAN, for their willingness to work with the Transportation Committee to ensure that transportation trust fund budget protections will be preserved and that trust fund dollars are not used for deficit reduction or diverted to the general fund. It is my understanding that we have a commitment that this bill, when and if it comes out of conference, will be in a form that also honors funding guarantees and that spending will not be below guaranteed levels.

I further appreciate the clarification by Congressman RYAN that it was not his intention to negatively impact the guarantees and that he supports continuing to spend the revenues coming into the trust funds.

This is significant because in 1998 and in subsequent votes, this Congress has reaffirmed the principle that user fees collected from aviation and highway users should be used only for their intended purpose—transportation improvements.

For too long, aviation and highway trust fund spending had been suppressed in order to increase spending in other areas or to mask the size of the federal deficit, to the point that we had ballooning balances in the trust funds. The goal of the line item veto bill here today is to achieve savings—and it had originally provided that any vetoed item be used for deficit reduction. For direct spending, this would have applied not only to “earmarks,” but to programs that are increased and supported by the trust funds.

This would be in direct conflict with the spending guarantees we have had in our two previous aviation and highway bills and undermined the principle that trust fund spending should be linked to trust fund revenues—it is spending that is paid for.

Using the line-item veto (as far as the Highway Trust Fund is concerned) was vigorously opposed by Republicans when President Clinton proposed it in 1993. It was the right position then and it is the right position today.

Again, this is not spending that contributes to the deficit—it is spending that is paid for and we should not break our promise that revenues collected will be spent on transportation.

Much as some may dispute it, programs that are supported are different and they receive the different budget treatment that they currently have. It would be a terrible mistake to turn back the clock now, and I am glad that we are taking steps to ensure that it is not the case.

I look forward to continuing to work to fine-tune the provisions regarding the transportation trust funds in this bill.

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

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution 886, this previous question is ordered on the bill, as amended.

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

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

MOTION TO RECOMMIT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to recommit.

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

Mr. SPRATT. I am in its present form.

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

The Clerk reads as follows:

Mr. Spratt moves to recommit the bill H.R. 4890 to the Committee on the Budget with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Legislative Line Item Veto Act of 2006”.

TITLE I—LEGISLATIVE LINE ITEM VETO

TITLE 1. LEGISLATIVE LINE ITEM VETO

(a) In General.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (sections 1016, 1018, 1019, and 1013, which are redesignated as sections 1018 and 1019, respectively) and part C and inserting the following:

PART B—LEGISLATIVE LINE ITEM VETO

LINE ITEM VETO AUTHORITY

SEC. 101. LEGISLATIVE LINE ITEM VETO AUTHORITY.

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SEC. 101. LEGISLATIVE LINE ITEM VETO AUTHORITY.

SEC. 101. (a) PROPOSED CANCELLATIONS.

Within 10 calendar days after the enactment of any bill or joint resolution providing any discretionary budget authority or targeted tax benefits, the President may propose, in the manner provided in subsection (b), the cancellation of any dollar amount of such discretionary budget authority or targeted tax benefit. Except for emergency spending, if the 10 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of a Congress or for a period greater than 10 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

(b) TRANSMITTAL OF SPECIAL MESSAGE.—

(A) In general.—The President may transmit to Congress a special message proposing to cancel any dollar amounts of discretionary budget authority or targeted tax benefits.

(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify with respect to the discretionary budget authority proposed or targeted tax benefits to be canceled—

(i) the dollar amount of discretionary budget authority (that OMB, after consultation with CBO, estimates to increase budget authority or outlays as required by section 1016(9)) or the targeted tax benefit that the President proposes be canceled;

(ii) any account, department, or establishment of the Government to which such discretionary budget authority is available for obligation, and the specific project or governmental functions involved;

(iii) the reasons why such discretionary budget authority or targeted tax benefit should be canceled; and

(iv) to the maximum extent practicable, all facts, circumstances, and considerations
relating to or bearing upon the proposed cancel-

cellation and the decision to effect the pro-

cessed cancellation, and the estimated effect.

of the proposed cancellation upon the ob-

jects, the Committee on Ways and Means, the

budget authority or the targeted tax ben-

efit provided; (vi) a number of cancellations to

be included in a bill that would cancel dis-

cretionary budget authority or target-

ed tax benefit provided in that spe-

cial message; and (vii) the bill shall not

be transmitted to the Congress more than one special

message under this Act.

The President may not transmit to the

Congress more than one special message under this section related to any bill or joint

resolution referred in subsection (b).

(2) ENACTMENT OF BILL.— (a) DEFERRED REDUCTION.—Amounts of dis-

cretionary budget authority or targeted tax

benefits which are canceled pursuant to en-

actment of a bill as provided under this sec-

tion shall reduce the level of funding for the

Federal Aviation Administration’s airport

improvement program and facilities and equip-

ment program, in total, below, or further

below, the levels authorized by section 48101

or 48103 of title 49, United States Code, in

total, for any fiscal year.

(b) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the Chairman of the Committee of the House of Representatives shall reduce the level of obligations for the Federal Aviation Administration’s airport

improvement program, in total, below, or further

below, the levels authorized by section 48101 or 48103 of title 49, United States Code, in total, for any fiscal year.

(c) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.— (1) REFERRAL AND REPORTING.—In the House of Representatives or the Senate.

(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.— (a) REFERRAL AND REPORTING.—In the House of Representatives or the Senate.

(b) DEFERRED REDUCTION.—Amounts of dis-

ccretionary budget authority or targeted tax

benefits which are canceled pursuant to en-

actment of a bill as provided under this sec-

tion shall reduce the level of funding for the

Federal Aviation Administration’s airport

improvement program and facilities and equip-

ment program, in total, below, or further

below, the levels authorized by section 48101

or 48103 of title 49, United States Code, in

total, for any fiscal year.

(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.— (a) REFERRAL AND REPORTING.—In the House of Representatives or the Senate.

(b) DEFERRED REDUCTION.—Amounts of dis-

ccretionary budget authority or targeted tax

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tion shall reduce the level of funding for the

Federal Aviation Administration’s airport

improvement program and facilities and equip-

ment program, in total, below, or further

below, the levels authorized by section 48101

or 48103 of title 49, United States Code, in

total, for any fiscal year.

(3) CONSIDERATION IN THE SENATE.— (a) REFERRAL AND REPORTING.—In the House of Representatives or the Senate.

(b) DEFERRED REDUCTION.—Amounts of dis-

ccretionary budget authority or targeted tax

benefits which are canceled pursuant to en-

actment of a bill as provided under this sec-

tion shall reduce the level of funding for the

Federal Aviation Administration’s airport

improvement program and facilities and equip-

ment program, in total, below, or further

below, the levels authorized by section 48101

or 48103 of title 49, United States Code, in

total, for any fiscal year.

(3) CONSIDERATION IN THE SENATE.— (a) REFERRAL AND REPORTING.—In the House of Representatives or the Senate.

(b) DEFERRED REDUCTION.—Amounts of dis-

ccretionary budget authority or targeted tax

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total, for any fiscal year.

(c) CONSIDERATION IN THE SENATE.— (a) REFERRAL AND REPORTING.—In the House of Representatives or the Senate.

(b) DEFERRED REDUCTION.—Amounts of dis-

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ment program, in total, below, or further

below, the levels authorized by section 48101

or 48103 of title 49, United States Code, in

total, for any fiscal year.

(d) AMENDMENTS.—During consideration under this subsection, any Member of the Senate may move to strike any proposed cancellation from the bill or any proposed budget authority or targeted tax benefit, as applicable, if supported by 15 other Members.

(e) MOTION TO LIMIT DEBATE.—A motion to limit debate on a bill under this subsection shall be in order to not more than 1 hour, to be equally divided and controlled in the usual form.

(f) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

(g) CONSIDERATION OF THE HOUSE BILL.— (1) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote on the Senate bill, then the Senate may consider, and the vote may occur on, the House companion bill.

(2) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, if the Senate votes on the bill, an amendment to consider, and the vote may occur on, the House companion bill.
the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

(c) Consideration of Conference Reports.—(1) Debate in the House of Representatives or the Senate on the conference report of a bill or joint resolution in dispute, or on any approval bill shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to reconvene the conference report is not in order, and it is not in order to move to reconsider the vote on which the conference report is agreed to or disagreed to.

(2) If an approval bill is amended by either House of Congress and a committee of conference has not completed action (or such committee of conference was never appointed) on such bill by the 15th calendar day after both Houses have passed such bill, then any Member of either House may introduce a bill comprised only of the text of the approval bill as initially introduced and that bill shall be considered under the procedures set forth except that two amendments shall be in order in either House.

"PRESIDENTIAL DEFERRAL AUTHORITY"

"Sec. 1013. (a) Temporary Presidential Authority to Withhold Discretionary Budget Authority—

"(1) In General.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any dollar amount of discretionary budget authority be canceled in that special message shall not be made available for obligation for a period not to exceed 45 calendar days from the date the President transmits the special message to the Congress or for emergency spending for a period not to exceed 7 calendar days.

"(2) EARLY AVAILABILITY.—The President shall make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

"(b) Temporary Presidential Authority to Suspend a Targeted Tax Benefit—

"(1) In General.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period not to exceed 30 calendar days from the date the President transmits the special message to the Congress.

"(2) Early Availability.—The President shall terminate the suspension of any targeted tax benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

"TREATMENT OF CANCELLATIONS"

"Sec. 1014. The cancellation of any dollar amount of discretionary budget authority or targeted tax benefit shall take effect upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under this section, then all proposed cancellations contained in that bill shall be null and void and any such dollar amount of discretionary budget authority or targeted tax benefit as described in the original date provided in the law to which the proposed cancellations applied.

"REPORTS BY COMPTROLLER GENERAL"

"Sec. 1015. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report deterring that discretionary budget authority is not made available for obligation or targeted tax benefit continues to be suspended after the deferral authority is set forth in section 1013 of the President has expired.

"DEFINITIONS"

"Sec. 1016. As used in this part:

"(1) Appropriation Law.—The term ‘appropriation law’ means an Act referred to in section 105 of title I, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

"(2) Approval Bill.—The term ‘approval bill’ means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority or targeted tax benefits in a special message transmitted by the President under this part and—

"(A) is titled ‘as follows: A bill approving the proposed cancellations transmitted by the President on’, the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

"(B) which does not have a preamble; and

"(C) which provides only the following after the enacting clause: ‘That the Congress approves of proposed cancellations ______’; the blank space being filled in with a list of the cancellations contained in the President’s special message; ‘as transmitted by the President in a special message on ______’, the blank space being filled in with the appropriate date, ‘______’, the blank space being filled in with the public law number to which the special message relates;

"(D) which only includes proposed cancellations that are estimated by CBO to meet the definition of discretionary budget authority or that are identified as targeted tax benefits pursuant to paragraph (9) of section 1016, and

"(E) if no CBO estimate is available, then the entire list of legislative provisions affecting discretionary budget authority proposed by the President is inserted in the second blank space in subparagraph (C).

"(3) Calendar Day.—The term ‘calendar day’ means standard 24-hour period beginning at midnight.

"(4) CANCEL, or CANCELLATION.—The terms ‘cancel’ or ‘cancellation’ means to prevent—

"(A) budget authority from having legal force or effect; or

"(B) a targeted tax benefit from having legal force or effect; and

"(C) to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

"CBO.—The term ‘CBO’ means the Director of the Congressional Budget Office.

"(5) DIRECT SPENDING.—The term ‘direct spending’ means—

"(A) budget authority provided by law (other than an appropriation law);

"(B) entitlement authority; and

"(C) the food stamp program.

"(6) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—(A) Except as provided in subparagraph (B), the term ‘dollar amount of discretionary budget authority’ means the entire dollar amount of budget authority—

"(i) specified in an appropriation law, or the entire dollar amount of budget authority or obligation limitation required to be allocated by a specific proviso in an appropriation law, for which a specific dollar figure was not included;

"(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

"(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

"(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

"(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities in which budget authority is provided in an appropriation law;

"(B) The term ‘dollar amount of discretionary budget authority’ does not include—

"(i) direct spending;

"(ii) budget authority in an appropriation law which funds direct spending provided in such law;

"(iii) any existing budget authority canceled in an appropriation law; or

"(iv) any restriction, condition, or limitation in an appropriation law or accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

"(6) OMB.—The term ‘OMB’ means the Director of the Office of Management and Budget.

"(9) Targeted Tax Benefit.—(A) The term ‘targeted tax benefit’ means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to a provision, the shareholders of the corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

"(ii) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

"(iii) all employees of an employer shall be treated as a single beneficiary;

"(iv) all qualified plans of an employer shall be treated as a single beneficiary;

"(v) all subsidiaries of a qualified plan shall be treated as a single beneficiary;

"(vi) all contributors to a charitable organization shall be treated as a single beneficiary;

"(vii) all holders of the same bond issue shall be treated as a single beneficiary; and

"(viii) if a corporate partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the membership of the association, and the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;"
(C) for the purpose of this paragraph, the term ‘revenue-losing provision’ means any provision that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the following periods:

(i) the first fiscal year for which the provision is effective;

(ii) the period of 5 fiscal years beginning with the first fiscal year for which the provision is effective;

(iii) the period of 10 fiscal years beginning with the first fiscal year for which the provision is effective; or

(iv) the period of 20 fiscal years beginning with the first fiscal year for which the provision is effective; and

(D) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

EXPIRATION

‘Sec. 1017. This title shall have no force or effect on or after 2 years after the date of enactment of this section.’.

SEC. 102. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Exercise of Rulemaking Powers.—Section 904(c) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ‘1971’ and inserting ‘2011’; and

(b) Clerical Amendments.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.

(2) Section 1022(c) of such Act (as redesignated by section 202 of the Balanced Budget and Emergency Deficit Control Act of 1985) is amended by striking the following new subsection:

‘SEC. 301. DEFINITION OF RECONCILIATION.

(b) DEFINITION OF RECONCILIATION LEGISLATION.—As used in this Act, a reconciliation bill or reconciliation resolution is a measure that, if enacted, would reduce the deficit or increase the surplus for each fiscal year covered by such measure compared to the most recent Congressional Budget Office estimate for any such fiscal year.’.

TITLE III—MARKET REFORM

SEC. 401. CURBING ABUSES OF POWER.

Rule XXIII of the Rules of the House of Representatives (the Code of Official Conduct) is amended—

(1) by redesignating clause 14 as clause 16; and

(2) by inserting after clause 13 the following new clauses:

‘(14) A Member, Delegate, or Resident Commissioner shall not condition the inclusion of a district-oriented earmark, a particular project which will be carried out in a Member’s congressional district, or a limited tax benefit in any bill or joint resolution (or an accompanying report thereof) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) on any vote cast by the Member, Delegate, or Resident Commissioner in whose congressional district the project will be carried out in a Member’s congressional district, or a limited tax benefit in any bill or joint resolution (or an accompanying report thereof) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) shall dis- close in writing to the chairman and ranking member of the relevant committee (and in the case of the Committees on Appropriations to the chairman and ranking member of the full committee and of the relevant subcommittee)—

(i) the name of the Member, Delegate, or Resident Commissioner;

(ii) the purpose of such earmark; and

(iii) whether the Member, Delegate, or Resident Commissioner has a financial interest in such earmark.

(b) Each committee shall make available to the general public the text and, with respect to such vote, the total number of votes cast for and against, and the names of all Members voting, a quorum being present.

(c) The Joint Committee on Taxation shall review all such measures or any reconci- liation bill or joint resolution which includes revenue provisions before it is reported by a committee and before it is filed by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any limited tax benefits. The Joint Committee on Taxation shall prepare a statement identifying any such limited tax benefits, stating who the beneficiaries are of such benefits, and any substantially similar introduced measures and the specific changes. Any such statement shall be made available to the general public by the Joint Committee on Taxation.

SEC. 402. KNOWING WHAT THE HOUSE IS VOTING ON.

(a) Bills and Joint Resolutions.—

(1) In General.—Rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

‘8. Except for motions to suspend the rules and consider legislation, it shall not be in order to consider a bill or joint resolution until 24 hours after or, in the case of a bill or joint resolution containing a dis- trict-oriented earmark or limited tax ben- efit, until 3 days after copies of such bill or joint resolution (and, if the bill or joint resolu- tion is reported, copies of the accom- panying report) are available (as of Sat- urdays, Sundays, or legal holidays except when the House is in session on such a day).

(2) Prohibiting Waivers.—Clause 6(c) of rule XIII of the Rules of the House of Representa- tives is amended—

(A) by striking ‘or’ at the end of subpara- graph (1); and

(B) by striking the period at the end of subparagraph (2) and inserting ‘; and’;

(C) by adding at the end the following new subparagraph:

‘(3) a rule or order that waives clause 8 of rule XIII or clause 8(a)(1)(B) of rule XXII, un- less a question of consideration of the rule is adopted by a vote of two-thirds of the Mem- bers voting, a quorum being present.’.

(b) Conference Reports.—Clause 8(a)(1)(B) of rule XXII of the Rules of the House of Representatives is amended by striking ‘2 hours’ and inserting ‘24 hours or, in the case of a conference report containing a dis- trict-oriented earmark or limited tax ben- efit, until 3 days after”.’.

SEC. 403. FULL AND OPEN DEBATE IN CON- GRESS.

(a) Numbered Amendments.—Clause 1 of rule XXII of the Rules of the House of Rep- resentatives is amended by adding at the end the following new sentence: ‘A motion to re- quest or agree to a conference on a general appropriation bill is in order only if the Sen- ate expresses its disagreements with the House in the form of numbered amend- ments.’.

(b) Promoting Openness in Deliberations of Managers.—Clause 12(a) of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

‘(5) All provisions on which the two Houses disagree shall be open to discussion at any meeting of a conference committee.

The text which reflects the conferences' action on all of the differences between the two Houses, including all matter to be included in the conference report and any amend- ments in disagreement, shall be available to all Members at least one such meet- ing before the conference report is filed by the chairman of the committee or any subcommittee thereof.

(c) Joint Committee on Taxation shall review all such measures or any reconci- liation bill or joint resolution which includes revenue provisions before it is reported by a committee and before it is filed by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any limited tax benefits. The Joint Committee on Taxation shall prepare a statement identifying any such limited tax benefits, stating who the beneficiaries are of such benefits, and any substantially similar introduced measures and the specific changes. Any such statement shall be made available to the general public by the Joint Committee on Taxation.

SEC. 404. KNOWING WHAT THE HOUSE IS VOTING ON.

(a) Bills and Joint Resolutions.—

(1) In General.—Rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

‘8. Except for motions to suspend the rules and consider legislation, it shall not be in order to consider a bill or joint resolution until 24 hours after or, in the case of a bill or joint resolution containing a dis- trict-oriented earmark or limited tax ben- efit, until 3 days after copies of such bill or joint resolution (and, if the bill or joint resolu- tion is reported, copies of the accom- panying report) are available (as of Sat- urdays, Sundays, or legal holidays except when the House is in session on such a day).

(2) Prohibiting Waivers.—Clause 6(c) of rule XIII of the Rules of the House of Representa- tives, as amended above, is amended—

(A) by striking ‘or’ at the end of subpara- graph (1); and

(B) by striking the period at the end of subparagraph (2) and inserting ‘; and’;

(C) by adding at the end the following new subparagraph:

‘(3) a rule or order that waives clause 8(a)(1)(B) of rule XXII, unless a question of consideration of the rule is adopted by a vote of two-thirds of the Mem- bers voting, a quorum being present.”.

TITLE IV—CONGRESSIONAL REFORM

SEC. 401. CURBING ABUSES OF POWER.

Rule XXIII of the Rules of the House of Rep- resentatives is amended by adding at the end the following new clause:

‘8. Except for motions to suspend the rules and consider legislation, it shall not be in order to consider a bill or joint resolution until 24 hours after or, in the case of a bill or joint resolution containing a dis-
Mr. SPRATT (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

Mr. RYAN of Wisconsin. Mr. Speaker, I reluctantly raise a point of order to the motion to recommit concerns entirely the budget process. It is germane and completely germane to the budget process. We add to the bill or would add to the bill the so-called pay-as-you-go provisions which were the law of the land from the beginning. I再说 that as a complement to, and it is complementary to, the other powers granted by this bill. It relates to entitlement spending. The bill relates to entitlement spending. So this is well within the ambit of the subject matter of this bill.

The SPEAKER pro tempore. Does any other Member wish to speak?

Mr. SPRATT. Mr. Chairman, the motion to recommit concerns entirely the budget process. It is germane and completely germane to the budget process. We add to the bill or would add to the bill the so-called pay-as-you-go provisions which were the law of the land from the beginning. I再说 that as a complement to, and it is complementary to, the other powers granted by this bill. It relates to entitlement spending. The bill relates to entitlement spending. So this is well within the ambit of the subject matter of this bill.

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

Mr. SPRATT. I am in its present form.

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

The Clerk reads as follows:

Mr. Spratt moves to recommit the bill H. R. 4890 to the House of Representatives with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.** This Act may be cited as the "Legislative Line Item Veto Act of 2006."

**SEC. 2. LEGISLATIVE LINE ITEM VETO.**

(a) In General. —Title X of the Congressional Budget and Impoundment Control Act of 1974 (31 U.S.C. 1105), is amended by inserting at the end of such Title the following:

(b) Definitions. —

(1) Proposed cancellation. —The term "proposed cancellation" means a proposed cancellation of any dollar amount of any discretionary budget authority or targeted tax benefit. The President may propose, in accordance with section 1011(a), a proposed cancellation.

(2) Special message. —The term "special message" means a message from the President to Congress pursuant to section 1011(a).

(3) Special resolution. —The term "special resolution" means a joint resolution described in subsection (a).

(4) Motion to recommit. —The term "motion to recommit" means a motion to recommit an act on the grounds that certain provisions of law, and a provision of a joint resolution described in subsection (a), are not germane and that proposed cancellations are not germane.

(5) Deliberative body. —The term "deliberative body" means the Senate or the House of Representatives.

(6) House. —The term "House" means the House of Representatives.

**SECTION 3. PROPOSED CANCELLATIONS.**

(a) In General. —Each proposed cancellation shall be dedicated only to reducing the deficit or increasing the surplus.

(b) Contents of special message. —Each special message shall specify respect to the discretionary budget authority proposed or targeted tax benefits.

(c) Motion to recommit. —Each motion to recommit under this section shall require a majority vote.

**SECTION 4. RECONCILIATION.**

(a) In General. —This Act shall be dedicated only to reducing the deficit or increasing the surplus.

(b) Contents of special message. —Each special message shall specify respect to the discretionary budget authority proposed or targeted tax benefits.

(c) Motion to recommit. —Each motion to recommit under this section shall require a majority vote.

**SECTION 5. Enactment of approval bill.** —After enactment of an approval bill as provided under this section, the Appropriations Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

**SECTION 6. ADJUSTMENTS TO STATUTORY LIMITS.** —After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

**SECTION 7. TRUST FUNDS AND SPECIAL FUNDS.** —Notwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a tax or special fund or special tax or special fund to the extent of any applicable statute, law, or other enactment of a bill as provided under this section to any other fund.

**SECTION 8. HighWay Funding Guarantees.** —None of the cancellations proposed under this Act or the enactment of a bill as provided under this part shall reduce the level of obligations for the
highway category, as defined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, below, or further below, the levels established by section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1971) for any fiscal year. An approval bill shall not reduce the amount of funding for the particular State where the authorization for the appropriation of funding was authorized in such Act or authorized in title 23, United States Code.

"(F) TRANSIT FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall be subject to further amendment, except pro forma amendments for the purposes of debate only. At the conclusion of the consideration of the bill in the Senate, the Senate shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be ordered on the motion to its adoption with time designated by the Speaker in the legislative days. A motion to reconsider the vote by which the motion to compromise the bill is in order, except any Member if supported by 99 other Members (a quorum being present) may offer an amendment striking the reference number or numbers of a cancellation or cancellations from the bill. Consideration of the bill for amendment shall not exceed one hour excluding time for recorded votes and amendments thereto to final passage without interposing a motion to reconsider the vote on passage of the Senate bill shall not be in order.

"(G) AVIATION FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of funding for the Federal Aviation Administration’s airport improvement program and facilities and equipment program, in total, below, or further below, the levels authorized by section 48101 or 48102 of the United States Code, in total, for any fiscal year.

"PROCEDURES FOR EXPEDITED CONSIDERATION

"(Sec. 1012. (a) Expeditied Consideration.—

"(1) IN GENERAL.—The majority leader of each House, or his or her designee, introduce an approval bill as defined in section 1016 not later than the fifth day of session of the Senate or the House after the date of receipt of a special message transmitted to the Congress under section 1011(b).

"(2) Consideration in the House of Representatives.—

"(A) Referral and reporting.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the legislative days after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution on the motion to proceed to consider the bill, it shall be in order in the House that the House discharge the committee from further consideration of the bill. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the motion to proceed to consider the bill was introduced. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the motion to proceed to consider the bill was introduced. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the motion to proceed to consider the bill was introduced. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the motion to proceed to consider the bill was introduced. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the motion to proceed to consider the bill was introduced.

"(B) PROCEEDING TO CONSIDERATION.—

"(1) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall be in order in the Senate if supported by 15 other Members.

"(2) AMENDMENTS AND DIVISIONS PROHIBITED.—An amendment to the bill offered in the Senate shall not be in order in the Senate if such amendment would not further the purposes of this Act. A motion to recommit the bill under this subsection is in order. In the Senate, if supported by 99 other Members (a quorum being present) may offer an amendment striking the reference number or numbers of a cancellation or cancellations from the bill. Consideration of the bill for amendment shall not exceed one hour excluding time for recorded votes and amendments thereto to final passage without interposing a motion to reconsider the vote on passage of the bill shall not be in order.

"(C) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

"(D) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

"(3) CONSIDERATION IN THE SENATE.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order in the Senate to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

"(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all amendments and debatable motions and appeals thereto (including a debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

"(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

"(D) AMENDMENTS.—During consideration under this subsection, any amendment to the Senate may move to strike any proposed cancellation or cancellations of budget authority or targeted tax benefit, as applicable, in support of the bill. Such amendments may not be made available for obligation for a period not to exceed 30 calendar days from the date the President transmits the special message to Congress. Except as otherwise provided by this section, the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period not to exceed 30 calendar days from the date the President transmits the special message to the Congress.

"(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not in order.

"(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

"(G) CONSIDERATION OF THE HOUSE BILL.—

"(1) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote on the Senate bill, then the Senate may consider, as a whole, the bill. If the Senate votes on the bill introduced in the Senate prior to the vote on the Senate bill, then the Senate may reconsider the vote by which the motion to proceed to consider the bill was agreed to or disagreed to.

"(2) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes on the bill introduced in the Senate prior to the vote on the Senate bill, then the Senate may immediately follow that vote, or upon receipt of the House companion bill, the House bill if iden-
targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed cancellations contained in that bill shall be null and void and any such dollar amount of discretionary budget authority or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed cancellations applied.

**REPORTS BY COMPTROLLER GENERAL**

**Sic. 1015. With respect to each special message under this part, the Comptroller General of the Congress shall determine whether any discretionary budget authority is not made available for obligation or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 or the President has expired.**

**DEFINITIONS**

**Sic. 1016. As used in this part:**

(1) **APPROPRIATION LAW.—** The term ‘appropriation law’ means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or emergency appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

(2) **APPROVAL BILL.—** The term ‘approval bill’ means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority or targeted tax benefits in a special message transmitted by the President under this part and (A) the title of which is as follows: ‘A bill approving the proposed cancellations transmitted by the President on ___ , the blank space being filled in with the date of the relevant special message and the public law number to which the message relates;’

(B) which does not have a preamble; and

(C) which provides only the following after the enacting clause: ‘That the Congress approves of proposed cancellations ___ , the blank space being filled in with a list of the provisions contained in the President’s special message, as transmitted by the President in a special message on ___ , the blank space being filled in with the approval date of the message, ‘regarding the blank space being filled in with the public law number to which the special message relates;’

(D) which only includes proposed cancellations that are estimated by CBO to meet the definition of discretionary budgetary authority or that are identified as targeted tax benefits pursuant to paragraph (9) of section 1016; and

(E) if no CBO estimate is available, then the entire list of legislative provisions affecting dollar amounts of discretionary budget authority as transmitted by the President is inserted in the second blank space in subparagraph (C).

(3) **CALENDAR DAY.—** The term ‘calendar day’ means a standard 24-hour period beginning at midnight.

(4) **CANCELLATION.—** The term ‘cancel’ or ‘cancellation’ means to prevent—

(A) budget authority from having legal force or effect; or

(B) a targeted tax benefit from having legal force or effect; and
to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

(5) **CBO.—** The term ‘CBO’ means the Director of the Congressional Budget Office.

(6) **DIRECT SPENDING.—** The term ‘direct spending’ means—

(A) budget authority provided by law (other than an appropriation law);

(B) entitlements under title ‘the term “dollar amount of discretionary budget authority” means the entire dollar amount of budget authority—

(i) specified in an appropriation law, or the entire dollar amount of budget authority or obligation limitation required to be allocated by a specific proviso in an appropriation law which a specific dollar figure was not included;

(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

(iv) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

(B) the term ‘dollar amount of discretionary budget authority’ does not include—

(i) direct spending;

(ii) budget authority in an appropriation law which funds direct spending provided for in such law;

(iii) any existing budget authority canceled in an appropriation law; or

(iv) any restriction, condition, or limitation in an appropriation law which the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

(7) **DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—** (A) Except as provided in paragraph (2), the term ‘dollar amount of discretionary budget authority’ means the entire dollar amount of budget authority—

(i) specified in an appropriation law, or the entire dollar amount of budget authority or obligation limitation required to be allocated by a specific proviso in an appropriation law which a specific dollar figure was not included;

(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

(iv) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

(8) **OMB.**

(9) **TARGETED TAX BENEFIT.—** (A) The term ‘targeted tax benefit’ means any revenue-losing provision that provides a Federal tax deduction, exclusion, or preference to 100 or fewer beneficiaries (determined with respect to either present law or any provision of which the provision is a part) for the first fiscal year for which the provision is effective; or

(B) the term ‘targeted tax benefit’ means any revenue-losing provision that provides a Federal tax deduction, exclusion, or preference to a provision, the shareholders of the corporation, association, trust, or estate shall not be treated as beneficiaries of such provision; and

(C) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the sufferers of the corporation, association, trust, or estate shall not be treated as beneficiaries of such provision.

(10) **CANCELLATION OF TARGETED TAX BENEFIT.—** (A) All tax expenditures that are identified as targeted tax benefits shall be canceled.

(B) The term ‘targeted tax benefit’ means any revenue-losing provision that provides a Federal tax deduction, exclusion, or preference to a provision, the shareholders of the corporation, association, trust, or estate shall not be treated as beneficiaries of such provision; and

(C) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the sufferers of the corporation, association, trust, or estate shall not be treated as beneficiaries of such provision.

(11) **CALCULATING THE DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—** The dollar amount of discretionary budget authority that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the following periods—

(i) the first fiscal year for which the provision is effective;

(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective; or

(iii) the period of 10 fiscal years beginning with the first fiscal year for which the provision is effective; and

(iv) the period of 20 fiscal years beginning with the first fiscal year for which the provision is effective.

(12) the term ‘targeted tax benefit’ means any revenue-losing provision that provides a Federal tax deduction, exclusion, or preference to 100 or fewer beneficiaries (determined with respect to either present law or any provision of which the provision is a part) for the first fiscal year for which the provision is effective; or

(13) the term ‘targeted tax benefit’ means any revenue-losing provision that provides a Federal tax deduction, exclusion, or preference to a provision, the shareholders of the corporation, association, trust, or estate shall not be treated as beneficiaries of such provision; and

(14) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the sufferers of the corporation, association, trust, or estate shall not be treated as beneficiaries of such provision.

**SEC. 1017. This title shall have no force or effect on or after 2 years after the date of enactment of this section.**

**SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) **EXERCISE OF RULEMAKING POWERS.—**

Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ‘1017’ and inserting ‘1012’; and

(2) in subsection (d), by striking ‘section 1017’ and inserting ‘section 1012’.

(b) **CLERICAL AMENDMENTS.—** (1) **Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.**

(2) **Section 1022(c) of such Act (as redesignated) is amended by striking ‘rescinded or that shall be reserved’ and inserting ‘canceled’ and by striking ‘1012’ and inserting ‘1011’.**

(3) **TABLE OF CONTENTS.—** The table of contents in section 1017 of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for parts B and C of title X and inserting the following:

**PART B—LEGISLATIVE LINE ITEM VETO**

Sec. 1011. Line item veto authority.

Sec. 1012. Procedures for expedited consideration.

Sec. 1013. Presidential deferral authority.

Sec. 1014. Treatment of cancellation.

Sec. 1015. Reports by Comptroller General

Sec. 1016. Definitions.

Sec. 1017. Expiration.

Sec. 1018. Suits by Comptroller General.

Sec. 1019. Proposed Deferrals of budget authority.”

(c) **EFFECTIVE DATE.—** The amendments made by this Act shall take effect on the day of enactment and apply only to any dollar amount of discretionary budget authority or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

Mr. SPRATT (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.
The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. RYAN. Mr. Speaker, let me just tell you quickly, by laundry-list fashion, the changes that this amendment would add to the bill.

First of all, we have followed the model of similar bills, the bills that were passed by this House in 1993 and 1994. We have gone back to those to create expedited rescission authority.

Secondly, we have prohibited the President or any other officer of the executive branch from using the rescission authority, that power, as a bargaining tool to extract votes on other unrelated legislation.

Number three, we have provided that during the consideration of a rescission request by the President, there is to be a motion to strike; in other words, cancellation by which 100 Members of the House could ask for a separate vote on a separate item which they deem worthy, and they could have an opportunity in the well of the House to make the case for this worthy spending item.

Number four, we have limited the number of cancellations proposals that the President can send up to one appropriation bill, which is an entirely sensible change to the bill. Otherwise, under the terms of the bill, the President could send up 15 rescission requests on 11 different appropriation bills, in total 55 bills, which could wreak havoc with the process and in this place. It invites chaos. It is not necessary. It was not in previous bills. It does not need to be in this bill.

Number five, we have reduced the amount of time the President has to propose a cancellation or rescission after signing a bill from 45 days to 10 days. Why is that? We think that 10 days is sufficient, is enough. The original bills passed by the House only had 3 days. We have extended it to 10 days, but 10 days give the President all the time he needs for a budgetary scrub-down of the budget. Forty-five days is apt to cause him to look for political applications as opposed to budgetary applications.

Number six, we have reduced the amount of time that the President can withhold funds, impound funds when he proposes a cancellation or cancellation from 90 days, as in the bill, to 30 days and 7 days for emergency spending. We think that is reasonable. That is roughly the time it would take for a rescission to run its course.

Then we think this is extremely important, not just reasonable, but critically important. This is a major experiment. Let us not extend it to entitlement spending. Americans depend upon Social Security and Medicare and veterans benefits beyond the reach of the President’s rescission power, fast-track rescission powers.

This then defines tax benefits the way. If you define it, One of the evolutions in the history of this bill was for us to go back and say a lot of money is spent through tax expenditures in the Tax Code. There are a lot of earmarks in the Tax Code, as well as in the appropriation bills. So let us call attention to something called the targeted tax benefits that have fewer than 100 intended beneficiaries, and let us provide as to these earmarks in the tax bill the President will have the same authority. This bill has been changed significantly from 100 beneficiaries to 1 beneficiary, which guts the meaning of that original provision.

Finally, this is an experiment. We are ceding a lot of authority to the President of the United States that the Constitution has under Article I of the Constitution. In order to make sure that this authority is not misused or abused or manipulated, we are providing simply that we have a sunset of 2 years. Two full years would mean President Bush will have this authority for 2 fiscal years, but that we would review it and decide whether or not we should go forward with it or make major changes.

These are all substantial amendments. They are not tilted in any direction at all except in the direction of getting a better bill which we can vote upon.

Mr. RYAN of Wisconsin. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I want to commend the gentleman for a very substantive motion to recommit. I would like to go through a number of the provisions he raises and some of the concerns I have with them and why I have to rise in opposition.

Number one, Mr. Speaker, he excludes direct spending from the line item veto. In my case in point, when we do the transportation reauthorization bill, that thing contains something like 5,000 earmarks. The bridge to nowhere is one of the most prolific examples of such things. I do not think those things should be exempt from this line item veto tool.

Number two, he reduces the number of messages from five to one. My fear with this change is that it will reduce the effectiveness of this tool. If the President only has one bite at the apple, only one bill he can send, he will only go after one or two earmarks. What if a bill has 5,000 earmarks? What if a bill has 500 earmarks? The President ought to be able to send us more votes so we can go after more earmarks and in this place we do need to streamlining. If he only gets to send 1 bill, and he puts 50 pieces in that bill, then the President will be growing his vote coalition against it. Fifty State delegations also vote against it. So I think if you just do one bill, you are going to make this tool very, very small. It will not be nearly as effective because the President will be disincentivized from putting many earmarks in it because they will be in a single bill. That is why we put five bills so we can go after a greater number of earmarks so that we can get maximum output for this.

Now, the other thing, it permits amendments to strike. I understand the intent of this. I think it is evaluative, but the problem with permitting amendments to strike is that then you are going to ping-pong back and forth with the House and Senate. You will see no end to this.

The reason why we do not allow amendments to conference reports is because conference reports represent a conclusion of a legislative process, the end of a legislative process before a bill becomes law. But that is where a lot of mischief happens, and mischief occurs because people insert earmarks in conference reports. I think by doing this you are going to encourage that. Even if you try to come up with language to streamline the conference report process, I still think this produces those problems.

Lastly, Mr. Speaker, the tax provision. This is one that is worthy of very good debate. Mr. SMARTT wants to limit the number of tax cuts from 100 to 10. Let me give you an example. We chose to do it the way we did it so we would go after tax pork, rifle-shot tax policy, you know, this tax cut for this person, this tax entity, instead of tax policy. Let me just give you one example. The orphan drug tax credit.

We have the orphan drug tax credit in tax law today because there are a lot of small diseases that do not have a lot of constituencies, that do not have a lot of people—lupus, Duchenne’s disease, and you are not going to see pharmaceutical companies in committing millions of dollars in research to cure such small diseases, but we want cures for these smaller diseases, these rare diseases. So we created the orphan drug tax credit. How many people utilize this orphan drug tax credit? Very few, surely not 100, maybe 3, 4 companies. Researchers will research a cure for a rare disease, but if they do the research, they qualify for the tax credit. That is tax policy. Fewer than 100 beneficiaries get it, but we wanted to have a tax incentive so that researchers will commit their dollars to researching and finding cures for rare diseases. That is just one example of how broadening the scope of this goes into tax policy.

The goal of this is not to give the President the power to rewrite policy, to provide the President with a tool to rewrite tax policy. The goal of the legislative line item veto is to give us the tool to go after pork, tax pork.
Now, what we want to accomplish with this, Mr. Speaker, is to give up the tools to go after wasteful spending, wasteful direct spending, wasteful discretionary spending, and wasteful tax pork. The key thing is that we reserve the power. The Executive can give us the bill; the Executive, the President, can pull the pork out; but who makes the decision is Congress. Congress and Congress alone, the legislative branch, are the ones who execute the action.

I think the compromise we have come up with, the base bill, is the right way to go.

And the last point I will make is the gentleman reduces the deferral period to 30 days. Here is the problem with that. That means Congress can pass a huge omnibus appropriations bill in October, as we often do, and then leave for recess until January 20, when the President has the State of the Union address. He is out of session for 3 months and Congress cannot waive the deferral period.

I urge a "no" vote on the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit. The question was taken; and the ayes appeared to have it.

Mr. Speaker pro tempore announced that the ayes have appeared to have it.

The SPEAKER pro tempore. This vote will be followed by 5-minute votes on the motion to waive the deferral period.

The Speaker pro tempore announced that the ayes have appeared to have it.

The SPEAKER pro tempore. The Speaker pro tempore announced that the ayes have appeared to have it.
The SPEAKER pro tempore, the Unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 1801, as follows:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

So the bill was passed. The result of the vote was announced as above recorded.

The Sponsoring Efforts to Increase Child Health Awareness, Treatment, and Research

The SPEAKER pro tempore. The Unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 233, as amended. The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. Deal) that the House suspend the rules and agree to the resolution, H. Res. 233, as amended, on the yea and nay votes, as ordered.

This will be a 5-minute vote.

SUPPORTING EVIDENCE TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

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This will be a 5-minute vote.
PERMISSION FOR COMMITTEE ON HOMELAND SECURITY TO HAVE UNTIL MIDNIGHT, JUNE 23, 2006, TO FILE REPORT ON H.R. 5351, NATIONAL EMERGENCY MANAGEMENT REFORM AND ENHANCEMENT ACT OF 2006

Mr. REICHERT. Mr. Speaker, I ask unanimous consent that the Committee on Homeland Security have until midnight tomorrow night to file a report on H.R. 5351. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington? There was no objection.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, at this time I yield to my friend, Mr. BOEHNER, the majority leader, for the purposes of inquiring about the schedule for the week to come.

Mr. BOEHNER. I thank my colleague for yielding.

Next week, Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour, and 2 p.m. for legislative business. We will have some suspensions on the floor on Monday. A final list of those bills will be distributed by the end of the week.

For the balance of the week, the House will consider, on Thursday evening, the flood insurance reform program. We are hopeful that the State, Science, Justice and Commerce appropriations bill could come up as early as Tuesday evening.

The rest of the week, H.R. 4761, the Deep Ocean Energy Resources Act, and any possible conference reports that might be available.

I don’t want anyone to misinterpret what I am going to say about next week’s schedule. I am trying my best to make sure that we are finished by next Thursday evening. I think the congressional baseball game is next Thursday evening. I would like for us to complete our work before then.

Now, I want to make it perfectly clear that I am not committing myself to that. We have work that we need to get finished next week, but I am hopeful that our work leading into the July 4 District Work Period will be completed by then.

Mr. HOYER. I thank the gentleman. Reclaiming my time, you did not mention the time at which we will have votes on Monday night, but I presume it is 6:30. Is that accurate?

Mr. BOEHNER. That is correct.

Mr. HOYER. Okay. If you have just answered my question on Friday.

Let me ask you, we are talking about Fridays, after the July 4 work period, the schedule tentatively has on there working Monday through Friday on the time before reauthorization needs to be done.

Mr. HOYER. I appreciate the gentleman’s comments. Obviously we share the view that this is an important bill. We understand that the act has some time before reauthorization needs to be done. In the meantime, the fact that it came out of committee with very bipartisan support, and Mr. SENSENBERGER, Mr. WATT, and others worked

 but is it still your expectation, given that the appropriations bills will probably, hopefully, all be done by that time, that we would still schedule 5-day weeks?

I yield to my friend.

Mr. BOEHNER. I thank my colleague for yielding.

I can announce to the House that we do not expect to have votes on Friday, July 14. We will have votes on that Monday preceding that, but I expect that we will have no votes on the 14th.

And I know the Members will appreciate a more definite schedule when you are able to give that.

Mr. Leader, we had expected that the Voting Rights Act would be on the floor this week. I think you had expected that as well.

Mr. BOEHNER. I sure did.

Mr. HOYER. This is obviously, from our perspective, a very important bill and we thought we had bipartisan agreement on the bill. It came out of committee, and I know the Members will appreciate a more definite schedule when you are able to give that.

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Mr. HOYER. This is obviously, from our perspective, a very important bill and we thought we had bipartisan agreement on the bill. It came out of committee, and I know the Members will appreciate a more definite schedule when you are able to give that.
very hard on this bill, we are hopeful it can move as soon as possible so the Senate can itself consider it.

The next bill that we had thought was going to be on the calendar last week, the Labor-Health bill, is not listed for this coming week. I have noted some comments in the papers, but obviously this bill, as you know, includes an increase in the minimum wage, which was voted out of committee on a bipartisan vote, and we believe that if it is brought to the floor, it will be approved on a bipartisan vote.

But can the gentleman tell me what the expectations are for the Labor-Health bill?

I yield to my friend.

Mr. BOEHNER. It is not on the schedule next week.

Mr. HOYER. You have no expectations, then?

Mr. BOEHNER. I didn’t say that. It is just not on the schedule next week.

Mr. HOYER. Clearly the appropriation bills have been bills which I know the majority wanted to move, and I would hope, notwithstanding the fact that there is a provision that the committee approved, that we would not subject that to a majority vote on the floor.

Mr. BOEHNER. Will the gentleman yield?

Mr. HOYER. I will be glad to yield.

Mr. BOEHNER. Yes. The bill came out of committee, but typically the rules of the House don’t allow Members to legislate on an appropriation bill, and I think there are a lot of people who believe that is legislation on an appropriation bill. So there are some concerns about it. And let me be fair. There are other issues with the bill beyond the provision that was authored by my friend from Maryland.

Mr. HOYER. Reclaiming my time, that was my assumption as well, that there were other issues. But in terms of the gentleman’s observation regarding the rules, just as typically it has been our observation that if the majority wanted something on the floor, they simply waived the rules, and they have done so on a very frequent basis. We are just hopeful that you would see your way clear to doing that just one more time.

Mr. BOEHNER. I will take that into consideration.

Mr. HOYER. I thought you would.

Mr. LEADER. The Health IT bill and other health care-related bills, I know this was supposed to be Health Care Week. I may have missed it, but in any event, if it went by me, it is Health Care Week.

Can you tell me whether or not the IT bill might come at some point in time?

I yield to my friend.

Mr. BOEHNER. Do these questions get answered?

The Health IT bill has shared jurisdiction between the Ways and Means Committee and the Energy and Commerce Committee. There are some issues. They are trying to resolve those issues. The chairman of the Ways and Means Committee, as you are probably aware, was preoccupied with two other projects this week, and I do not believe that the issues have been resolved. I do expect it will be up early in July, but I am not sure that we are going to be able to resolve those differences by next week.

Mr. HOYER. I thank the gentleman for that information.

Lastly, Mr. LEADER, there has been a lot of talk on it, and we have voted on it numerous times, the so-called pledge protection bill. Do you know whether that might be on the floor next week? I yield to my friend.

Mr. BOEHNER. If it does come up, it will be under suspension of the rules. I would like to see it on the floor next week, and we are discussing that with Chairman SENSENIBRENNER. I would hope that it is up next week.

If I could continue, the gentleman was kind enough not to ask me the question that he has asked me for the last 3 months, and that is the status of the pension bill. I am not sure that the conference report will be ready for the floor next week, but it is possible.

Mr. HOYER. I thank the gentleman for that information. He and I share the view that the pension bill is a very important bill for employees and for employers. I know the gentleman has been working hard on it.

But in light of the fact you did bring it up, last week we talked about the inclusion of both parties in the deliberations and, in fact, Mr. LEADER, we had the opportunity to check with Mr. RANGEL, and I don’t think he has been included. I do believe that Senator KENNEDY and Senator BAUCUS have been included, and there was a lot of discussion, but I will tell my friend that the information I have, which may be incorrect, is that at least in terms of this House, the ranking member has not been included in the deliberations. I think that would really be helpful when it comes back out so that our Members would be able to have the information from our ranking member as to his insights into what has been done, and I would hope that could occur.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO FILE REPORT ON H.R. 5316, RESPOND ACT OF 2006

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure have until midnight, Friday, June 23, 2006, to file a report accompanying the bill, H.R. 5316, the RESPOND Act.

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

There was no objection.

Calling for an increase in the minimum wage

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

Mr. BROWN of Ohio. Mr. Speaker, this week again, Mr. Speaker, the House and the Senate failed to increase
the minimum wage in our country. For 10 years the minimum wage has been stuck at $5.15 an hour. In my State of Ohio, if we would raise the minimum wage to $6.85 an hour, as many people want to through a ballot initiative, 500,000 individual households with 2,000 children in those households would get a raise. It would help their standard of living. It would put more money into our economy. It would be good for our State and good for all of us.

This Congress, instead of passing a minimum wage increase, continues to give tax breaks to people who make more than $1 million a year. They get hundreds of millions of dollars. The CEO of Exxon makes $18,000 an hour. A woman in Girard, Ohio, who fills her tank with gasoline from ExxonMobil that lives on the minimum wage makes $11,000 a year.

**IT IS UP TO CONGRESS TO BE FISCALLY CONSERVATIVE**

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, the House took several measures that I believe it is important for the American people to understand. Of course, it sounds like the estate tax potential has great merit for many who believe that they are either engaged in family farming or small businesses. Might I say that the existing relief under estate tax actually gives those whose estates are $7 million absolute relief.

So at this time when we are at war, to give another $800 billion giveaway really is unreasonable. And, therefore, even though I have in the past supported the estate tax, this is not the time. And the reason is because, of course, the minimum wage has not been raised for the past 6 years. In fact, it is at a rate that shows that it is as low as it was 50 years ago in today's dollars. When are we going to see relief for those single parents and hard-working families who can barely make ends meet on $5.15?

Then we want to give the President a line item veto, which has already proved to be unconstitutional.

It is up to this Congress to be fiscally conservative, not rely on an unconstitutional law such as line item veto.

**CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–117)**

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

To The Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the national emergency to give another $800 billion giveaway, or permanent line item veto, which has already proved to be unconstitutional.

This Congress, instead of passing a minimum wage increase, continues to give tax breaks to people who make more than $1 million a year. They get hundreds of millions of dollars. The CEO of Exxon makes $18,000 an hour. A woman in Girard, Ohio, who fills her tank with gasoline from ExxonMobil that lives on the minimum wage makes $11,000 a year.

It is up to this Congress to be fiscally conservative. Of course, it sounds like the estate tax potential has great merit for many who believe that they are either engaged in family farming or small businesses. Might I say that the existing relief under estate tax actually gives those whose estates are $7 million absolute relief.

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**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.

**THE ESTATE TAX AND MINIMUM WAGE**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DeFazio) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, so today the United States House of Representatives voted in the next decade, the coming decade with the retirement of the baby boomers looming before us, to continue in effect beyond June 26, 2006. The most recent notice continuing this emergency was published in the Federal Register on June 24, 2005, 70 FR 39803.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219 has not been resolved. Subsequent to the declaration of the national emergency, I amended Executive Order 13219 in Executive Order 13304 of May 28, 2003, to address acts obstructing implementation of the Ohrid Framework Agreement of 2001 in the Republic of Macedonia, which have also become a concern.

The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.


For instance, let’s take Lee Raymond, a wonderful gentleman, recently the CEO of ExxonMobil. We all know them well. They made $100 million a day last year. ExxonMobil made $100 million a day last year exploiting the American public, the driving public, through price gouging and extraordinary profiteering.

Now, Mr. Raymond, who held the helm until recently, was rewarded fairly handsomely for doing that, a $400 million retirement payout. So this one gentleman, one gentleman, of course, he really worked hard to earn that $400 million, and he is going to have to limp through his retirement, although I think he still gets to use the corporate jet, and they still would have to provide him some other emoluments suitable to his status.

But, in any case, this one change in the Tax Code is going to be worth an approximately $160 million tax break to Mr. Raymond. So while ExxonMobil is fleecing the consumers over here, Mr. Raymond gets a $400 million windfall pension, and then he gets from the Republican leadership a $100 million tax break.

Now, that might be kind of okay, except they are going to borrow the money to give him the tax break. We are borrowing right now $1.3 billion a day to run the Government of the United States, and with this new tax break for the richest among us, estates worth more than $25 million, we are going to borrow another $210 million a day. Our credit is good. Isn’t that great? That is the way they want to use the money to give him the tax break. They would say, our credit is good.

Unfortunately, the bill isn’t going to go to Mr. Raymond. The bill is going to go to people who work for wages and salaries. Under the bill that passed here today, a schoolteacher will pay a higher rate of taxation on their salary than Mr. Raymond will on his windfall from ExxonMobil. Now, that is fair in my world, and it is not fair to the people I represent.

You can look at it another way. The next decade, as the Social Security annual surplus diminishes down toward...
zero toward the end of the decade, roughly the surplus during that decade will be about $780 billion. So we are going to borrow the entire surplus collected to pay the benefits of retired Americans; of course, not Mr. Ray
mond, he is not too worried about it, but of course, Americans, and we are going to give that as a tax break to people who have estates worth more than $25 million.

Isn't that great? And they say this is about small business and family farms. No, it is about those who have given so generously to you. This is the contributor class that we are talking about here, and the contributor class is awfully generous and has been incredibly generous to George Bush over his political career and extraordinarily generous to the Republican majority here in Congress.

So, it is not too much to ask that they should pass a bill that gives them a $762 billion windfall, hands the bill to working Americans, and they hope to see a $762 billion windfall, hands the bill to working Americans, and they hope to get that as a tax break to people who have estates worth more than $25 million.

The government must have the will to sell it into the United States, you can't sell it into the United States, you can't sell it into the United States, you can't sell it into the United States, and that is all he would say.

I have spoken to border agents who patrol Puerto Rico, and they have arrested individuals. Recently they arrested an individual of Middle Eastern descent. He was actually swimming ashore. And when he was questioned about what he was doing on American soil, he replied with answers like, "Allah is great," and, "Bush is the devil," and that is all he would say.

Stories like this prove the same warfare that let us conquer the Japanese islands in World War II is in play on our shores. It was called island hopping back in World War II, when the American marines would go from island to island getting ever closer to the Japanese homeland. Island hopping.

But in the struggle to capture an island in the Pacific, they would move on to the next island, getting closer, and it worked, and it worked in the Pacific. But now this strategy is being used against the United States, and the invasion of Puerto Rico. Puerto Rico. It is right here, Mr. Speaker, next to the Dominican Republic, Haiti, and then you see this little island called the Mona Island, very close to Puerto Rico.

This island is inhabited basically by a bunch of botanists, for lack of a better phrase, and they are investigating whatever nature resources there are there. It is a 25-mile nature preserve. The biologists and naturalists that are there are people there. It is a breeding ground for illegals. You see, what happens, Mr. Speaker, illegals stop off at Mona Island. They are Cubans, Chinese, Dominicans, Middle Easterners, South Americans and any other illegals from around the world. They land on Mona Island, the first island-hopping stop in their Caribbean trip, and then they move over to the mainland of Puerto Rico. They make their way to Puerto Rico, where, at any given time, there are only four Border Patrol agents on patrol for 272 miles of border or coastline.

Then when illegals get to Puerto Rico, once they land, what they do is they take the ID of the owner of a fake American driver's license, pretend to be a U.S. citizen, and then catch an airplane to the heartland of America. Mr. Speaker, we are being invaded by land and by sea. The obligation of the U.S. Government is to protect its citizens. That is the number one obligation of this government. We must protect our citizens from invasion from all foreign nations by any means. The border war includes the American held island of Puerto Rico and Mona Island. Mr. Speaker, we are sending more Border Patrol and National Guard to our southern border, we are losing ground in Puerto Rico. This island hopping must stop.

Why aren't we using the resources of the Coast Guard to protect our coasts from this unlawful invasion into Puerto Rico? There is a concentrated effort by other nations to infiltrate our national borders. It also happens to be illegal.

The government must have the will to protect our borders like we protect the borders of other nations throughout the world. Meanwhile, the battle for the border continues on the home-land, the second front.

That's just the way it is.

Mr. POE. Mr. Speaker, more news from the front. The border war continues, and today this dispatch comes from the weakest 272 miles on the second border of our Nation.

This could be a postcard from that front, snapshots of illegals all across the beach here running ashore, coming from this boat called a yola. We see here a Blackhawk helicopter.

This invasion started in one Caribbean island and lands on another Caribbean island. This boat is packed with hundreds of illegals. They ride the waves that carry them to a new existence in these primitive boats. They wash ashore on the most advanced country in the world, a superpower.

Mr. Speaker, this looks like a naval invasion from World War II in one the Pacific islands.

This boat was spotted by the Border Patrol, and even though there may be 190 or 150 individuals that are illegally entering Puerto Rico, only 10 to 12 of them will actually be arrested. Sometimes the Border Patrol is not this lucky and doesn't find any of these individuals.

I have spoken to border agents who patrol Puerto Rico, and they have arrested individuals. Recently they arrested an individual of Middle Eastern descent. He was actually swimming ashore. And when he was questioned about what he was doing on American soil, he replied with answers like, "Allah is great," and, "Bush is the devil," and that is all he would say.

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gives manufacturers, competitors, retailers and shareholders a right to hold violators accountable. The bill prohibits Federal Government agencies from buying goods made with prison or sweatshop labor.

We must afford to continue to turn a blind eye to these abuses. Sweatshop imports are a moral crime. They violate the values of our families, of our faith and of the history of this country. They are a moral crime against the working men and women, and, I am afraid, working children of the developing nations.

Sweatshop imports are economic suicide for our country. As we import sweatshop goods, we export American jobs, we weaken the bargaining position of U.S. workers fighting for wages with which they can actually support their families.

The heart of America’s economy has always been a vigorous middle-income consumer class. Henry Ford knew that. That is why he paid his workers a wage that would allow them to buy the cars that they made, to share the wealth they create, to buy the cars that they made.

By driving U.S. wages down, we weaken the American consumer market, we undercut our greatest economic power, and we lose jobs in so many of our communities. And when we lose jobs in places like Marion, Ohio, and Zanesville, Ohio, we hurt our communities, we hurt our families, we lose jobs in places like Marion, Ohio, and Zanesville, Ohio, we hurt our families, of our communities, we hurt our families, we lose jobs in so many of our communities. And when we lose jobs in places like Marion, Ohio, and Zanesville, Ohio, we hurt our communities, we hurt our families, we lose jobs in places like Marion, Ohio, and Zanesville, Ohio, we hurt our communities, and it is wrong for our country.

I ask my fellow Members of the House to please support the legislation that I mentioned tonight, the Decent Working Conditions and Fair Competition Act.

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.)

AGREEING TO TALK TO IRAN UNCONDITIONALLY

Mr. PAUL. Mr. Speaker, I ask unanimous consent to claim my 5 minutes at this time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

Iraq and the Path to War

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

Mr. Speaker, stop the presses; we found Iraq’s weapons of mass destruction. Or at least that is what some Members of Congress would have the American public believe. They stake this claim on an unclassified portion of an intelligence report that addressed the finding of 500 weapons shells of old, inert chemical agents from the Iran-Iraq war in the 1980s. The shells had been buried deep within the ground near the Iranian border and forgotten by Iraqi soldiers.

Yesterday, intelligence officials made clear that these deactivated shells were not the so-called weapons of mass destruction that the Bush administration used as the basis for going to war in Iraq. Mr. Speaker, a few weapons shells from a two-decade-old war does not a weapons of mass destruction program make.

No matter how you slice it, no matter how you package the story, Saddam Hussein simply didn’t have a weapons of mass destruction program in Iraq; yet, there are those who would stop at nothing to prove they existed. It is as if finding the weapons of mass destruction would somehow prove an unjust and unnecessary war that has been mismanaged from the day it was first shamefully conceived.

Mr. Speaker, do a few weapons shells from a two-decade-old war justify the 2,511 American soldiers who have been killed in Iraq? Do they presage more than 18,000 soldiers who have been wounded forever? How about the countless others who have been traumatized
by psychological and physical injuries or the tens of thousands of Iraqi civilians who have been killed?

Speaking of U.S. troops killed in Iraq, the President’s new press secretary recently called the 2,500th American casualty a number.

But the American people know that this soldier and the other 2,510 soldiers who have been killed aren’t just numbers; they are sons, they are daughters, they are husbands and wives, they are fathers, they are mothers; and each of them was willing to lay down their own life for what they believed to be their duty as part of the U.S. military.

These brave men and women deserve a foreign policy worthy of their sacrifice. Unfortunately, their civilian superiors at the Pentagon and at the White House have let them down in many ways, but particularly by referring to any troop, dead or alive, as just a number.

Instead of trying to justify a tre mendously wrong-headed war by pointing to decades-old shells buried in the ground, the Bush administration ought to start engaging in a little something called diplomacy. By going on a diplomatic tour, the United States will shift its role from that of Iraq’s military occupier to its reconstruction partner. We need to engage the United Nations to oversee Iraq’s economic and humanitarian needs. At the same time, we must publicly renounce any desire to control Iraqi oil and ensure that the United States does not maintain lasting military bases.

Engaging in diplomacy will give Iraq back to the Iraqi people, helping them rebuild their economic and physical infrastructure, creating Iraqi jobs, and ending the humiliation that corresponds with another country maintaining 130,000 plus occupying troops on their soil.

A strategy emphasizing the diplomacy is in line with an approach I call SMART security. SMART stands for Sensible, Multi-Lateral, American Response to Terrorism. Instead of throwing our military weight around the world, SMART security utilizes multi-lateral partnerships, regional security arrangements, and robust inspection programs to address the threats of weapons of mass destruction.

Mr. Speaker, to be able to address the true threats we face as a Nation, we need to retract ourselves from the very conflict that is damaging our national security on a daily basis, and there is one and only one, important way to begin this process. For the sake of our soldiers, for the sake of their families, for the sake of our very own national security, it is time to stop sacrificing lives and limbs. It is time to stop spending billions of dollars on this war, and it is time to bring our troops home.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Jones) is recognized for 5 minutes.

(Mr. Jones of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PROPERTY RIGHTS IN AMERICA

(ON THE ANNIVERSARY OF THE KELO DECISION)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. Harris) is recognized for 5 minutes.

Ms. Harris. Mr. Speaker, I rise today to mark the first anniversary of Kelo v. New London, the Supreme Court’s misguided interpretation of the fifth amendment’s restrictions on the taking of private property rights. Both the Old Testament and Greek literature contain references to the government’s ability to take private lands. However, in modern times, the exercise of eminent domain has been very limited and only used in public projects such as roads or the provision of electricity and telephone services.

Yet, nearly a year ago this week, the Supreme Court struck a devastating blow to this Nation’s homeowners and small businesses when it ruled that the government may seize private property and transfer it to another private owner under the guise of promoting community improvement for so-called economic development. As Justice Sandra Day O’Connor said, “The specter of condemnation now hangs over all property.”

The Kelo ruling inspired citizens and legislators in more than 30 States, including Florida, to enact laws to limit the scope of eminent domain. Their outrage was echoed in the words and actions of many of us here in Congress, and last November the House of Representatives overwhelmingly passed H.R. 4128, the Private Property Rights Protection Act of 2005.

Yet, as quickly as our voices were raised in defense of our fundamental rights, they now seem to have fallen silent. H.R. 4128 lingers in legislative limbo.

In Riviera Beach, Florida, a poor, predominantly African-American coastal community, city officials plan to use eminent domain to seize 400 acres of land to build a $1 billion waterfront yacht club and housing complex, displacing about 6,000 local residents. Surely this is not what the Founding Fathers meant by public use.

Are we to tell the American people that private property is no longer guaranteed under the Constitution? Mr. Speaker, the battle of individual rights and liberties cannot be a part-time engagement. The expropriation of private property for private transfer in the name of economic development is not an act that speaks to the tradition of Robin Hood; it is one that betrays our fundamental constitutional rights.

As James Madison eloquently wrote in the Federalist Papers, private property rights lie at the foundation of our Constitution. “Government is instituted no less for the protection of property than of the persons of individuals.”

The Kelo case illustrates only one front in a broader battle to preserve the individual rights granted to all citizens under the Constitution. We must apply equal vigilance to protecting intellectual property rights. Safeguarding property such as artistic, musical, and literary works, as well as the commercial branding tools, promotes entrepreneurship and creativity, and incentivizes innovation. Moreover, protection for intellectual property plays an ever increasingly prominent role in today’s global economy, promoting trade and influencing foreign direct investment. American explorers rely on intellectual property protection.

Mr. Speaker, property rights are basic principles of individual freedom, whether it is real property or intellectual property of which we speak. Today, I rise to marshal my colleagues in defense of this fundamental right of property ownership for every individual in every district that we are honored to represent from homeowners to entrepreneurs.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Schiff) is recognized for 5 minutes.

(Mr. Schiff addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE DEBT AND THE DEFICIT

Mr. McDermott. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized 5 minutes.

There was no objection.

Mr. McDermott. Mr. Speaker, today we granted a tax break of nearly $800 billion over the next 10 years to the wealthiest among us, and it made me think about a quote from children’s literature, which I think is a good place sometimes to learn what we really ought to know.

We all know about the morality tale called the “Lord of the Rings”; and one of them is called “The Return of the King,” and the main character is Gandalf, the magician. The children asked Gandalf what they are supposed to do, and he says, “It is not our part to master all the tides of the world, but to do what is in us for the succor of those years wherein we are set, uprooting the evil in the fields that we know, so that those who live after may have clear earth to till. What weather they shall have is not ours to rule.”

Now, we stand out here on this floor very frequently and talk about our children and what kind of a world we are leaving to our children, and we are leaving a world of debt to our children. The June 11 issue of the New York
Times magazine says, “Debt,” and the subtitle is, “America’s Scariest Addiction is Getting Even Scarier.” Well, we added to the debt today.

Now, the question is, What does it mean when a country goes into debt? It means that we do not tax the people sufficiently for what services they expect, so we have to borrow the money. This year, we are borrowing from the Chinese the entire debt that we are creating in this year, some $300-some odd billion that we did not raise in taxes, that money is now being borrowed by us and we are going to go to the Chinese tomorrow and borrow that money.

Now, what difference does that make? Well, ultimately you have to deal with debt. You all have credit cards. You understand what you have to do with a credit card: you either pay it off, which means we have to raise taxes, or stop giving it away. Or in the case of a country, we can devalue our money.

You say, well, why, what difference does that make? Well, if our money, if the Chinese borrowed a dollar that was worth $4.30 or $10.00 and now we have borrowed $1 billion, we have only lost $1 billion worth of money, and we now only have to pay them $1 billion in debt. Now, lowering the value of the dollar, the Feds are raising it every time. Since March of 2004, the ARM rate has gone up 59 percent, and it could easily jump 50 percent when these adjustable rates happen. Some people are going to lose their houses. Listen to the children.

The SPEAKER pro tempore (Mr. PRICE of Georgia). 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.)

WITHDRAWAL FROM IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, last week the House entertained 10 hours of debate on the Iraq war. The unambiguous resolution which formed the basis of the debate was a partisan measure crafted to be a simple endorsement of our troops, a subject upon which all Americans are united. But the resolution also scoffed at the notion of establishing time lines for withdrawal and thus implicitly sanctioned a prolonged engagement, implying that it might be considered a 21st century version of Lyndon Johnson’s Gulf of Tonkin resolution.

During the debate, several of us suggested that the longer we stay in Iraq, the greater the prospect that forces of anarchy will multiply and spread, perhaps across oceans. I would like to amplify on this concern.

From an American perspective, the two central issues in our Iraq policy are how best to advance our long-term national interests and how best to protect our troops. At issue is whether a prolonged engagement makes better sense than a time-lined withdrawal policy.

The case for a prolonged engagement involves a neocon objective of establishing semipermanent bases in Iraq and neighboring emirates from which American military power, or the threat thereof, can be readily projected against Syria or Iran, or potentially Saudi Arabia, to become an ever-increasing presence in the Middle East.

It also allows greater flexibility in support of the new Iraqi Government. On the other hand, there is a thin line between being a liberating and an occupying power that many in the Muslim world either do not accept or thing is becoming increasingly radicalized. It also allows greater flexibility in support of the new Iraqi Government. On the other hand, there is a thin line between being a liberating and an occupying power that many in the Muslim world either do not accept or think is becoming increasingly radicalized.

Sometimes it is as hard to determine when to end a war as when to start one. It may have been a mistake to inter-
served so valiantly in combat there than such a preposterous claim.

This is why the implications of slogans like the need to stay the course can be so misleading. There is nothing more disadvantageous for our national security or more dangerous for our troops in the field than overstaying our presence.

The longer this war goes on, the greater the likelihood that anger will intensify in the Muslim world as well as among Muslims in the West, including the United States. The recent arrest of 17 young Muslims in Canada is a case in point. From news accounts it would appear that an accumulation of U.S. actions with which Canada was considered complicit triggered perfectly normal youngsters to consider violent and profoundly anti-democratic actions, including a plot to kidnap Canadian legislators and silt the throat of the Prime Minister.

As long as the conflict in Iraq continues and the Israeli-Palestinian issue remains unresolved, the question of time before other 9/11 type events or series of violent acts will occur will vary in parts of the world. Bringing the occupation to an end and resolving other Middle Eastern issues will not ensure against future violence but it could dampen the anger of millions of Muslims and reduce the possibility of a shift toward more dangerous circumstances.

The challenge for the administration is to determine when the new Iraqi Government is strong enough to stand on its own. Our presence is dual edged. We have helped train a new political aliance in Iraq along the lines of disbanding the Iraqi armed forces after the capture of Baghdad. But we also are the subject of anger and humiliation for many Muslims in and out of Iraq. The opposition continues for an assortment of reasons. Some relate to the centuries-old antagonism between Sunnis and Shi'a, complicated by the nationalistic ambitions of the Kurds. Some relate to the millennia-old implication of the Crusades, memories of which hang over the Middle East the way the Civil War did for a century in the American South. And some relate to current events as in the case of Israel, controlling the occupation of Iraq and, to a far lesser extent, the more understandable U.S. intervention in Afghanistan, as well as problems attendant to the unforeseen—Guantanamo, Abu Ghraib, Haditha.

We are in unprecedented times. But there are parallels from recent history that might provide glimmers of guidance for policy makers today. One from the Reagan era that I have always assumed stemmed as much from the President’s wife, Nancy, the closet moderate in the administration, as the non-aggression pact with the Soviet Union. And a strategic planner relates to an attitudinal shift away from confrontation to diplomacy. In Reagan’s first term he postured firmly in the anti-multilateralist, anti-arms control camp, objecting to negotiations with the evil empire. At the U.N., he ordered a U.S. withdrawal from UNESCO, one of the more financially bloated but least dangerous international organizations ever created. In reaction to a perceived anti-progressivism in his first term, two movements of educated citizens mushroomed in size. One, the environmental movement, was concerned with the environmental policies of the Secretary of the Interior, James Watt; the other, which paralleled it in foreign policy, was the arms control movement. Thousands of fledgling advocates came to support the concept of a nuclear freeze in the context of SALT—strategic arms limitation talks. This movement gained so much currency that a poll of delegates to the 1984 Republican National Convention which renominated Reagan found that the majority favored a nuclear freeze rather than the intransigent negotiating policy then in vogue.

But the President, in a remarkable policy shift early in his second term upstaged his opposition by out-radicalizing it. Instead of pushing for a updation of the START initiative which would halve the arms race, he threw his support behind a more imaginative START initiative—a strategic arms reduction treaty—which would reverse it. This implication was a strategic oxymoron: America had to build up military might in order to reduce it.

A progressive might optimistically hope today that on issues as diverse as North Korea, Taiwan and potentially the Israeli-Palestinian conflict the Reagan policy-shift model beckons this President.

Since John Kennedy, all American Presidents have been obsessed with what their place in history may be. In most circumstances I cannot envision a more worth-while President than this one. While there are concerns, however, that an unnecessarily sticky situation may be developing with this presidency. My sense is that advisors are telling the President that his administration will be judged on the steadiness of his commitment to a policy of continued military engagement in Iraq and, quite possibly, following through with a military confrontation with Iran. But might not the Reagan “consistent inconsistency” model be fortuitously adapted? Instead of following one military action with another, what if the President were to commence drawing down forces as democratic institutions take hold in Iraq? And having proven that he is willing to use force—as Reagan proved his willingness to escalate defense spending—the President could then plausibly point out that he is now prepared to negotiate from a position of strength with Iran and North Korea. But for such a change in emphasis—use of diplomacy instead of force—to take place, the administration cannot continue to fritter away time and opportunity. If it continues to refuse to offer the respectful attention that direct negotiations imply with countries like Iran and North Korea, it would seem to me that our adversaries could wait us out, or tempt the administration into a highly dangerous confrontation.

The other historical model that gets little attention, except to serve as an apparent warning not to get too involved in African civil wars, is Somalia. Under this President’s father, U.S. military forces were deployed in a unique humanitarian intervention. The logistical capacities of the U.S. military were used to bring food and medical help to a war-torn society. This might have been a model of success if the food not the field not gotten out of hand. But over time, as one administration folded into the next, American forces in their efforts to provide assistance to starving people found it necessary to try to stabilize internal relations and thus do battle with anarchistic elements of Somali society. For many in Somalia this came to be perceived as siding with one side in an internal conflict. The disastrous consequence of becoming militarily engaged instead of simply humanitarianly involved in a very different setting today—Iraq. Good intentions and heroic deeds can backfire.

In this context, one of the most constitutionally awkward pronouncements of the current Administration deserves scrutiny. The President and Secretary of Defense have repeatedly suggested that troop-level determinations in Iraq will be made by the commander in the field. This articulation, which at first blush seems indisputably prudent, is perhaps related to the hammering the administration has taken, especially from supporters in the press and on Capitol Hill of the intervention, who hold that there would be far fewer problems in Iraq today if more troops had been committed at the outset. According to this reasoning, the mistake for failure of the President, apart from the judgment call on going to war, but with the judgment call on commitment of the decision.

It may be, as Colin Powell has implied, that once the decision to intervene had been made, it would have been wiser to follow the policy early on of avoiding force derived from military history but in recent times has come to bear the former Secretary’s name. In any regard, whether or not the commitment of more troops would have made a significant difference in conning Iraqi borders or bringing greater stability to the military and civilian side of government have to think through the issue of who responds to whom on troop-level questions.

There are distinctions between tactical decision-making and strategic judgments. The former should be disproportionately military, the latter require greater and, at some point, total civilian involvement. In a historical sense it is worth remembering, for instance, that Harry Truman stood down the most popular military officer of the 20th century when GEN MacArthur attempted to widen the war in Korea. Decisions to end as well as begin wars are constitutionally proscribed.

The constitutional dimension of modern war making is not as clear-cut as the Founders might have surmised. This is the case because modern warfare, for a variety of reasons, is conducted without a formal declaration of war from Congress and because the law of the land, despite being unlikely to pass constitutional muster if tested in the courts, is the War Powers Act. Whether one approves or disapproves the involvement of the United States in the case of Somalia or more recently Iraq, there is no question that because of a congressional vote to authorize the use of force, this war is legal. A strike without a precise Congressional authorization on Iran is more conjectural, but the War Powers Act which gives the President 60 days discretion to escalate defense force as well as both the commitment of military force and against terror resolutions, the NPT and possible future Security Council resolutions would presumably be used by the administration to justify executive discretion. Others might suggest that lacking an imminent threat rationale, the Constitution demands the need for congressional concurrence.

As one who is doubtful of the wisdom of intervention against Iran, I was disappointed
NATIONAL FLOOD INSURANCE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I also want to, on behalf of the people of south Mississippi, express an outrage on the handful of southern Mississippians and southern Louisianans who abused that generosity. I do not think anyone wanted the reinsurance program to see that happen, and certainly those who have broken the law should be prosecuted to the fullest extent of the law. I am sure the people who have had to see that their tax dollars were used to help somebody go to a gentleman’s club or get a sexual change, they should be justifiably angry.

Let me tell you what the biggest Katrina fraud of all was. It was not done by a guy living in a FEMA trailer. It was not someone down on their luck. It was by corporate America and, in particular, the insurance industry in America, and next week this House will have an opportunity to do something about it.

Mr. Speaker, because of the unprecedented amount of losses because of Hurricane Katrina, our Nation will have to put $25 billion into the National Flood Insurance Program. I am going to vote for that. It is important. It is going to help a lot of people, but let me tell you why it is wrong for the individual homeowner who had a flood insurance policy and a wind policy, they do that, would amend that bill to require an investigation by the insurance industry in the post-Katrina world, and let me tell you what the Navy Oceanographic Command says. The Navy Oceanographic Command tells us in south Mississippi that had hurricane-force winds for 6 hours before the water ever showed up.

So what does this do? For the individual homeowner who had a flood insurance policy and a wind policy, they have been denied across the board. We can never have a U.S. President who cannot hear these cases of people who feel like they have been wronged because he, too, is suing his insurance company. In the other body, Senator LOTT, who has been extremely supportive of the insurance industry during his entire congressional and senatorial career, is filing suit against his insurance company.

So if the insurance company is willing to take on U.S. Senators, if they are willing to take on Federal judges, what do you think the moms and dads and grandmas and grandpas of south Mississippi, what kind of chance do they have?

So it is wrong on an individual case, but let me tell you why it is wrong for all of you.

Remember, every time they said the water did it and not wind, the taxpayer paid the claim, and so now we have to raise $25 billion, probably of borrowed money, to pay claims that should have been paid by companies that had a profit of $44 billion. There is no Federal regulation of the insurance industry, but there is a law called the Fair Claims Act.

The biggest abuse, the biggest fraud that has occurred since Hurricane Katrina has been by the American insurance industry. Next week this House will have an opportunity to look into what I have just told you, the allegations that billions of dollars that should have been paid by the private insurance industry were instead paid by the American taxpayer.

How is it that during the same storm season the private industry makes $44 billion, while the taxpayers lose $25 billion? Under the Federal False Claims Act, if indeed these companies did that, then they will be fined millions of dollars, and their corporate executives...
will go to jail, a fate they richly de-
serve.

So, Mr. Speaker, I am asking for two
things: Next week, when the National
Flood Insurance Renewal Program
comes before the House, I am asking
for an inspector general investigation of
the insurance industry to see wheth-
er or not claims that should have been
paid by the private sector insurance in-
dustry were wrongly stuck on the
American taxpayer. And I am asking
for your support.

Mr. Speaker, I will note that two of
those insurance industries that I think
were the biggest culprits reside in Illi-
nois. But I also note that two-thirds of
all the campaign contributions from
the insurance industry went to your
political party. So the real question is,
Mr. Speaker, are we going to look out
for the American people, or are we
going to look out for your contribu-
tors?

That decision will be made next
Tuesday.

The SPEAKER pro tempore. Under a
previous order of the House, the gen-
tleman from Florida (Mr. BILIRAKIS) is
recognized for 5 minutes.

(Mr. BILIRAKIS addressed the
House. His remarks will appear here-
after in the Extensions of Remarks.)

HONORING MYLDRED E. JONES

The SPEAKER pro tempore. Under a
previous order of the House, the gen-
tleman from California (Mr. ROYCE) is
recognized for 5 minutes.

Mr. ROYCE. Mr. Speaker, I rise
today to pay tribute to an exceptional
woman from my district, Myldred E.
Jones, a resident of Los Alamitos, Cali-
fornia, for 38 years, a retired Navy He-
utenant commander, and founder of
Casa Youth Shelter, and she passed
away at the age of 96 on Monday, June
19.

She was a consultant for Youth Af-
fairs for former Governor Ronald
Reagan, and during that time, she rec-
ognized the desperate need to shelter
runaway and throwaway teens who
faced danger on the streets. So she co-
founded the first adolescent hotline,
which quickly spread across the Nation
and is now international in scope. She
founded We Care and Hotline of South-
ern California, dedicated to youth in
crisis.

1915

At the age of 69, when most people
are settled into retirement, Myldred
sold her home to finance another non-
profit corporation, Casa Youth Shelter.
Her vision and dream of helping chil-
dren in need became a reality, and the
woman who began by sacrificing mar-
riage and children for service to coun-
dy, dedicated 29 years to accepting and
loving and sheltering at-risk youth.

She was born in Philadelphia, the
second of four children. She earned her
B.A. at Wittenberg College in Spring-
field, Ohio. She did her graduate stud-
ies at UCLA. In 1942, the wartime call
to service led her into the Navy as part of
the first contingent of California WAVES
to be called to active duty. She

The SPEAKER pro tempore. Under a
previous order of the House, the gen-
tleman from Florida (Ms. CORRINE
BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida ad-
ressed the House. Her remarks will appear hereafter in the Extensions of
Remarks.)

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under a
previous order of the House, the gentle-
woman from Florida (Mr. MEEK) is rec-
ognized for 5 minutes.

(Ms. JACKSON-LEE of Texas ad-
ressed the House. Her remarks will appear hereafter in the Extensions of
Remarks.)

The SPEAKER pro tempore. Under a
previous order of the House, the gentle-
woman from Ohio (Ms. KAPTUR) is rec-
ognized for 5 minutes.

(Ms. JACKSON-LEE of Texas ad-
ressed the House. Her remarks will appear hereafter in the Extensions of
Remarks.)

The SPEAKER pro tempore. Under a
previous order of the House, the gentle-
woman from Texas (Ms. JACKSON-LEE)

wants to start by commenting about a
It is a function of the Congress to oversee the monies appropriated to any administration, and this Congress has abdicated that constitutional responsibility to the American people. I mean, no private enterprise in this country would tolerate what all of us are tolerating right now. Can you imagine a private company, a CEO, or just anyone going to the treasurer or to the comptroller and saying, here is an expenditure of $10,000, do you know what it is for? What happened to it? And the answer is, well, I don’t know, I can’t find it, I couldn’t tell you.

No body in private enterprise in this country would put up with that, yet that is exactly what has been going on here in this one-party political town. You have a compliant Congress, a friendly administration, and so not only is Congress not asking the administration what happened to the money, if they ask them, they can’t tell them.

So what we have done is introduced House Resolution 841. That basically says what all of us believe ought to happen in our own private businesses and what happens here in our public business that affects everybody. It simply says this: When an Inspector General from the Department of Commerce, the Department of Transportation, or any of these agencies and says either, number one, we can’t find the money that has been appropriated; or, number two, this program, in government talk, is a high-risk program, and what that means really is that this program is not worth the risk like Congress intended for it to when it passed it to begin with, when those two things occur, House Resolution 841 provides that by law Congress must hold a hearing.

Right now these Inspector General reports are just gathering dust. There are no hearings on what has happened to the money. So we are putting into law, hopefully, if we get enough votes to pass it, we are just telling Congress you can’t do this right. You ought to oversee this spending that is going on. I mean, I can’t imagine anyone who would argue that it is not a good idea that we audit the books every now and then and see where the money is going that is being removed involuntarily from taxpayers. Who would be against finding out where the money went? I just can’t imagine.

Mr. MEEK of Florida. If you would yield a moment, Mr. TANNER, I can tell you what a lot of things we should be doing, or the Republican majority should be doing but they are not doing, and we don’t have the opportunity to do it because we are in the minority.

Again, it is good having you and Mrs. STEPHANIE TUBBS JONES, especially from the Ways and Means Committee, talking about the accountability and the ways and means of doing things. I am glad that you have this bill filed. And I am happy to know about it, because it is giving here a note to my folks that I need to be a part of this, because that is what we are talking about here almost every night, accountability, with these Inspector General reports stacking up.

As you also know, Mr. TANNER, the head person of the GAO has this working group moving around the country talking about what is happening in this government. Keep on of account bills the lack of oversight, Mr. RYAN and I met with him in the office. And this is bipartisan conservative and “liberal groups” going around. They have come together on behalf of the country because all this money is being spent with very little accountability.
say we are spending your money responsibly.

Mr. TANNER. Mr. Speaker, people say all the time why can't government run more like a business? As I said earlier, no business would tolerate what we are tolerating here with this abdication of responsibilities. They don't go up with the money. The very least the American people should expect from Congress is for Congress to oversee the money they remove from people involuntarily through taxes. The very least we owe to the American people is to tell them what happened to it.

The other part that this resolution addresses is, one, when they can't tell us what happened to the money; two, when the program is identified as high risk, that means it isn't working; and three, when the auditors disclaim the audit report.

I want to read what the auditors said when they tried to audit the Department of Defense. We are unable to give an opinion on the fiscal year 2005 DOD financial statements because of limitations on the scope of our work. Thus, the financial statements may be unreliable. Therefore, we are unable to express and we do not express an opinion on those statements.

That is on the first page of the audit. What they are saying is we don't know whether what you are about to read is true or not.

Listen to this from the Department of Energy: "Audit work performed by the contract auditor identified significant deficiencies in financial management and reporting controls related to the Department’s fiscal year 2005 consolidated financial statements. Specifically, the Department was unable to correct previously described weaknesses and could not provide a number of supporting documents required for audit." What they are saying is here is this report, but read it at your own risk, we don't know whether it is true or not.

Homeland Security. "Unfortunately, the Department made little or no progress to improve its overall financial reporting during fiscal year 2005. The auditor was unable to provide an opinion on the Department's balance sheet."

If that were in private business, the CEO of those businesses would be going to jail under the SEC rules if their stock went off the exchange.

This is not rocket science. The least the American people ought to expect from this Congress or any other Congress is to be able to account for the money that we take away from the citizens in the form of taxes. These people are not doing their job. This is a repletion.

I have gone through some of these reports, it is unbelievable. There is not a hearing from Congress. There is nobody being subpoenaed up here saying, what happened to the $10 million that is there that the auditor said they can't find? Nobody is asking those questions. Congress is not asking it. If they asked it, they couldn't tell them. That is wrong. It is wrong to the taxpayers. It is wrong for this Congress to allow this to continue to go on.

I hope we can get H. Res. 841. The gentleman from California (Mr. CARDOZA), another Blue Dog, has H.R. 3039, and he says basically in that bill that when a Cabinet Secretary's department cannot produce an audit after 2 years, they have to go back before the Senate and be reconfirmed. In other words, you are in charge of this department and you are not going to spend the money that was removed from the taxpayers' pockets and we gave it to you to spend? Where is it?

I can't tell you.

The second time he comes up here and says, "I can't tell you what happened to the money," he has to be reconfirmed because he is obviously incompetent because he can't do his job, or her job.

This is just basic good government. It has nothing to do with politics, it has to do with running the government's business like we would run our own. That is what people send us here to do, and that is what is not being done, and that is why it is so wrong.

Mr. JONES of Ohio. I am reminded of one of the hearings in the Ways and Means Committee where then-Secretary Snow was before the committee. This was before we actually got into the Iraq war.

I said, Mr. Secretary, you used to run a business. Tell me what trustees or board of directors of any business would say to you that you can have a supplemental outside of the budget that would increase significantly the deficit, and you don't have to include it in the amount of dollars we are expending?

He said to me that the President doesn't want to go to war, so it is not part of the budget.

I said, 1 minute. I know that there are tankers over there, there are men and women over there, there are arms over there, and we are spending dollars to feed and clothe them. That ought to be part of the budget. The American people should know what kind of money we are spending and not have it off side.

That is what this administration has been so good at in all of these supplementals. Many of us vote for the supplementals because we want to support the troops in Iraq and Afghanistan, but it is bad budgeting. I know if Secretary Snow ran his business like he ran the government, and he is gone now, but he would be put out of business if he ran a business like this.

Mr. TANNER. If the United States of America were a business, it would be classified as a failing business enterprise, and I hate to say this about my country. We are now in a structural deficit situation. In the business world you handle a cyclical deficit. That is if you have a bad year, if you had a bad year and so forth.

Under this scenario of this regime running the Congress and running our country and running the White House, we have a structural deficit. It never balances. Anybody in business knows that is unsustainable. That will not go on forever. Unless they figure out how to deal with the laws of arithmetic, there are no fixes in a structural deficit situation that cannot continue.

What does one do when one takes over a failing business? The first thing one does is find out where is the money going. The second thing one does is find out where is it going. The first thing I want to do, we know we can pretty well figure out where the money is coming from Treasury because they can tell you who is paying taxes. We can't tell where it is going. That is why we need this bill. We need accountability, and we need this bill.

When we appropriate money to anybody, any administration, if they can't tell us what they did with it, they should not get the money. I think that is what you would do in your private business; that is what we ought to do as Members of Congress with the public business.

Mr. MEEK of Florida. Mr. TANNER, I am using this information from the Heritage Foundation, which is one of the most conservative foundations in Washington, D.C., if not the leading. In fiscal year 2003, $25 billion of taxpayer money went unaccounted for according to the Department of Treasury, again a third-party validator.

Basically they are saying that $25 billion can fund a full year at the Justice Department, according to the Heritage Foundation. So this is real money that is missing. Taxpayers dollars can go into funding an entire Justice Department, which has a number of employees and is charged with carrying out a great deal of responsibility on behalf of the American people.

Mr. TANNER. Mr. Speaker, I want to know what is the end result of all of this wasteful spending? I think it is important to point out what the long-term effects are.

When President Bush took office, our debt limit was $5.9 trillion. As you can see, and these charts are on HouseDemocrats.gov/30something, in June of 2002, it increased by half a trillion dollars.

May of 2003, another debt limit increase. November of 2004, another one. The supplemental in May of 2006, another, and the budget for this year for 2007, the budget resolution will raise our debt limit to $9.62 trillion. By 2011, the debt limit under the Republicans will almost double from when President Bush took office.

Now we are trying to say that we want to audit the government and save money and make sure that we invest it properly into our priorities that will lead to economic development, and it is clear that the Republican majority, which controls the House, Senate and White House, are simply irresponsible not only with the way they lack enforcement, they don't audit and pay attention to where the money
The U.K., $232.3 billion.
The Caribbean, $115.3 billion.
Taiwan and counting, $71.3 billion of our debt.

Again, this is not the American taxpayer, this is what a charitable Congress has done with the President's policies.

And you let some individuals tell it on the other side of the aisle, they will say we are doing great.

For the first time in the history of the country that we have a group of Republicans owning a piece of the American taxpaying, and paying us with interest. Like Mrs. Jones mentioned, it is like borrowing on a credit card.

OPEC nations, you are talking about Iran, Saudi Arabia, a number of the countries that many Americans have questions about, oil-producing countries, they are in on the game. Not only are we paying through the nose for petroleum, they own $67.8 billion.

Germany, $65.7 billion; Korea, $66.5 billion; and Canada, just north of us, $53.8 billion. They are in on this feeding frenzy. And the reason why we have this overwhelming debt, United States and the American flag, we want to get to back to.

Mr. Speaker, we are the only party here in this Chamber, including, we would add, the one Independent who actually votes with the Democrats on this side. If we want to get back to a debt-free America, then we have to go on pay-as-you-go policies, which just today, just today, just today, Mr. Tanner, just today, Mrs. Stephanie Tubbs Jones, this was a vote on this floor we move in a pay-as-you-go policy, and the Republicans voted against it. United voting against paying as you go. That means if you are going to spend the money, you have got to show where you pay for it. And still that policy is not in place.

And, Mr. Tanner, I know that you have worked day in and day out. I have watched you here on this floor. I watch Mrs. Tubbs Jones in Ways and Means talking about, if we are going to do it, what are the means? How are we going to do it? And it is continuing to be placed on a credit card.

We usually use old charts, but today I think it is important for us to say that just today, on this floor, Republicans continue in the direction, I would say the leadership, continue to move in the direction of allowing these countries to have their hands in the pockets of the American taxpayers.

And it goes simultaneously with the two pieces of legislation that you have shared with the Members and the American people today, House Resolution 841, that you have offered and also Mr. Cardoza's legislation as it relates to House Resolution 5315, that talks about this accountability, forcing the Congress to carry out section 1, article 1 of the U.S. Constitution, which is boiler plate.

Mr. TANNER. Well, I am going to have to go, but I want to thank you all again for letting an old guy like me pretend I am 30-something again. It is a real thrill to do that, because your generation, I have two children in their 30s. There are two grandchips, one on the way. And when I see this country in an unsustainable financial downward spiral, I feel great remorse from my generation's standpoint, because we are not doing what our forebears did. And if we don't, where there is no accountability, where Congress is not asking any administration, this has nothing to do with politics, it has to do with good business principles in the public sector, which I think all citizens of this country not only expect but deserve, and that is, this Congress ought to, at a minimum, be able to tell the American people what happened to the money. And they are not even asking this administration.

And if they did, they couldn't tell them what that is just going to.

And these bills, I hope some of our Republican colleagues will sign on. It seems to me like they would want to audit the books as much as we do. I mean, I just hope that this is the first step of accountability into this public sector so that when we get an audit from any Department, the auditors can identify what happened to the money, whether or not the program is working, and so we don't get these disclaimers that we are going to go read in this audit we have no idea of. We don't know whether it is true or not. Go ahead, be my guest and read it, but we can't vouch for any of it because we don't know, and they can't tell us. That is just, it is not only grossly irresponsible for this Congress to let that go, it is really a generational mugging. And you 30-something guys, I appreciate you and your group, because you all will ultimately bear the terrible consequences of continuing down this unsustainable financial downward spiral, I feel great remorse from my generation's standpoint, because we are not doing what our forebears did. And if we don't, where there is no accountability, where Congress is not asking any administration, this has nothing to do with politics, it has to do with good business principles in the public sector, which I think all citizens of this country not only expect but deserve, and that is, this Congress ought to, at a minimum, be able to tell the American people what happened to the money. And they are not even asking this administration.

And if they did, they couldn't tell them what that is just going to.
Great one. And it is so good, Mr. RYAN, and Mr. C ARDOZA are trying to do is to boot. Thank you all.

Mr. RYAN of Ohio. Thank you, Mr. TANNER. We definitely appreciate your contributions. And I like this whole generational piling piece. You are going to hear that again. That is a great one. And it is so good, Mr. RYAN, to have members of the Ways and Means Committee here, because they hear this constantly, and the policies are passed through that committee as it relates to how we tax Americans, corporations, what have you. And to see the waste on the other side of the ball, on the government, which we are supposed to oversee, and make sure that those dollars that are being collected from the American taxpayer or the American corporation or whatever it may be, that it is spent in an appropriate way and that we are accountable for it.

Mr. RYAN of Ohio. Would the gentleman yield?

Mr. MEEK of Florida. Sure I would yield.

Mr. RYAN of Ohio. We had a wonderful, and I am going to share this with the Speaker and the House, we had a wonderful conversation about three weeks ago with Alvin Toffler, who wrote “Future Shock,” and then wrote this “Revolution of the Wealth.” And he goes into how civilization during the Industrial Age was much different than it is now.

He used the example of 9/11, about how this decentralized, information-based, cells popping up al Qaeda, basically a private group, moved money and information around the world on cell phones and very decentralized, attacked us. And our response was to build a 20th-century pyramid bureaucracy, get the fat out of them and land Security because that is what we know how to do. We know how to build these bureaucracies. And how we are living in an age that no longer represents, those kind of bureaucracies no longer address the needs of the American people.

So this audit and what Mr. TANNER and Mr. CARDOZA are trying to do is squeeze this government, squeeze these bureaucracies, get the fat out of them and fine us where we can cut sources and invest them into the new programs, the new technologies, the new ways of doing things. And Democrats are for this. And I am excited about this summer and this fall for us to go around the country and talk about this new approach that we have because people say, oh, the Democrats aren’t going to do it.

We are experiencing the implementation of the neoconservative agenda right now. They haven’t done anything. They are spending like drunken sailors. We are running huge budget deficits. We are spending $230 billion a year, just paying interest on the debt. We are borrowing money from China and Japan and all of these other countries and funding these long-term structural deficits that we have.

We need an opportunity to take over this government, and let us start authorizing a new Democratic Party. Speaker, that wants to squeeze the fat out of this government.

The Republicans had a lot of good talk in 1994. But even their own leader, Mr. Gingrich, Speaker Gingrich is saying now they are in charge, they are seen as in charge of a government that can’t function.

Mrs. JONES of Ohio. Perfect example was today when we started talking about the estate tax. And there are different views on the importance of the estate tax. But reducing the estate tax puts in place, how do we pay for what was covered by the estate tax? And how do we pay for it? They don’t even account for it. They just reduce it or get rid of estate tax, and say, okay, I am going to leave you to fend for yourself as to how you cover it.

Pay-as-you-go, they fussed at us. Well, if you want to increase college loans, or if you want to increase money for Social Security, or if you want to increase money so that seniors can get a prescription drug benefit, or you want to increase it so seniors can be covered with Medicaid, pay for it. But they don’t even talk about paying for it and a redistribution.

And there are a lot of Democrats who certainly believe that we should not reduce taxes. But regardless of where you are, pay-as-you-go is language that everybody understands. My father used to say, if I have $5 and beef costs $5, I am going to leave you to buy a pound of beef for $5.

Mr. MEEK of Florida. Mr. RYAN, I think, and also Mrs. TUBBS JONES, I think it is important that we look at this American responsibility of the Republican majority. They are being very irresponsible. And to say that that is fine, we will give you what you want, of course, Mr. Speaker, I think we are going to see more of that kind of Republican majority to say that, oh, we are with you, even if we are running the country into the ground.

We know better. We know that we have foreign countries that we are borrowing from ourselves anymore because we have done such a bad job. We know we have raised the debt ceiling time after time after time. Meanwhile, we come to the floor and say our policies are working.

We know that there are things we should not be doing because you are working every day or you are running your business every day. You may not be paying attention to everything that is going on. Not only are we elected but we are paid to watch out for your best interest and also for future generations’ best interests. And they are doing it.

And I think that the paradigm shift as it relates to the American people paying attention to what they are doing in a way, from a fiscal way, I think, will take place between now and November.

And so what is so unfortunate about this whole situation, Mr. Speaker, is that we are supposed to be responsible policymakers on a bipartisan basis. And that is not happening right now. That is just not happening. The America taxpayers are getting hammered, knocked down and kicked by this Republican majority and the rubber stamp, or the rubber-stamp Congress, Republican majority that is here.

Now, one other thing I want to mention here, which I think is very, very important, just today, Mr. RYAN, Mrs. TUBBS JONES, we don’t have to go back, Mr. Speaker, to weeks or months or 2 years ago or 3 years ago. We had a pay-as-you-go provision here. Individuals decided not to take it up.

We had an opportunity to raise the minimum wage on behalf of the American taxpayers. The Republican majority rejected an opportunity to raise the minimum wage for everyday working Americans.

As a matter of fact, Mr. RYAN, one of the Republican leaders said, I haven’t voted in 25 years. Mr. Speaker, to raise the minimum wage. And if he would have had his way, the minimum wage would still be $3.35 versus $5.15.

I am so glad that my State joined 21 other States in raising the minimum wage. Meanwhile, we are still here with chisel and hammer as Neanderthals on the Republican side of the ball and saying, oh, we don’t have to raise the minimum wage. We are so indebted to the special interests that we don’t even want to bother them of helping the American public that is able to pay the rent or pay for their house mortgage or to be able to put gas in their tank. We are so invested in the K Street Project, we are so invested in so many other things that we are willing to pass these individuals.

But guess what? Those are the same individuals that are making America America. And there are millions of Americans that are there.

And so what is very, very unfortunate here, Mr. Speaker, is the fact that the Republican majority is still boasting about, you know, we are in charge. We are going to continue to keep our foot on the necks of everyday Americans. We are going in, punching in and punching out every day, 5 days a week, sometimes 6, because they have to work overtime; those Americans that know what it means to take a 15-minute break in the morning and a 15-minute break in the afternoon, and a solid 30 minutes of lunch, if they get that, and they better not be a minute late. Those kind of individuals, I think, are going to go to the polls this November and say, no more. They are going to go to the polls and say, we are willing to fight for the kind of accountability that we need from this government.
I am so proud, Mr. Speaker, of the 30-something Working Group and the Members that come down here and the Democratic Members that file legislation on behalf of the American people, not on behalf of the Democratic Party, not even on behalf of the Democratic Caucus of our party but on behalf of the individuals that they represent who woke up early one Tuesday morning and voted for representation in this U.S. House of Representatives, and I must add, Mr. Speaker, the only Chamber that you have to be elected to, that you can’t be appointed to. All due respect to the Senate, but Senators can be appointed by Governors. If a Senator was to say, hey, you know, I have had enough, I want to go home, I want to take care of my grandkids, a Governor can appoint a Senator.

But in democracy, in this Chamber, in the U.S. House, if one Member were to say, hey, I want to take care of my grandkids, to spend more time with my kids, they have to run for office. They have to run for office, and they have to be replaced by the people.

So we have a greater responsibility. We have a greater responsibility than the White House, than the Senate or the majority, if one Member were to say, hey, you know, I have had enough. I want to take care of my grandkids, a Governor can appoint to. All due respect to the Speaker, the only Chamber that you can represent in, the only Chamber that you can represent in this U.S. House of Representatives, not on behalf of our leadership, not even on behalf of the Democratic Caucus, not on behalf of the Democratic Party, not even on behalf of the Democratic Caucus, but on behalf of the American people.

The oversight, House Resolution 841, and Mr. CARDOZA’s legislation that calls for the calling in those administrative agencies that are accountable for taxpayers’ dollars, are these the kind of bills that we must pass?

One thing I can say, Mr. RYAN, which is so very important on our side of the ball of saying we want to take this country in a new direction, is the fact that we said we will increase the minimum wage. We will make our country more energy-dependent within 10 years. We will implement the 9/11 recommendations to be able to make sure that we can fight terrorism here and make sure that local communities have what they need.

These are not “if” or “if we get around to it” statements. These are statements that we said wholeheartedly that we would carry out.

The last point, anybody who wants to get this information as it relates to an innovation plan that are not accountable, go to housedemocrats.gov. Right here, this is what it looks like. You can download this information. Again, safeguarding, making sure that we have the real security here in America, our Democratic plan: housedemocrats.gov. And, again, here as it relates to the working group that we have dealing with investing in the Midwest versus the Middle East: housedemocrats.gov. Mr. Ryan said all of the charts that you see here tonight you can get on housedemocrats.gov.30months.

Mr. Speaker, I do not even waste my time anymore, as a Member of this House, talking about working in a bipartisan way because the only way we can work in a bipartisan way, Mrs. TUBBS JONES, and you know because you are the most senior Member on the floor right now, that the majority allows it to happen. The majority calls the conference committee, and this happens a lot in the Ways and Means Committee.

Mrs. JONES of Ohio. A whole lot.

Mr. MEEEK of Florida. A lot in the Ways and Means Committee. They will have about, but accountability or what have you, trying to find the ways and the means of bills that come through that committee, and the Democratic Members are not even called. A conference report comes to the floor, and they have not even seen it. Not that they weren’t willing to sit down with the Republican majority, saying, We want to work with you and see how we can work in a bipartisan way. They don’t even get the notice for the meeting. So the meeting takes place and the things that are about rules that are in the House rules, it smacks the theme of the rules and also the spirit of the rules and the rules, period, about the minority party’s being informed about these meetings.

So one of the Members has said: When we take control, there will be a bipartisan spirit in this House, and we will work together with the Republican minority, if the American people see to it.

Mr. RYAN of Ohio. Because it is not about us. It is not about the Democrats; it is not about the Republicans. It is about fixing the problems. I mean, we have got real problems in this country, serious, structural problems. And we do not have time to be nitpicking with each other to say, Well, that is a good idea, but you are a Republican, so forget about it. Give us all the ideas.

Mrs. JONES of Ohio. It is very important to understand that there are 41 representatives on the Ways and Means Committee. As a result of that 41, there are 21 Republicans and 17 Democrats. And the Democrats, 17 members, beginning with our ranking member, CHARLIE RANGEL, and going on to PETE STARK and on down the line, are people who can bring leadership and knowledge to a discussion about legislation. But, unfortunately, as the committee is currently constituted, we do not have the opportunity to sit at the table and truly legislate. Even one day the police called on us all used out of the Ways and Means library room.

The reality is that we are willing and ready, ready and able, to provide impetus to the legislation on taxing and raising revenue for the United States of America. But, unfortunately, we do not have the opportunity. Unfortunately, we, as Democrats and Republicans, do not have the opportunity to sit at the table, talk it over, figure it out, and come to the floor with legislation that can make a difference on behalf of all Americans.

If you look back in history, every year we were in, there was legislation that really worked for America. It was legislation that was done on a bipartisan basis. This chairman talks about being a member of the willing, something like the Iraq war, if you weren’t a member of the willing and you didn’t go to war, you do not get counted in. The people of America will see to it that we are present here in the House of Representatives, although some days I think that we are, that we can have the opportunity to sit at table, legislate, and make a difference on behalf of the people of America. But, unfortunately, we do not have the opportunity to sit at table, legislate, and do a good job.

Mr. RYAN of Ohio. Do you know what this comes down to? This is just boiling all this down, regardless of the issues that you are talking about: What do we believe in as a country? What do we want our country to be?

Now, what we have had here over the past 5 years with a Republican House, Republican Senate, and Republican White House is Washington, D.C., borrowing more money from foreign interests in the last 4 or 5 years than we have borrowed in the last 224 years.

Do you believe in a government that should put everything on a credit card? Do you believe in a government that should give tax breaks to millionaires and then never raise the minimum wage? Do you believe in a government that should have a $1 trillion prescription drug benefit and not do anything to bring the cost down because the pharmaceutical industry may not like it? If you believe in that kind of government, then you want to continue with what we are doing right now.

But if you believe in a government that is for the common good and the common defense and uses common sense, then you want to vote for the Democrats. If you want to raise the minimum wage by a couple bucks an hour, then you want to vote for the Democrats. If you want to bring the cost of prescription drugs by using the bargaining power of the United States Government and the Medicare recipients, then you want to vote for the Democrats. If you want to take some of this money that we are going to squeeze out of the government because we are auditing and finding the waste and abuse in our government and invest that money in the Pell Grants, then you want to vote for the Democrats.

I mean, this is very simple. They have their beliefs; we have our beliefs. And we need the American people to affirm those beliefs at the ballot box.
And I believe in November, Ms. Tubbs Jones and Mr. MEEK, that the American people are going to affirm the beliefs of the Democratic Party because we are ready, willing, and able. We have the will and the desire to go out and find a political coach. We are ready to rock and roll.

Mr. MEEK of Florida. Reclaiming my time, it is very interesting. And, Mr. Ryan and Mrs. Tubbs Jones, I think you hit the nail right on the head in talking about the reality of serving in this Republican majority right now, what is not only happening to the Members of this body on the minority side and the one Independent that is a part of this House, but also what is happening to the American taxpayer. And accountability is on our side. We balanced the budget. The bottom line is there wasn’t a deficit. There were surpluses as far as the eye can see when the Republican majority took over. And now we find ourselves in a fiscal crisis.

And I want to share this information and make sure, Mr. Speaker, that all the Members, hopefully, go back to their districts and, before they see an increase in the interest rates and climbing, not because the companies said they want to go up on the interest rate, but because we have to consolidate their loans before July 1, because afterwards they are going to be paying, I believe, a 2 percent increase in interest rates and climbing, not because the companies said they want to go up on the interest rate, but because the Congress allowed these companies to go up on the interest rate, meanwhile providing more tax breaks for the superwealthy Americans that are here.

So as we continue to speak, we are not here speaking into the Congressional Record, Members, just to say we want to be on the record about what is happening to America. We are saying that we are going to do the job we were elected to do. We have our chinstrap buckled and our mouthpiece in. Since football season is coming up in August, let it be known that we are ready to hit the field. We are ready to hit the field on behalf of the American people: not willing hit the field on behalf of half of Democrats, not willing to hit the field on behalf of just children, but on behalf of all the American people. That is Republicans, Independents, Green Party.

If you are not even voting, and you are so mad, and you are tired of this mess here in Washington, DC, we are doing this for you. We want to make sure that this democracy that some talk about that we are fighting in foreign lands to guarantee a democracy over there, we want to make sure that we can celebrate a democracy right here, making sure that individuals do not have to find a way out of no way, and making sure that we come up with ways that we can become energy-independent and making sure that we come up with ways that we can become energy-independent here saying, well, we need to go to war in foreign lands to be able to attract oil when we have resources right here.

Mrs. Jones of Ohio. If the gentleman would yield, you know what is interesting as we debate on the floor, let us talk about, just for a moment, the minimum wage. And there is always the discussion that the people who pay the minimum wage ought to get the minimum return in their taxes. And I cry and scream on behalf of the unemployed in my district: Give them a job, and they will gladly pay taxes. Give them a job and a living wage, and they will not only be able to take care of their families. They will come off of government rolls. But the reality is most people working at $5.25 an hour cannot be successful. They cannot be part of the American dream because they have to buy milk, $3 a gallon of gas, and take care of their families. And the reality is that the Democratic Party is the only party talking about raising the minimum wage.

And there has been an argument that we do not want to raise the minimum wage because it impacts business, but there is statistical information very recently that just came from Ohio that says if you raise the minimum wage, businesses will not go out of business. It is not that if you raise it, they will go into debt. The reality is that if you have got a better worker making a better salary, then you have got a better business. And that is what we need to have happen in Ohio and across this country.

Mr. MEEK of Florida. Mr. Speaker, the last time the minimum wage was raised, it was a zero impact on businesses. Zero impact. So when folks are willing to pay the minimum wage, people are going to go out of business, please. Okay? And when folks start talking about, Well, I am here to protect the business community, the last time I checked, there were individuals that went to elect me and everybody else here to the United States Congress, to the House of Representatives. I didn’t see major corporations going up with a voting card saying, I am representing corporation one, two, three, and I want to vote on behalf of Kendrick Meek for Congress. There were individuals that voted for us.

So, Mrs. Tubbs Jones, I think you have 110 percent right, just not on behalf of the people of the great State of Ohio, but on behalf of the American people. People are working every day, but they cannot even put gas in their tank. How can you live?

Oprah just did a story on this as it relates to individuals that are making minimum wage. And they put individuals who were making above the minimum wage on a minimum wage, and they could not survive.

Mrs. Jones of Ohio. They say that if you look at inflation and apply it to minimum wage, the minimum wage today should be $9.08. And even in our proposals we are only asking for $7.25.

Give people an opportunity to make a living and be proud of themselves making a living wage.

Mr. Ryan of Ohio. And whatever business you have, your customers are going to have more money to go and spend. This is the basic difference that we have between what the first President Bush called “voodoo economics,” which is the current system we are in right now, the implementation of the neconservative agenda. That is what is happening right now. You are happy with what this system is yielding for you and your family, then you need to continue to vote for the Republican Party. But if it is not effective for you and your family, then you need to look for alternatives, and that is what we are doing here.

But the Democratic Party is saying raise that minimum wage and give these small businesses more customers to go out and purchase their products. Mr. MEEK of Florida, I was just looking for this, and I am so glad that I found it because I think it is important to be able to share the facts where they are. Third-party validators, Mr. Speaker, once again, there is just a line as far as it relates to the things we bring up.

This is a message from my Democratic Caucus Chair, who is James D. Clyburn, that is talking about priorities of the Democratic Caucus. It is not talking about something we just came up with a couple days ago, but the priorities of the Democratic Caucus and the American people. Five dollars and fifteen cents is the minimum wage. Fifty years, the last time the minimum wage was brought down to this low as it relates to the inflation that you just spoke about. It should be $9 and some change. 1997 was the last time that the Congress raised the minimum wage. That is almost 10 years ago. It is about to be 10 years ago. Six point six million people, the number of people who would benefit from an increment in the minimum wage. Six point six million individuals, roughly three-quarters of minimum-wage workers, adults over the age of 20, many of whom are responsible for half of their family’s home. One day it takes to be able to make money to buy one tank of gas working on the minimum wage.

Again, Mrs. Tubbs Jones, a zero jobs loss. Studies have shown that there is no evidence of jobs lost after passing a minimum wage increase.

Here is another one. Eighty-six percent of the American people support an increase in the minimum wage, and I must say 22 States have already headed in that direction through constitutional measures or legislative measures to increase the minimum wage to help their State’s economy because they know these individuals are consumers and these individuals that are on minimum wage will help their State’s economy.

So I just wanted to share that information, because it is important that the Democratic Caucus Chair in the Republican majority is saying no. We are saying if we become the majority, if they become the minority come this time, it is very interesting. And, Mr. Ryan, I think you hit the nail right on the head in talking about the importance of the Democratic Party because it is important that we share that. But again, the Republican majority is saying no. We are not talking about something we just came up with a couple days ago. The third-party validators, Mr. Speaker, are just a line as far as it relates to the things we bring up.

Mr. MEEK of Florida. Mr. Speaker, the last time the minimum wage was raised, it was a zero impact on businesses. Zero impact. So when folks are willing to pay the minimum wage, people are going to go out of business, please. Okay? And when folks start talking about, Well, I am here to protect the business community, the last time I checked, there were individuals that went to elect me and everybody else here to the United States Congress, to the House of Representatives. I didn’t see major corporations going up with a voting card saying, I am representing corporation one, two, three, and I want to vote on behalf of Kendrick Meek for Congress. There were individuals that voted for us.

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November, it is not “if we can, we may get around to it.” It will be one of the first things that the Democratic Caucus does. A done deal. We don’t even have to talk about it, that the American people will see an increase in the minimum wage.

Mr. RYAN of Ohio. I would like to make a point, because when you raise the minimum wage, you raise the wages for all people who are participating in the labor market.

Let me give an example for our friends at Wal-Mart, okay? If you raise the minimum wage, now, if you don’t work at Wal-Mart or somewhere else of that caliber of a store that hires so many millions of people around the country, they are all going to get a boost. So instead of companies like Wal-Mart making billions and billions and billions in profits, some of that money will make its way back to the workers, so all the workers will get a couple dollars more an hour, which means you are going to have much more money in their pocket so they can pull it out and go buy more goods, which will stimulate the economy.

The American people right now are feeling they are not benefiting from what we are proposing. I think if you raise the minimum wage, you would increase productivity. Why? Because they have seen that their wages have been increased; they are more likely to save money, which means you are going to have more money in the pocket so they can pull it out and go buy more goods, which will stimulate the economy.

So, gas prices are the same as what they would be. It is just that people have more money in their pockets under Republicans to pay for this gas. That is also a global market. It isn’t a United States market. We are not able to drill for oil in places where we know we have reserves because the environmentalist coalition blocks that drilling in the United States of America, expediting that. We are not able to drill into that.

Mr. MEEK of Florida. Let me just say to you and I will close out.

Mr. MEEK of Florida. I am talking to you, sir, Mr. RYAN. Mr. RYAN of Ohio. I appreciate you allowing me to do this. WwW.houseDemocrats.gov/3something. Mr. MEEK of Florida. Thank you, Mr. RYAN.

Mr. RYAN of Ohio. Thank you, Mr. MEEK.

Mr. MEEK of Florida. I want to thank Ms. Tubbs Jones and also you, Mr. Ryan, Mr. Tanner and Mr. Taylor, who was here at the beginning finishing off his 5-minute speech for joining us tonight. As Mrs. Tubbs Jones mentioned, as Democrats, this House, in a New Direction for America, I think it is important, and we will let it be known that we will implement on day one, or days within being in the majority, if the American people see fit, a real security plan that will implement the full 9/11 Committee report, work on affordable health care, to fix not only the prescription drug law, but a series of seniors’ issues as it relates to health care and also health care for the American people, from GM down to the smallest mom and pop business. Also make sure we have good paying jobs and stop sending jobs overseas and raising the minimum wage. Reversing all the things that the Republicans have done. It is related to higher interest rates for students and making college affordable. Also with tax deductions, and also energizing America by making sure we have investment in the Midwest versus the Middle East. And ensuring dignity as it relates to no privatization of Social Security.

With that, Mr. Speaker, it was an honor addressing the House. We would like to thank the Democratic leadership for the time.

AN OPTIMISTIC VIEW OF CONDITIONS IN AMERICA

The SPEAKER pro tempore (Mr. Price of Georgia). Under the Speaker’s announced policy of January 4, 2006, the gentleman from Iowa (Mr. King) is recognized for 60 minutes as the designee of the minority leader, Mr. King of Iowa. I thank the Speaker for the privilege to address this House of Representatives.

I came to the floor here to speak about a number of issues, but the subject matter, as often happens when I come to the floor here and listen to the proceeding speakers, that subject matter does change, and I would just take it from the top.

Gas prices. Mr. Speaker, gas prices are exactly the same that they would be if we had Democrats in charge of this Congress rather than Republicans. The difference is people have a lot more money in their pockets to buy the gas with, because Democrats would raise the taxes, take the money out of the pockets of the working people and gas prices would not have changed.

We need to do more with energy supply, and I am for that. We can’t get past some of the Republicans in here. But there aren’t Democrats that I know of that will support us expanding the supply of energy.

We need to drill in ANWR. We need to drill on the Outer Continental Shelf. I am hopeful we will be able to bring out a bill within the next few days of proceedings in the House so that we can drill on the Outer Continental Shelf for gas and oil, within reasonable limits that we can work out with the States.

So, gas prices are the same as what they would be. It is just that people have more money in their pockets under Republicans to pay for this gas. That is also a global market. It isn’t a United States market. We are not able to drill for oil in places where we know we have reserves because the environmentalist coalition blocks that drilling in the United States of America, expediting that. We are not able to get into that.

Mr. MEEK of Florida. I am talking to your colleagues. I am talking to the other side of the aisle, Mr. Speaker, not this side of the aisle. We need a far greater supply of energy, and you will have less energy, not more, if you listen to the advice of the people that spoke ahead of me.

With regard to the tax issues that came here today, the estate tax, most of the money that is taxed in an estate tax has already had the tax paid on it. Most of that is earnings that have already had the taxes paid on it.

So if you go out and you earn $100,000 over a year or a lifetime and you pay the income tax on that and that becomes savings that you invest, when that portion of that capital is taxed at death, much of the core of it, the equity of it, the basis of it will be taxed a second time, not a first time.

How many bites at the apple do taxpayer government need? Does government need to tax people on death? Does government in fact need to tax people for their productivity? My answer is no.

I would take all tax off of all productivity. I would put it on consumption. Then if people inherit a few million or a few billion dollars, when they spend that money, they would pay the tax and no one would escape it. But as we have it today, attorneys, and especially large corporations sometimes have whole floors of tax attorneys whose jobs it is tax avoidance. So very wealthy people avoid the tax, and very poor people don’t pay tax. In fact, even lower-middle income people don’t pay much, and so on.

It is those middle people in there that have earned a reasonable nest egg that get taxed, but they can’t afford the attorneys or they don’t do the planning because it is that marginal kind of an equation.

But we need to quit taxing people upon death. No taxation without respiration. This bill that we brought out
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there today doesn’t go far enough, in my opinion. And I am not one who is fully of class envy. I believe I am the poorest delegate out of the Iowa delegation from a cash-in-the-bank standpoint at least. I am one of the richest on the part of family and those kind of blessings. But I want to raise the wealth that they have earned. In fact, I am proud of them. I encourage them. Keep doing that.

People that build equity, their capital, it is invested in a 401K; or stocks or wherever it might be, finds its way into the hands of people that are reusing that money to create jobs. We have to have wealth in this country to create jobs. That is why we have jobs. This idea that we can raise the minimum wage and somehow or another it is going to make the world a better place for people just belies the simple fact that labor is a commodity, like corn or soybeans or gold or the oil that we talked about, and the value of labor is determined by supply and demand in the marketplace.

That is why it is $5.50 an hour or more to flip burgers at the burger stand in the Midwest. That is why very few people are working for minimum wage because the supply of labor has not driven the price of wages down low enough that the minimum wage kicks in. The standard is higher.

So now the people on this side of the aisle want to raise the minimum wage a couple bucks an hour to try to catch up with what the economy has already done. If the argument ever was there that we should raise the minimum wage, no, the markets have already raised the minimum wage. That is what we ought to have as markets.

Sometimes people go to work for a minimum wage and then they realize, I don’t like living here. I don’t like this low wage that I am getting for the work that I am doing, so I am going to go get more money or I am going to train for a skill, because I want to upgrade this world that I am living in.

That should happen to most of us that start out into the working world. It certainly happened to me, and it happens throughout the process. If an entry level wage is what the minimum wage is today, most people aren’t there very long before they move on up the line.

But if we can legislate a minimum wage without costing jobs, if people don’t get laid off when the wage gets pushed higher by a potential Federal increase in the minimum wage, if we can legislate a minimum wage, Mr. Speaker, we can then legislate a living wage. People that build equity, their capital that suppose it takes it from $5.15 cents an hour, up a couple of bucks up to $7 and something, if we can do that without costing us jobs, why not take it up to a living wage? Why not take it up to $12, $13 or $14 an hour and call that a living wage, so that people could earn that much money and go buy their modest house and raise their family, and maybe they could do it on 40 hours a week.

But I will submit that we don’t do that because we know if you raise that wage to that level, it certainly will cost jobs. And if we raise the minimum wage, if you have a minimum wage at all, it could be $15 an hour. We should let the marketplace determine.

But the philosophy over on this side of the aisle says no, we have to legislate that at the Federal Government because it is a political kick for them, not because it is a rational economic one, Mr. Speaker. And I will submit that if we can legislate a minimum wage without a penalty to jobs in this economy, we can legislate a living wage at $12, $13 or $14 an hour without a penalty to the economy in this country, and if we declare a living wage, there is no rational reason by the rationale of the people on this side of the aisle that we can’t just simply legislate prosperity.

If we are going to do this and do it at all, then we should legislate prosperity so we can all live in opulent mansions and we won’t have to work and work our way up from the bottom at all.

What a wonderful country this would be if we could follow the rationale of the people of the other side of the aisle, say that they don’t even worry about partisanship. They don’t worry about being bipartisan, about working with Republicans on this side of the aisle. But they say put me in, coach; elect those other people out and put me in, because I want to run this country.

But it is night after night after night, 60 minutes, sometimes 120 minutes, of the most pessimistic message anyone could ever hear on any television show anywhere in America on any given night. I mean, if I had that kind of an attitude, I would not want to get out of bed in the morning. I would be afraid to walk over a bridge for fear I would jump off of it.

No, this is an optimistic nation. That is not the right tone for America. This is an optimistic nation, Mr. Speaker. We have freedom. We have a freedom that was granted to us from God, that flows through the Declaration of Independence and also the Constitution, the sacred covenant we have with God delivered to us through our Founding Fathers that he put on this Earth to guarantee us these rights.

And we have these guarantees that flow through the Declaration and the Constitution; the freedom of speech, press, assembly, religion, guaranteed property rights. Not what they were before Kilo, I will admit, but guaranteed property rights. The freedom to be safe in our persons and freedom to be safe in our property. I believe there is that.

We have equal opportunity under the law, guaranteed under the 14th Amendment and also I believe the 15th Amendment, Mr. Speaker. We all ought to take advantage of that opportunity.

We should recognize that on the day that we are born, our glass is half full. In America your chance to fill your glass the rest of the way up is greater than it is anywhere on this planet.

If you have a positive attitude and say your glass is only half empty, and you get this almost terminal case of the “poor me’s” when you think about what it is like to have to go out and earn your share of the prosperity that is available over here, if that drags you down, then I guess that is the motivation that brings you over here to the floor of the Congress, Mr. Speaker, and that is the motivation that just continually goes into this never-ending series of lamentations that we have heard now for, oh, maybe a year-and-a-half or so.

I know that a lot of Americans just turn the channel on that. Well, that is good advice, America.

But I am going to talk to you about some other things that are important in bringing out an optimistic message. I think that there are bipartisan bills in this Congress and there are many of them. Any time that anyone wants to come into this gallery, Mr. Speaker, or watch this on C-SPAN and watch the votes or look through the issues that are heard over here from the Congress, and what the votes are, you will often see that there are significant votes up here where maybe almost all of us agree.

Time after time after time, it is all green lights up here or all but three or four green lights up here on the board behind where I stand, Mr. Speaker. Those are bipartisan bills.

There are bipartisan bills that come to this floor day after day after day. Often for the first day of the week where it has a Monday or a Tuesday for votes, those votes that come up that night are under suspension because there isn’t dissension. We have found issues that we agree upon. We have bipartisan legislation and we reach across to the other side of the aisle. It is just that sometimes that attitude of “I don’t even worry about bipartisan-ship” that were heard over here from Mr. MEEKs tonight, sometimes the hand that reaches across for biparti-anship gets bitten and then that causes the person to pull back again and again and think, well, all right, I guess maybe there are 232 Republicans and I guess we only need 218 votes to pass legislation, so is it worth the effort to have bipartisan legislation.

I will submit, I do believe it is worth the effort. Issues come through the committee better. They come through more smoothly. They come to the floor. They pass more smoothly. In fact, there are times when the conscience of the left calls into check the conscience of the right. I am making this confession. We have bipartisan efforts and we need to have partisanship in this Congress. The
reason we need to have it is so that we have viewpoints from both ends of the political spectrum so we can come together with a policy that is best for America. That is the mission and that is the vision.

If we listen enough tonight to know if the people on the other side of the aisle, the lamentations group, have actually spoken about some of the other issues, about the national security, I suspect they have. That is part of the repertoire for every night. But regardless, I am going to rebut that as well.

I would point out, Mr. Speaker, that we have some things going on around the world. We are involved in a global war on terror. We know that there is a battleground in Afghanistan and there is a battleground in Iraq. The argument that somehow we went there for the wrong reasons just astonishes me, and I am waiting to hear, maybe ever so faint from the other side of the aisle, if there is anybody for being wrong on weapons of mass destruction.

I have not heard that apology from anyone over there, Mr. Speaker. Yet it is true. They have been utterly wrong. I have stood on this floor continually, and I speak of my colleagues in this body. It is this: Matter can neither be created nor destroyed.

Now, we knew that Saddam had weapons of mass destruction. He admitted he had weapons of mass destruction that he had destroyed them and got rid of them, but we could, of course, not believe him. We sent the inspectors in. He had the inspectors running around in circles. Anyone who has listened to the tapes of Saddam and some of his henchmen there knows very well that they knew where the inspectors were at all times and they were giving them the runaround.

They talked about it on the tapes. There are 12 hours of tapes there that say so. That material, that information, is available to the public today.

And so we know that he had weapons of mass destruction. And we know that he was pulling the wool over the inspectors’ eyes. And we know that he used them on his own people. In one instance with only three of the weapons, only three of the canisters for gas, he killed 5,000 of his own people up in Kurdistan, 5,000 people with only three.

We got the news. We got the news a couple of weeks ago. As the Iraqi people were liberating the Iraqis and he simply had used up his supply of chemical weapons. Either you have to believe that or you have to believe that those weapons that we now know existed are somewhere. Matter can neither be created nor destroyed.

So the King version of that is, every weapon of mass destruction, if that is true, has to be somewhere, Mr. Speaker. So the King version of that is, every weapon of mass destruction, if that is true, has to be somewhere. Matter can neither be created nor destroyed.

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And so what I have said is, either you have to believe that Saddam Hussein used his last canister of gas on the Kurds and simply ran out of inventory.

And so there he was, his warehouses were empty, and we came in to liberate the Iraqis and he simply had used up his supply of chemical weapons. Either you have to believe that or you have to believe that those weapons that we now know existed are somewhere. Matter can neither be created nor destroyed.

And so the King version of that is, every weapon of mass destruction, if that is true, has to be somewhere, Mr. Speaker. So the King version of that is, every weapon of mass destruction, if that is true, has to be somewhere. Matter can neither be created nor destroyed.

So the King version of that is, every weapon of mass destruction, if that is true, has to be somewhere, Mr. Speaker. So the King version of that is, every weapon of mass destruction, if that is true, has to be somewhere. Matter can neither be created nor destroyed.

And so the news came. We got the news a couple of weeks ago. As the Iraqi people were liberating the Iraqis and he simply had used up his supply of chemical weapons. Either you have to believe that or you have to believe that those weapons that we now know existed are somewhere. Matter can neither be created nor destroyed.
and more and more ability to carry out operations. Their will to fight is being destroyed, Mr. Speaker, and it is being destroyed systematically.

So, Mr. Speaker, I submit to you that poster of Abu Masab al Zarqawi. It was sent to me while I was a member of the delegation to Iraq. He was pretty difficult to find for a couple of years. He pledged his allegiance to Osama bin Laden, and he was an inspiration and a recruiting force and probably the most evil, diabolical person I have ever been with in my lifetime. He is the person that devised the most brutal ways to slaughter people. He is the one who made sure that he was on a videotape beheading Americans. The torture deaths, the burning deaths, those who were killed, a child killed and had bombs planted inside the cavity of the child and have that detonate when the family comes to collect the body. That is the kind of diabolical evil that Zarqawi was.

Now, it is ironic, I think, that he said these things about Americans. Zarqawi said, Americans are the most cowardly of God’s creatures. They are an easy quarry. Praise be to God. We ask God to enable us to kill and capture them. “Americans are the most cowardly of God’s creatures.” That is the last thing I have seen out of Americans. I have not seen any of that out of Americans in Iraq or anywhere else when they put on the uniform. They are the most courageous, the most noble, certainly not the most cowardly, and are far from an easy quarry, Zarqawi.

Zarqawi was in a safe house. I appreciate myself and I think, Mr. Speaker. Americans will appreciate the irony of Abu al Zarqawi being in a safe house. That safe house didn’t turn out to be too safe for him and the pictures of that house after it was blown to smithereens by two 500-pound bombs that came from a pair of F-16s would tell the whole story. It is to be the number one enemy of the United States of America, of the coalition forces, of the Iraqi people and of the free world.

And so Zarqawi went to meet his maker and checked into the next life. What has met him there, Zarqawi knows today. But if there is a place for evil people where they burn in infinity. I have to believe that Zarqawi is there. I have never seen such evil out of anyone anywhere on the planet in my lifetime.

This is the individual that was the inspiring spirit of al Qaeda in Iraq and pledged his allegiance to Osama bin Laden. Zarqawi was the individual who was the inspiring part that recruited enemy soldiers to work for him. He is the one that organized the funding effort and the military munitions and the equipment that they needed in order to attack coalition forces and the Iraqi military and the Iraqi people, women and children that were included. The only discrimination he made was occasional. He would spare the lives of some Sunnis because he had a preference to the Sunnis. This man is now dead and he is gone. In the aftermath of the detonation, the blowing to smithereens of the safe house, there were a lot of data that was gathered there, computer hard drive data and paper documents. And the paper documents and the hard dive data, Mr. Speaker, indexed with a lot of other intelligence that had been gathered around Iraq and other places that were indexed into that location in the world. And those that I have been pores through now, and I mean all of it, Mr. Speaker, points to one thing: the enemy, the terrorists in Iraq are losing.

They are having great difficulty recruiting fighters. They are having difficulty finding funds. They are having difficulty pulling together weapons and they are having difficulty finding the material to improvise explosive devices with.

They are having difficulty logistically because security in Iraq is getting tighter and tighter and moving from city to city, from city to section, and from city to city. It is ever more dangerous than it was before.

They are getting demoralized and dispirited. The very thing that some of the people that I have talked to would like to have the enemy think about the United States is actually happening to al Qaeda and the terrorists in Iraq. We are very close to putting this thing away.

Their spirit is weak and Von Clausewitz wrote a book, and the name of the book was “On War,” and Von Clausewitz’s statement on war was the object of war was to destroy the enemy’s will and ability to conduct war, and that seems to be a little bit obvious, but I think it is something that bears repeating.

We should all be in the same effort here. We should be in the effort of destroying the ability to conduct war, and that means we need to turn our military loose on them with a ferocity that we can bring to bear, and we have been doing that. We have been doing a great job, both in Afghanistan and also in Iraq, but additionally to that, we need to be destroying the enemy’s will to carry out war, to conduct those acts of war, and that means they need to understand that our will will not be shaken. We will not let up. We will provide the troops and all of the support for the troops and all of the equipment and the training and the munitions and the weapons and the tactics and the technology necessary to take them out until this is over because the stakes are far too high. We cannot tolerate stepping back from this confrontation.

We made a commitment to go in there, and there is only one option, and that option is victory, Mr. Speaker. That means pulling out or any drawdown unless it is something that it is no longer necessary to have troops there.

There is also an option to escalate if we need to do that, if we see the need to do that, but if we need to do that, that option is on the table. If we need to double the troops there, that is what would happen, if that is what the generals asked for because this enemy, the one that organized the funding effort and also in Iraq, but additionally to that, those that were part of that organization will be hopeless when the political solution in Iraq is fully manifested. Now they have a prime minister. Now they have a fully operational Cabinet, one that was carefully chosen and it was a little bit of a struggle to get to that agreement, but their minister of defense and the minister of the interior, is singular, are very close to putting this thing away.

That means that the minister of defense is going to continue aggressively taking out the enemy. We have seen that kind of leadership out of the prime minister, and we will see that kind of leadership out of the minister of defense.

The minister of the interior is going to be looking at their national resources and thinking how do we convert this oil into cash, and they will set up a formula to do that. When that cash starts to flow into Iraq, prosperity begins, and it will take a little while, but it will take root. When prosperity takes root, the root that is there now for freedom goes deeper and wider. It covers the whole of Iraq, and that will be the profit that comes from marketing the national resources called oil, and the wealth of that will generate the many layers and the cycles and the interconnectivity of the economy.

That is all going to take place. That is going to take place because the Iraqi people see themselves as Iraqis first and Shi’ias, Sunnis and Kurds second. They understand that they have one chance at freedom, and that is as a unified Nation, and they are fighting together to do that, and we need to stand with them. We made that pledge.

Our commander-in-chief is the commander-in-chief. The President of the United States has that constitutional duty and responsibility, Mr. Speaker, and we need to stand with him.

When I see amendments come out here on this floor that undermine the President’s authority to conduct this military operation as he sees fit, then this is unnecessary interference. If there is anything that takes away a tool from the battlefield, if there is anything that undermines our ability
to do negotiations to work with and cooperate with the Iraqis, that is undermining the war effort, and that should not ever happen out of this Congress.

We committed to this task. This Congress voted to commit to this task, and we put two resolutions since then committed to this task. We will, Mr. Speaker, stay committed to this task, and those who work against it are working on the side, and this is what makes this guy, what made him smile was when our left-handed leaders here on this side were ready to walk away. We can win: wrong war, wrong place, wrong time.

Some say that the American soldiers are carrying out operations that are not becoming of American soldiers. Things happen in war, but our soldiers are conducting themselves with honor and with dignity.

Zarqawi, Mr. Speaker, is now gone, checked into the next life. I will tell you, then we have another leader in the other side of the theater in Afghanistan, but a tape just of the other day. This, Mr. Speaker, is Ayman al Zawahiri. He would be second-in-command among the al Qaeda and operating, we think, out of the border area between Afghanistan and Pakistan. He has put out a tape, and let me see, it is kind of interesting to watch how they do this when they take some serious blows, as they did when Zarqawi was killed by those American bombs.

As we see the intelligence that they are operating out of desperation and despair, that every bit of that intelligence says that they are losing the war, and when we see these weapons of mass destruction have been discovered and accumulated since 2003, when the people on the other side of the aisle say, well, that is not really any big deal, killing Zarqawi was not that big a deal and finding the weapons of mass destruction is not that big a deal and the intelligence is there that says that they are losing the war, and they are running out of resources and they are having trouble recruiting, that is not having a big a deal.

Then we have Zawahiri who does about a 3½ minute video. He is calling out also I think in desperation, and he says I am calling upon the Muslims in Kabul, in particular, and in all Afghanistan, in general, and for the sake of God to stand in the face of the infidel forces that are invading Muslim lands. We know that we have invaded Muslim lands, and I am surely convinced that there is a lot of strong Christians there. That would be a definition, by my definition, would mean they are not infidels. He also calls out to Egyptians. He is an Egyptian-born fugitive, Zawahiri, who says, here is his operation. The collapse of American power in Vietnam, they ran and left. He thinks that is going to happen in Afghanistan. He thinks it is going to happen in Iraq.

Americans did not run and leave, but they were deployed out of Vietnam by the direction of this Congress. This Congress lost their will, and losing our will back in 1974. Mr. Speaker, has given inspiration to a man like this in 2006. It is costing American lives today, coalition lives today in Iraqi, and innocent and civilian lives today because that has been what has inspired this Egyptian-born fugitive who also said in his tape that the Israelis in the universities and schools of Kabul should carry out their duties and essentially go volunteer for Jihad.

But we have a prime minister in Afghanistan. They say, well, that is not really a free country. They say, they are a sovereign nation, Mr. Speaker, and people went to the polls in Afghanistan for the first time with those routes to the polls and the polling places being guarded by American soldiers, by coalition soldiers, and for the first time in that place on this planet, free people went to the polls and elected their national leaders, chose and helped direct their national destiny, the first time ever in Afghanistan in the history of the world that has happened. They elected Karzai.

So he says, of Zawahiri, the truly elected leader, the leader of the Afghan people says, Zawahiri is the first enemy of the Afghan people, the first enemy and then the enemy of the rest of the world, says Karzai during his press conference. He killed Afghans for years, thousands, and then he went to America and destroyed the twin towers.

Mr. Speaker, Karzai went on to say we and Afghanistan want him arrested and put before justice. Well, Mr. Speaker, many of Zawahiri’s supporters have been delivered to justice, perhaps 600 of them in these last operations. Coalition forces, Afghan troops and Americans are serving well in Afghanistan in some of the most intense operations that we have seen over there in some time, and they are serving effectively over there. Mr. Speaker. They are going to persistent and protect the freedom of Afghanistan.

I just have not heard the criticism of the other side of the aisle with respect to Afghanistan as I have with Iraq. I am wondering why that is. Twenty-five million people freed in Afghanistan; 25 million people freed in Afghanistan. It takes a little longer in Iraq than Afghanistan. Fewer casualties in Afghanistan. There are more in Iraq certainly, and it is sad and it is a tragedy for every family. It is a tragedy for every family, but they are the enemy, and they are the enemy of the rest of the world, says Zawahiri during his press conference. He killed Afghans for years, thousands, and then he went to America and destroyed the twin towers.

Now, there is another subject matter that needs to be brought up because I hear from the other side of the aisle that it is intolerable. It is intolerable to have the level of violence in Iraq that we have. It is intolerable to have the level of casualties that we have. So, therefore, we should cut and run, Mr. Speaker, and that is almost the words that get used, and sometimes they actually do get used.

Well, the ranking member of the Defense Subcommittee came here on the floor some months ago, and in news conferences around the country and nationally, and then globally it got picked up and certainly by Al Jazeera TV that was coming out of Iraq immediately. Here we are holding together this country and nurturing and training troops, and we have someone who is viewed as a leader in the armed services in this Congress who says, we should pull out and pull back to the horizon. That was much discussed around America, and sure it was discussed in the Middle East. I am sure it was a great inspiration to Zawahiri. In fact, it was a great inspiration to Zarqawi. He was alive then.

But Mr. Speaker, if we should pull out to the horizon, the horizon to me...
would be some place in range, someplace where kind of the top of the hills so you look down in the valley and shoot down there if you have to or rush down there if you have to. No. We found out where that horizon was in this past week, Mr. Speaker, when that Memorial Day holiday, if you would have given me two answers, if you would have said Okinawa and let me see if I can pick another one, Australia, I would have gotten it wrong. I would have picked Australia. If you had given me 10 choices across there, I think you could have picked two or three.

I could have, as being more likely or less likely but Okinawa? I would have never done that in an essay question or a fill-in-the-blank.

I don’t know where he came up with Okinawa as a place to deploy all of our troops over to. It is not a tactical thing that makes any sense. It is not a political thing that makes any sense to take our troops and say we are going to take you out of Iraq and we are going to put you in the barracks in Okinawa where you can train, let us say train beach landings in Okinawa to get ready to one day go back and fight in the desert in urban warfare. Does not make sense to me? Now, if he said let us deploy the border down the illegals that are coming across this border, that would have made sense, but Okinawa? To say we are going to mount military operations out of Okinawa to go into Iraq in case there is some civil unrest where you have to be there quickly, where you have to have boots on the ground, when our troops, our coalition troops and Iraqis have to understand the neighborhood, have to know the people, have to have relationships there in order to be effective? Okinawa?

Okinawa? Okinawa? I don’t think that there is anybody in America that can, with a straight face, defend such a proposal. And it causes me some concern about the foundation of where that came from.

I would like to know. I would like to know is kind of a mental equation where you take a kaleidoscope and you bump it and it looks a certain way; and then you leave it like that for a while and you say, this is the way it is. And then over time, you bump it again and it breaks a little differently and you get a different picture entirely. I think that is how we come up with Okinawa. It can’t be a rational, deductive reasoning path that gets you there.

Even the argument that you can mount air missions out of Okinawa to come into Iraq and somehow they can be effective from there, no, Mr. Speaker, we have many bases a lot closer to Iraq. If there was the idea we would run out of those bases or fly out of those bases, it would not be out of Okinawa.

But I would submit, Mr. Speaker, that we do have a base agreement there in Okinawa. It is there in the aftermath of any of our military operations. We have open discussions with the sovereign nations that control those territories and we enter into those agreements so that we can have better security and be better positioned militarily. And so we have them scattered around in other places around the globe. We have Gitmo down in Cuba that is a legacy of the Spanish American War of 1898. So that is something that a sovereign nation must do, Mr. Speaker.

So I think we have covered some of this with regard to the enemy, but the issue of the casualties being too great needs to be raised, Mr. Speaker. So I am going to submit something.

I was asking the question on how dangerous is it for a regular civilian in Iraq. How dangerous is it? What would it be like when I see violence on television day after day after day? I think I know because I am watching television. There are the violent scenes, where I think we have them scattered around in other places around the globe. We have Gitmo down in Cuba that is a legacy of the Spanish American War of 1898, which is considered, in the civilized world, a relatively low violent death rate. There are other countries that have lower rates, certainly. Many of the States have lower violent death rates, including Iowa, I might add.

But 4.28 is compared to Mexico, with a rate that is more than three times higher. About three times higher. The violent death rate in Mexico is 13.02 per 100,000.

Now, Mr. Speaker, I take us to where Iraq is. This is our subject here, Iraq’s violent death rates. An average citizen in Iraq is going to be faced with this statistical reality, that 27.51 Iraqis will die a violent death out of every 100,000. It is not 13.02, it is 27.51 out of every 100,000. So you can calculate what this number is, and I just haven’t done this for this survey. But what does that compare nation to nation? Well, it is clear that Iraq is about twice as dangerous as Mexico, 27.51 compared to 13.02.

So you are about twice as likely to die a violent death in Iraq as an average citizen as you are in Mexico. But as you can see here, about seven times more likely, 6-point-something times more likely to die a violent death in Iraq than you are in the United States.

So it is not so safe by that standard, Mr. Speaker. But when we look down the line on some of these other representative countries, for example, Venezuela, with Hugo Chavez down there, who is really running a tight ship down there, I hear, with 31.61 violent deaths per 100,000.

It is more dangerous to be an average citizen in Venezuela than it is an average citizen in Iraq, Mr. Speaker. And even more dangerous yet in Jamaica, only by a little bit, with 32.42 violent deaths per 100,000.

So there is your comparison. It gets a little more dangerous as we go down the line: Iraq at 27.51, Jamaica at 32.42. But South Africa, Mr. Speaker, has 49.6 violent deaths per 100,000. Significantly more dangerous to be an average citizen in South Africa, in the nation of South Africa, than it is to be an average citizen in Iraq. Not quite twice, but moving up the line along in that direction.

Then we go to Colombia, almost a neighboring country down there. They produce a lot of drugs from there that come up into the United States. There is a drug culture down there and it is violent there, and the death rate is 61.78 violent deaths per 100,000. Clearly
more than twice as high a death rate in Colombia as there is in Iraq.

Now, that seems to be a little bit shocking, but when you go to Swaziland, 88.61 violent deaths per 100,000. So you are up there a good solid 2½ times more dangerous to the walking around in Swaziland as a regular citizen than it is to be walking around in Iraq as a regular citizen.

That gives us a sense of the level of violence that is there. Can they tolerate that level of violence? Can they be a sovereign nation with that level of violence? If it never diminishes from where it is today, can they still continue to move on and have a civil society; and could they still produce and deliver electricity and goods and services and have shops open up and close down at the end of the day and people could go on with commerce?

The answer to that is, well, they are doing it. Mr. Speaker, in Venezuela, in Jamaica, South Africa, Colombia and Swaziland every day, and we are not hearing a word about that in the news. But every day we see the violence in Iraq that the cameras have been trained on before it happens, Mr. Speaker, and it is a distorted viewpoint.

Safe in the United States, three times more dangerous in Mexico than in the United States. They have a drug culture down there too that is coming at us at a rated of $65 billion worth of illegal drugs a year, but almost seven times more dangerous in Iraq than it is in the United States, but then incrementally more dangerous in Venezuela, Jamaica, South Africa, Colombia, and Swaziland.

I think I made my point on that, Mr. Speaker.

So, then, okay we are talking nation to nation, Iraq compared to other nations. But what is it like for those of us who live in cities? We have a sense of culture down there too that is coming after this last flurry of crime they have just simply could not find it, so we put out what we have.

An average citizen anywhere in Iraq, to give you a sense of what it must feel like to live there, compared to Oakland, California, with 27.51 deaths per hundred thousand in Iraq and 26.1 in Oakland, California. So if you are walking the streets of Oakland, California, and you are wondering whether it is dangerous or not for you there, you can use Oakland as the same kind of feeling if you are living in a random place in Iraq.

That doesn’t mean there are not highly violent locations in Iraq, but it just means that overall average citizens feel about the same as in Oakland, California.

But St. Louis is a little more dangerous than Iraq, on average, with 34.4 deaths per 100,000. Atlanta is more dangerous yet than Iraq, at 34.9 violent civilians per 100,000. So we have 27.51 deaths per 100,000 in Iraq, average citizen; Baltimore, 37.7. If you feel safe in Baltimore, you ought to feel safe in Iraq. Detroit, 41.8. The rate is going up. If you feel safe in Detroit, you ought to feel safe in Iraq.

Washington, D.C., 45.9 violent civilian deaths per 100,000, and 27.51 in Iraq.

Now we are getting up there to that number that is approaching twice as dangerous in Washington, D.C. as it is for average citizens in a random place in Iraq. If you feel safe in Washington, D.C., you should feel equally safe in a random place in Iraq. There are many places more dangerous than that, but a random place in Iraq.

Now, when you get to New Orleans, and this number is pre-Katrina, 53.1 violent deaths per 100,000. And guess what, Mr. Speaker? They called out the National Guard and deployed troops down to New Orleans because the level of crime got so high down there, even with the diminished population.

There was a violent murder event down there, and so the Governor called out the National Guard to deploy them on the streets of New Orleans to get control of the city. It was a violent murder event down there, and so the Governor called out the National Guard to deal with it.

Is anyone on that side of the aisle talking about that, about calling the troops up and mobilizing the National Guard to get control of the city?

I will define a civil war in Iraq so folks can have a measurement to go by. That is this: 267,000 Iraqis in uniform defending Iraqis trained on the job today, taking over more than 30 bases, covering a high percentage of the real estate in Iraq, Mr. Speaker, and these Iraqis are recruited, and they are mixed up. They are not sorted out by Kurds and Shi’as and Sunnis. They are blended together in one force.

Those who announce that there is a civil war in Iraq, that resolution that has been introduced over in the Senate and I believe a resolution that may have been introduced here in the House that announces there is a civil war in Iraq, how can they come to such a conclusion, Mr. Speaker?

I will define a civil war in Iraq so folks can have a measurement to go by. That is this: 267,000 Iraqis in uniform defending Iraqis trained on the job today, taking over more than 30 bases, covering a high percentage of the real estate in Iraq, Mr. Speaker, and these Iraqis are recruited, and they are mixed up. They are not sorted out by Kurds and Shi’as and Sunnis. They are blended together in one force.

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When those Iraqis choose up sides and are shooting at each other, we are seeing the same uniform, Mr. Speaker, that will be the definition of a civil war.

So great strides have been made. There is a great reason for optimism. And if we have a successful conclusion to this Nation’s misadventure in Iraq, this Nation will not retreat. This Nation will stand forward until victory. There is no alternative but victory, Mr. Speaker.
ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker. I move that the House do now adjourn.

The motion was agreed to; accorded to; and the House adjourned until Monday, June 26, 2006, at 12:30 p.m., for morning hour debate.

CONGRESSIONAL RECORD—HOUSE

H4517

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:


EXECUTIVE MESSAGES, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

8210. A letter from the Secretary, Department of Commerce, transmitting a report of a violation of the Antideficiency Act by the Department of Commerce, to the extent of $34,223, pursuant to 31
U.S.C. 1351; to the Committee on Appropriations.

821. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

822. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of Commerce, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.


824. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department’s final rule — Texas Regulatory Program [Docket No. 2005-06-POR] pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Appropriations.

825. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Reopening of Directed Fishing for Lobster, Case Number 051209329-5329-01; I.D. 024606C] received May 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Appropriations.

826. A letter from the Acting Deputy Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Northeastern United States; Northeast MultiSips Fishery; Total Allowable Catches for the Northeast MultiSpecies Fishery for Fiscal Year 2006 [Docket No. 06031058-6109-02; I.D. 022306A] (RIN: 0648-AU13) received May 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Appropriations.

827. A letter from the Acting Deputy Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fishery of the Exclusive Economic Zone Off Alaska; Groundfish; Amendment 57, Final Rule [Docket No. 05072319-6084-02; I.D. 071805B] (RIN: 0648-AS95) received May 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Appropriations.

828. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Special Instrument Approvals, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30487; Amdt. No. 3160] received April 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

829. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D — 2006-07 Subsistence Taking of Fish and Wildlife Regulations (RIN: 2120-AQ32) received May 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

830. A letter from the Acting Director, Office of International Relations, Department of Commerce, transmitting the Department’s final rule — Texas Regulatory Program [Docket No. 2005-06-POR] pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

831. A letter from the Assistant Secretary for Legislative Affairs, Department of Commerce, transmitting a report of a violation of the Antideficiency Act by the Department of Commerce, pursuant to 31 U.S.C. 1517(b); to the Committee on International Relations.

832. A letter from the Secretary, Department of the Army, Case Number 03-03, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

833. A letter from the Deputy Secretary, Department of Commerce, transmitting a report of a violation of the Antideficiency Act by the Department of Commerce, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

834. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of updates to the regulations of the Chemical Weapons Convent Implemention Act of 1998; to the Committee on International Relations.

835. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the intent to obligate Fiscal Year 2006 funds on behalf of the Bureau of Oceans and International Environmental and Scientific Affairs; to the Committee on International Relations.

836. A letter from the Acting Director, Office of International Relations, transmitting the Department’s final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D — 2006-07 Subsistence Taking of Fish and Wildlife Regulations (RIN: 2120-AQ32) received May 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.
received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

241. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule – Airworthiness Directives; Cessna Model 500, 550, 560, 600, 730, 740, and 750 Airplanes [Docket No. FAA-2005-2291; Directive Identifier 2005-NM-107-AD; Amendment 39-14491; AD 2006-04-10] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


243. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule – Airworthiness Directives; BAE Systems (Operations) Limited Model BAE 146 and Avro 146-RJ Airplanes [Docket No. 2003-NM-172-AD; Amendment 39-14487; AD 2006-04-07] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

244. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule – Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, Model A340-200 and -300 Series Airplanes, and Model 340-541 and -622 Airplanes [Docket No. 2005-NM-211-AD; Amendment 39-14488; AD 2006-04-03] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

245. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule – Airworthiness Directives; Airbus A330 B2 Series Airplanes; A320 B Series Airplanes; A300 B4 Series Airplanes; Model A300 B4-600, B4-600R, and F4-600R Series Airplanes; and Model C4-665R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310-300 Series Airplanes [Docket No. FAA-2005-22875; Directive Identifier 2005-NM-095-AD; Amendment 39-14489; AD 2006-04-08] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


247. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule – Airworthiness Directives; Airbus Model A330-B4-
for the cost of long term care provided to veterans in State veterans homes, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. CHABOT (for himself, Mr. Poe, Mr. Gohmert, and Mr. Gingrey):
H.R. 5673. A bill to amend title 18, United States Code, to make restitution for Federal crimes, and to simplify and streamline its procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVY (for herself, Mr. Leach, Mr. Lantos, Mrs. Maloney, Ms. Corrine Brown of Florida, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Gutierrez, Ms. Hinton, Mr. Honda, Ms. Schakowsky, Mr. McDermott, Mr. Conyers, Mr. Waxman, Mr. Berman, Ms. Woolsey, Mr. Greenwald, Mr. Nadler, Mr. McGovern, Mr. Crowley, Mr. Brown of Ohio, Mrs. McCarthy, Mr. Wexler, Mrs. Christensen, Mr. Menendez of New York, Ms. McCollum of Minnesota, Mr. Capuano, Mr. Shays, Mr. Pallone, Mrs. Capps, Ms. Blumenauer, Ms. McKinney, Mr. Cummings, Mr. Carnahan, Mr. Carnahan, Mr. Davis of Illinois, Mr. Stark, Mr. Frank of Massachusetts, Mr. Obama of Illinois, Mr. Scott of Virginia, Mr. Clyburn, Mr. Delahunt, Ms. Kilpatrick of Michigan, Mr. Sanders, Ms. Watson, Mr. Bush, Mr. Kucinich, Mr. Gehlhar, Mr. Lewis of Georgia, Mrs. Tauscher, Mr. Jackson of Illinois, Mr. Bishop of Georgia, Mr. Carson, and Mr. Hamilton):
H.R. 5674. A bill to require the President to establish a comprehensive and integrated national strategy to address the HIV/AIDS epidemic and the Office of the Global AIDS Coordinator.

H.R. 5675. A bill to authorize appropriate action if negotiations with Japan to allow for other purposes; to the Committee on Oversight and Government Reform.

H.R. 5676. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on House Administration.

H.R. 5677. A bill to provide for ethics and lobbying reform; to the Committee on the Judiciary, and in addition to the Committees on House Administration, and Rules, for a period of time determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 5678. A bill to provide for ethics and lobbying reform; to the Committee on the Judiciary, and in addition to the Committees on Rules, House Administration, and Oversight and Government Reform, for a period of time determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 5679. A bill to authorize appropriate action if negotiations with Japan to allow for other purposes; to the Committee on Oversight and Government Reform.

H.R. 5680. A bill to require the President to establish a comprehensive and integrated national strategy to address the HIV/AIDS epidemic and the Office of the Global AIDS Coordinator.

H.R. 5681. A bill to authorize appropriate action if negotiations with Japan to allow for other purposes; to the Committee on Oversight and Government Reform.

H.R. 5682. A bill to require the President to establish a comprehensive and integrated national strategy to address the HIV/AIDS epidemic and the Office of the Global AIDS Coordinator.

H.R. 5683. A bill to authorize appropriate action if negotiations with Japan to allow for other purposes; to the Committee on Oversight and Government Reform.

H.R. 5684. A bill to require the President to establish a comprehensive and integrated national strategy to address the HIV/AIDS epidemic and the Office of the Global AIDS Coordinator.

H.R. 5685. A bill to authorize appropriate action if negotiations with Japan to allow for other purposes; to the Committee on Oversight and Government Reform.

H.R. 5686. A bill to require the President to establish a comprehensive and integrated national strategy to address the HIV/AIDS epidemic and the Office of the Global AIDS Coordinator.

H.R. 5687. A bill to authorize appropriate action if negotiations with Japan to allow for other purposes; to the Committee on Oversight and Government Reform.

H.R. 5688. A bill to require the President to establish a comprehensive and integrated national strategy to address the HIV/AIDS epidemic and the Office of the Global AIDS Coordinator.

H.R. 5689. A bill to authorize appropriate action if negotiations with Japan to allow for other purposes; to the Committee on Oversight and Government Reform.
H.R. 4873: Mr. English of Pennsylvania and Mr. Rahall.
H.R. 4962: Ms. Slaughter, Mr. Sweeney, and Mrs. Lowey.
H.R. 4974: Mr. Mollohan.
H.R. 4976: Mr. Jones of North Carolina and Mr. Van Hollen.
H.R. 4980: Ms. McKinney.
H.R. 4992: Mr. Porter.
H.R. 4997: Ms. McKinney.
H.R. 5005: Mr. Duncan and Mr. Ross.
H.R. 5058: Mr. Delahunt.
H.R. 5070: Mr. Blumenauer.
H.R. 5072: Mr. Radanovich.
H.R. 5120: Mr. Raciunas.
H.R. 5121: Mr. Otter, Mr. Clyburn, Mr. Fossella, Mr. Rothman, Mr. Davis of Tennessee, Mr. Larsen of Washington, and Mrs. Blackburn.
H.R. 5134: Mr. Peterson of Minnesota.
H.R. 5137: Mr. Clay.
H.R. 5139: Mrs. Lowey.
H.R. 5161: Mr. Grijalva, Mr. Bucero, Ms. Schakowsky, and Ms. Roybal-Allard.
H.R. 5167: Mr. Young of Alaska.
H.R. 5171: Mr. DeFazio and Ms. McKinney.
H.R. 5182: Mr. Hayes, Ms. Linda T. Sanchez of California, Mr. Davis of Tennessee, Mr. Melancon, Mrs. Capps, and Mr. Price of Georgia.
H.R. 5185: Mr. Snyder.
H.R. 5197: Mr. Ruppersberger, Mrs. Schwartz of Pennsylvania, and Mr. McCotter.
H.R. 5212: Mr. Tierney.
H.R. 5229: Mr. Wynn, Mr. Lynch, Ms. McCollum of Minnesota, Mr. Capuano, Mr. McGurk, and Mr. LoBiondo.
H.R. 5262: Mr. Lindner.
H.R. 5276: Mr. Poe.
H.R. 5312: Mr. Michaud.
H.R. 5315: Mr. McIntyre and Mrs. McCarthy.
H.R. 5316: Ms. DeLauro.
H.R. 5319: Mr. Douglittle.
H.R. 5321: Mr. Clyburn.
H.R. 5333: Mrs. Tauscher.
H.R. 5337: Mr. Kuhl of New York and Mr. Sullivan.
H.R. 5348: Mr. Cleaver.
H.R. 5351: Mr. Brady of Pennsylvania, Mr. Bishop of Georgia, and Mrs. Wilson of New Mexico.
H.R. 5356: Mr. Mario Diaz-Balart of Florida.
H.R. 5358: Mr. Mario Diaz-Balart of Florida.
H.R. 5363: Mr. Osborne.
H.R. 5365: Mr. Osborne.
H.R. 5371: Mr. Doggett, Ms. Baldwin, Mrs. Woolsey, Mrs. Davis of California, and Mr. Hinchey.
H.R. 5372: Mr. Marshall, Ms. Matsui, and Mr. Miller of North Carolina.
H.R. 5397: Mr. Brown of Ohio, Mr. Jefferson, and Mr. Moore of Kansas.
H.R. 5416: Mr. Pombo.
H.R. 5452: Mr. Calvert.
H.R. 5453: Mr. Gordon and Mr. Pitts.
H.R. 5457: Mr. Boren, Mr. Poe, and Mrs. Jolene Davis of Virginia.
H.R. 5466: Mr. Pitts.
H.R. 5476: Mr. Cole.
H.R. 5496: Mr. Andrews and Mr. Pallone.
H.R. 5509: Mr. Thompson of California.
H.R. 5513: Mr. Gehrke, Mr. Holden, Mrs. McCarthy, Mr. Gillmor, and Ms. McNulty.
H.R. 5528: Mrs. Myrick.
H.R. 5539: Mr. Murphy and Mr. Rosner.
H.R. 5544: Mr. Kingston, Mr. Hayes, Mr. Rogers of Alabama, and Mr. Souder.
H.R. 5563: Mr. Kildee, Mr. Crowley, Mr. McNulty, and Ms. Schakowsky.
H.R. 5596: Mr. McCotter.
H.R. 5598: Mr. Pomroy and Mr. Graves.
H.R. 5562: Ms. Matsui, Mr. Simmons, Mr. Wolf, Mr. Brown of South Carolina, Mr. Lantos, and Mr. Brown of Ohio.
H.R. 5593: Mr. Lewis of Georgia.
H.R. 5579: Mr. Frank of Massachusetts, Mr. Lewis of Georgia, Mrs. McCarthy, and Mrs. Malone.
H.R. 5588: Mr. Doggett and Mr. Levin.
H.R. 5596: Mr. Horsen.
H.R. 5636: Mr. Garamendi.
H.R. 5638: Mr. Kennedy of Minnesota, Mr. Manzullo, Mr. Sessions, Mr. Cannon, Ms. Ginny Brown-Watte of Florida, Mr. Duncan, Mr. Paul, Mr. Jones of North Carolina, Mr. Smith of Texas, Mr. Kuhl of New York, Mr. Rogers of Alabama, Mr. Calvert, Mr. Mica, Mrs. Drake, Mr. Gohmert, Mrs. Biggert, Mr. McCaul of Texas, Mr. Dreier, Mr. Akin, Mr. Putnam, Mr. Latham, Mr. Johnson of Illinois, Mr. Wolf, Mr. Inglish of South Carolina, Mr. Campbell of California, Mr. Kline, Mr. Sullivan, Mr. Camp of Michigan, Mr. Aderholt, Mr. Poe, and Mr. Bonilla.
H.R. 5640: Mr. Foley.
H.R. 5652: Ms. Watson.
H.J. Res. 3: Ms. Harris.
H.J. Res. 58: Mr. Campbell of California.
H.J. Res. 88: Mr. Hyde, Mr. Blunt, Mr. Price of Georgia, and Mr. Boehner.
H. Con. Res. 277: Mr. Oxley and Mr. Miller of Florida.
H. Con. Res. 391: Mr. Rothman.
H. Con. Res. 415: Mr. Lewis of Georgia and Mr. Miller of North Carolina.
H. Con. Res. 424: Mr. Souder, Mr. Rogers of Alabama, Mr. Osborne, Mr. Everett, and Mr. Pence.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 12 by Mr. Markey on the bill H.R. 4263: Lois Capps.
Petition 11 by Mr. Barrow on House Resolution 614: John M. Spratt, Jr.
The Senate met at 9:30 a.m. and was called to order by the Honorable John E. Sununu, a Senator from the State of New Hampshire.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.
Eternal Father, open our hands today. Help us to use them to relieve suffering, to convey friendship, and to serve others. Open our eyes, O God, to see Your plan. Teach us Your precepts so that we will honor Your Name. Open our minds, Lord. Make us relentless in searching for Your truth.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable John E. Sununu led the Pledge of Allegiance, as follows:
I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. Mr. President, the night before last, I went home and my wife told me: You have to be home tomorrow—that is, Wednesday night—because at 9 o'clock all nine Democratic women Senators will be on "Larry King." I did get home in time to watch the nine Democratic women Senators on "Larry King."

When I came to the House of Representatives, there were 22 women in that huge 435-Member body. Now I think there are 62 or something like that. I don't know the exact number.

I was elected to the Senate in 1986 with Barbara Mikulski. As indicated last night, she is the dean of the Senate women. She is certainly the dean of those nine Democratic Senators there.

Having experienced the Senate, a body of 100, with hardly any women, I know how much better the Senate is because of having women in the Senate. It has improved the Senate. It has improved our country.

I was so proud of those nine women last night, proud of what our country has done and what it has come to. These women have not made the Senate better simply because they work on issues relating to women. That has only been part of their talent. They have worked on wide-ranging issues. Senator Mikulski, for example, was the ranking member and chair of the Military Construction Subcommittee responsible for billions of dollars. She has done an outstanding job.

I am not going to run through the talents of all nine, but they have made the Senate a much better place. Even though I, as the Democratic leader, was so very proud of those nine women last night, it didn't matter what their party affiliation was. This was good for the country to see these women there on national television, talking about...
issues they believe are important. The Senate will get better with more women. It is a unique body, and we are all very fortunate to be able to serve in the Senate. But just speaking from personal experience, the Senate, I repeat, is a much better place because of the women who serve in the Senate.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2766, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2766) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

McCain amendment No. 4442, to name the Act after John Warner, a Senator from Virginia.

Levin amendment No. 4320, to state the sense of Congress on the United States policy on Iraq.

Kerry amendment No. 4442, to require the redeployment of United States forces from Iraq in order to further a political solution in Iraq, encourage the people of Iraq to provide for their own security, and achieve victory in the war on terror.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 60 minutes for debate, divided as follows: Senator WARNER, 30 minutes; Senator LEVIN, 15 minutes; and Senator KERRY, 15 minutes.

Who yields time? The Senator from Arizona.

Mr. KYL. Mr. President, on behalf of Senator WARNER, would the Chair please advise me when I have consumed 10 minutes?

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, since last Tuesday, scores of my constituents have called my office and otherwise communicated with us, asking a very polite question. Since last Tuesday, this country has mourned the deaths of two brave soldiers who were kidnapped and mutilated and killed, both Army PFC Kristian Menchaca, from Texas, and Thomas Tucker, of Oregon. The question my constituents are asking me is, How on Earth could the Senate be debating resolutions of withdrawal from Iraq in the same week that we discovered the mutilated bodies of these two American soldiers? Shouldn’t our debate, rather, recall the famous words of Abraham Lincoln in his Gettysburg address, “That they shall not have died in vain,” and motivate us to redouble our efforts to support our troops in carrying out the unfinished business that remains in Iraq?

There is unfinished business there, to bring to justice the people who committed these heinous acts and to rid that country and the region once and for all of those who support that kind of violence against both Americans and Iraqis and who promise in the future to commit that same kind of violence against us until they have become victorious. These are the terrorists.

I found it interesting that one of our colleagues was arguing, wrongly, that there were no terrorists in Iraq before we invaded the country and eliminated Saddam Hussein. The evidence is overwhelming that is not true. But in any event, of what importance is it, given the fact that they are there now, mutilating and killing American soldiers and Iraqi citizens? What do the terrorists have in mind if we pull out?

The military commanders on the ground will tell you that they do not know it. No one can know what the circumstances on the ground will be by the end of 2006 or by the middle of 2007. All wars are based upon the circumstances at a given time on the ground. It would have been folly, for example, simply because we were losing significant numbers of American soldiers in World War II, for the U.S. Congress to pass a resolution, sending it to President Roosevelt, saying you have to be out of Germany by a date certain and you have to begin a phased withdrawal of our Pacific troops by a date certain.

At that time, America was committed to finishing the mission, to getting the job done, to winning the war. What should the condition for withdrawal be? Victory; the ability to say we have accomplished our mission, we have pacified the country to a sufficient extent that we can leave without creating a power vacuum into which the Iranians and the Syrians and perhaps the Turks or others might come into Iraq because of their interests in the area, not sending a message to our allies in the region that, instead of working with the winning side, we have turned out that they chose the wrong side, the side that wanted to leave the battlefield before the battle was won.

Think about the Iraqis who are supplying intelligence to us right now. They have calculated that we are the winning side and that they can give us information to help get these evildoers without fear of retribution—that when we leave they are going to be vulnerable to attacks by the insurgents and the terrorists who remain. They calculate that we will be able to do the job. The same thing for the 12 million Iraqi people who elected their Government and the same thing for the
Government that has now stood up in that country that does not want us to leave precipitously. Yes, of course they get the message that they have to eventually be responsible for their own security. Yes, of course they are participating in the training of their army so they eventually do it on their own. They don't need to receive a message from the United States that this is ultimately going to be their responsibility.

They understand that. What we cannot do is talk to the Iraqi people, who are now very increasingly cooperating with us, send a message to our allies in the region that they chose the wrong side, and send a message to our American troops that we are not willing to back them all the way to victory.

That would be the way to lose this war. It has been said many times that the insurgents and terrorists cannot defeat our troops. The only way they can win the conflict is if they defeat us here at home, undermining our confidence, by undermining our credibility, and by undermining our support for our troops.

Mr. President, this is the most serious business that the Senate could be debating. This is not just with the freedom of Iraqis in the future, or the lives of American soldiers, important as they are; it has to do with the security of the people of the United States of America from terrorists who are seeking places in the world from which to operate. We need to deny them that territory and that support and, in the process, persuade the neighbors of Iraq in the region that they need to stay with us, to continue to get the terrorists out of their country, continue to stop funding the terrorists, and to continue to support our efforts, so that the words of Osama bin Laden will be demonstrated as absolutely false. Remember what he said—that we are the weak horse, he's the strong horse. Where did he go? Because of previous times in which we have withdrawn.

We cannot make that same mistake again. I urge my colleagues to defeat both of these amendments when they are presented this morning.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I yield to myself such time as I may require. I thank you, Mr. President, for an opportunity to address the Senate from Arizona, because I believe that my colleagues have demonstrated an extraordinary voice, not only in this debate but all debates.

Once again, to me, the debate today hinges around getting this new Government, in which we have invested an awful lot over these 18 months in life and limb, dollars, and in every other way, up and running. It is now running. Mr. President. I have just left a meeting with the Secretary of Defense, the chairman of the Joint Chiefs, and General Casey, the field commander in Iraq, who I talked to for a few minutes this morning. Clearly, that Government is setting down its roots, getting stabilized, operating as a sovereign entity.

We must give them that support and not send a signal that we are going to pull, possibly, the rug out from under them because it is our security environment, together with the coalition partners, that is enabling that Government to function.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. REED. Mr. President, I yield myself 5 minutes from the time allotted.

Mr. President, we should take heed of what the Government of Iraq is doing and saying. We should take heed of the fact that it has made progress in establishing itself and making significant steps forward. In this context, let me again remind my colleagues of what the National Security Adviser for Iraq has said. He suggested we should begin withdrawing troops by the end of this year. That is what the Reed-Levin amendment would require. He also suggests and predicts that by the end of 2007, US combat forces would be out of the country. He says, in his words:

"The eventual removal of coalition troops from Iraqi streets will help the Iraqis, who now see foreign troops as occupiers rather than liberators as they were meant to be. Moreover, the removal of foreign troops will legitimize Iraq's government in the eyes of the people."

I concur with Senator WARNER that we should support the Iraq Government, pay attention to what they are saying. I think we should pay particular attention to what Iraq's security advisor has said. This was not a casual off-the-cuff remark. He said it first on CNN, where he knew he was speaking to a world audience, particularly an American one. Then he crafted a very careful op ed opinion for the Washington Post. If that is what one of the key leaders of the Iraqi Government is saying, then I think that supports our efforts for the Reed-Levin amendment.

Also, this amendment has been mischaracterized grotesquely. This is not some arbitrary fixed timetable. This is not something where dates mean dates specific. We say precisely that the President shall submit to the Congress a plan by the end of 2006, with estimated dates for the continued, phased redeployment of U.S. forces, with the understanding that unexpected contingencies may arise. I think my colleagues demonstrate a lack of confidence in the ability of the President, listening to his commanders in the field to prepare an estimate of our posture in Iraq over the next several years. There is no end point in our amendment because we recognize, as so many others, that this process could take an indefinite time but a time that at least could be estimated by the President.

Let me also suggest that the Levin-Reed amendment recognizes there will be a residual force in Iraq of American trainers, American logisticians, and of special operations troops to seek out these terrorists, rather than having young Americans at checkpoints who are subject, because of a lack, apparently, of coordinated support, to being attacked successfully by Iraqis. That mission should be done by the Iraqis. But we cannot give up the right and capability of special operations in Iraq. This amendment clearly states that. It is something else, too, because we have a lot of people coming to the floor talking about we are going to stay the course and we are going to support them.

We have done nothing virtually with respect to nonmilitary support, effectively, for Iraq. Where are the State Department teams? Months ago, with great fanfare, the President announced we are going to develop eventual reconstruction teams and put them in the provinces of Iraq. There are only four. They lack resources, they lack personnel, and they lack real support and emphasis. Unless we can fix some nonmilitary support, development, political mentoring, our military efforts will buy us time that we will squander, as we have squandered to date.

Now, the real test of the other side is not the rhetoric on the floor and the slogans that you cannot "cut and run" and appropriately recognizing the great sacrifices of our forces. It is coming down here with a plan—over many years, according to them—and the resources to support that plan, the billions and billions of dollars that we will need over the next several years, the personnel we need in the country, not just from our military forces but from our State Department, our Agenecy for International Development, and our Justice Department. If we are truly committed to this concept of complete victory, we need a plan. The President has to deliver such a plan. This amendment will require him, we hope, to sketch out that plan.

At the heart of this, it is not about satisfying the Congress, it is about confiding in, with candor, the American people, telling them what the risks are, what the costs are and how we are going to pay for it. It is easy to come down here and say we are going to support our troops and do all these things. But then 2 weeks from today, or a week from today, we will have a bill to cut the estate tax. How do we pay for these troops and give them equipment and reset our equipment? How do we give resources for troops in the field and support this new Iraqi Government? With what?

The real test of the other side will be when they come up with a plan and with money and with resources. I believe this approach is the most sound tactically, strategically, and politically, not to surrender but to succeed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HATCH. Mr. President, I am disappointed that we are considering legislation that would force the United States military to stay in Iraq. We need to give this new Iraqi Government the time and resources it needs to succeed.
States to withdraw our troops before we have finished the job in Iraq.

It is ironic. Some of my friends on the other side of the aisle fight over judicial nominations, they fight the President while he is trying to protect our crew when they fight each other. Just about the only thing they are unwilling to fight is an actual war.

Let me be clear: We got into the war committed to success, and I am never going to allow us to cut and run.

Let me remind everyone that bin Laden inspired his followers with his view that America was easy to defeat. Let’s not do anything to confirm his skewed vision. When we leave Iraq, let’s make sure it is stable and secure enough to defend itself.

Last Thursday, we had our first vote on pulling out the troops. We voted on a proposal by the distinguished Senator from Massachusetts who seeks to require the President to set a date for withdrawal by December 31, 2006. Wisely, my colleagues voted down the proposal by a 93 to 6 vote. Now that is a pretty telling vote in today’s partisan atmosphere.

The minority is now seeking a scheduled phaseout withdrawal, which would set an artificial deadline that would only encourage and embolden our Nation’s enemies. I am sure this will get more votes than the previous proposal, but it clearly doesn’t have the votes to pass, and it shouldn’t. The enemy will use this estimate and tell the Iraqi groups that this is in part feeding the cycle of violence that is tearing Iraq apart. Foreign terrorists continue to be recruited to Iraq because that is where they can attack Americans. Iraqi groups are polarized along ethnic and political lines, and when American forces should leave. American military actions continue to be controversial and continue to radicalize certain elements of the population.

The newly established democratic government recognizes the importance of its role in security and to assert its sovereignty in the face of the heavy American military presence. It is time that we step back and hand more of the security functions over to the Iraqi security forces. We have been training Iraqi military and police for 3 years. Finally, significant numbers of Iraqi units are able to take over for American units and are doing so in many places across the country. We owe it to them to train, equip, and support Iraqi security forces. But the Iraqi security forces deserve the chance to independently establish the security required for reconstruction and development.

Sectarian violence across Iraq seems to be exacerbated by the U.S. military presence. The presence of American forces makes it more difficult for moderates on all sides to keep out foreign jihadists who are anxious to alter the traditional secular orientation of Iraq. The presence of American forces makes it more difficult for the American combat troops to be and how that role should be carried out in the coming year.

I opposed this war from the very beginning. I did not believe the administration’s claims that Saddam Hussein was an immediate threat to the United States, and I believed that working through the United Nations would more effectively curtail Saddam Hussein’s regime. At the start, in 2003, our presence was welcome, and we had an important obligation to the Iraqi people. Now we find that our presence is in part feeding the cycle of violence that is tearing Iraq apart.

The decision to drawdown American forces must be based on the application of our military commanders’ professional judgment assessing actual security conditions on the ground. Withdrawal of U.S. forces must be based on the objective criteria of local stability and the capability of Iraqi forces.

Setting a timeline for withdrawal limits our Commander in Chief’s strategic options and denies our local commanders the operational flexibility necessary to sustain progress to stability and reduce the risks of the insurgency taking any tactical advantage. We all know the return of every one of our men and women in uniform, as soon as the mission of leaving Iraq in the hands of a stable government can be accomplished.

Mr. JEFFORDS. Mr. President, all of Vermont is breathing a sigh of relief with the return from Iraq of 350 members of the Vermont National Guard, many of whom have spent most of the past year in Al Ramadi, one of the hot spots of the war. We are terribly proud of the job they have done, seeing American troops working in a dangerous area, attempting to root out insurgents, bring stability to the region, and provide a climate that will permit reconstruction and development. These brave men and women have set their private lives on hold for a year and a half, risking injury or death, in order to give Iraqi citizens a chance at a better life. I thank them and all Vermonters who have served and continue to serve in Iraq, Afghanistan and Kuwait.

Vermont has lost 23 sons in the Iraq war, one of the highest per capita casualty rates of any State. As Task Force Saber returns, we hold particularly close the families of those members who are not returning: MSG Chris Chapin of Proctor, 1LT Mark Dooley of Wilmington, SPC Scott McLaughlin of Hardwick; 2LT Mark Procopio of Burlington; SGT Joshua Allen Johnson of Richford and SPC Christopher Merchan of Hardwick. My thoughts and prayers are with them.

Vermont soldiers have performed admirably the job that was asked of them. Now it is incumbent upon us to determine what role in Iraq should be and how that role should be carried out.

The Iraqis have formed a national government in conjunction with the United States and the other sides of the aisle fight over the difficult, while asserting that we have set an artificial deadline that would only encourage and embolden our Nation’s enemies. I am sure this will get more votes than the previous proposal, so that I cannot support any policy that would set an arbitrary timeline for the withdrawal of U.S. forces from Iraq.

The decision to drawdown American forces must be based on the application of our military commanders’ professional judgment assessing actual security conditions on the ground. Withdrawal of U.S. forces must be based on the objective criteria of local stability and the capability of Iraqi forces.

Crisis is in part feeding the cycle of violence that is tearing Iraq apart. Foreign terrorists continue to be recruited to Iraq because that is where they can attack Americans. Iraqi groups are polarized along ethnic and political lines, and when American forces should leave. American military actions continue to be controversial and continue to radicalize certain elements of the population. The newly established democratic government recognizes the importance of its role in security and to assert its sovereignty in the face of the heavy American military presence. It is time that we step back and hand more of the security functions over to the Iraqi security forces. We have been training Iraqi military and police for 3 years. Finally, significant numbers of Iraqi units are able to take over for American units and are doing so in many places across the country. We owe it to them to train, equip, and support Iraqi security forces. But the Iraqi security forces deserve the chance to independently establish the security required for reconstruction and development.
new Government, Sunni minorities will not feel that they can count on the protection of the Government. Kurdish groups want guarantees that their autonomy will be respected. Smaller ethnic and religious groups are worried that the new regime will give an advantage to the Sunni majority over minority populations. The Iraqi people must devise the solutions to these complex problems. They are not likely to look like American solutions. Some of these solutions may not even feel right to us if our troops have fought for the right of the Iraqi people to decide these things for themselves. We must step back and let them do that.

Getting American troops off the streets of Iraq will remove the sense of occupation that currently pervades parts of Iraq and makes Iraqis feel that their fate is not in their own hands. We may also increase our own security by reducing our visibility in Iraq. Images of American troops patrolling Iraq streets continue to inflame antirevolutionary Arab elements all over the world. The struggle against American occupation is one of the biggest recruiting slogans for radical Muslim groups. If we are serious about fighting terrorism, it must be made clear of where our own actions foster radicalism and strengthen the enemy.

I will vote for the amendment by the Senator from Massachusetts, Mr. Kerry. The Kerry amendment calls for the withdrawal of U.S. forces by this time next year, leaving in place those troops necessary to train Iraqi security forces, to conduct specialized counterterrorism operations, or to protect American facilities and personnel. This language would allow U.S. troops to stay in Iraq where absolutely necessary but would bring the bulk of our troops home.

I will also support the Levin amendment, which requires that withdrawal of U.S. forces begin before the end of this year. It calls upon the administration to set up a timetable for the phased redeployment of U.S. troops. It makes clear to the Iraqi Government, the Bush administration, and the American people that we must start getting out of Iraq. While this amendment is not as firm as the Kerry amendment, I believe it is an improvement over the current policy of just staying the course with no clear guidance or withdrawal.

Mr. President, we owe it to the men and women who are serving so nobly in Iraq to not leave them in harm’s way 1 day longer than is necessary. We can and we must start drawing down the number of troops in Iraq and bringing our people home. This is the right move for our troops, and it is the right move for the Iraqi people. It takes political courage to change course. It is time the Congress showed a little courage in the face of the daily acts of valor and sacrifice of our troops. I call upon my colleagues to rise to the occasion and do what needs to be done. It is time to end a bad policy and focus our efforts on the reconstruction and development of Iraq.

Mr. SARBANES. Mr. President, the Department of Defense authorization bill for fiscal year 2007 has now been under consideration on the Senate floor for much of that time that has been devoted to discussion of Iraq, which casts a long shadow over every decision we are called to make. I regret that there has been such great unwillingness, until now, to have this issue freely debated on the floor of the Senate, and I commend the floor managers for allowing us to fulfill our constitutional responsibility. If ever there was a time for a resolute and reasoned assessment of our policy in Iraq, this is it.

In undertaking unilateral military action to remove Saddam, the administration chose to pursue a costly policy that has seriously undermined our ability to focus on and deal effectively with the urgent national-security challenges we face. Turning its back on 50 years of bipartisan consensus on the need to work collectively and cooperatively through multilateral institutions—a consensus that carried us through the darkest years of the Cold War—our nation is committed to a go-it-alone strategy that made only minimal gestures toward diplomacy. Pushing aside the many diplomatic, economic, and political resources at his disposal, the President squandered the moral advantage of that event that resulted from the tragic events of 9/11. His policies have divided us not only from the vast population of the Muslim and developing world, whose support is more important now than ever in the fight against terrorism, but also from many of our traditional friends and allies in Europe and Asia.

More than 3 years ago I took the Senate floor and posed this question: "Are we going to seek to exercise our power in concert with others, which in the current context means working through the United Nations; or are we going to move down the path of asserting a unilateral preemptive prerogative, in effect, asserting our right to do what we want anywhere, anytime, to anyone?" I say now that the administration made a grievous mistake in pursuing the second path, and thus today we find ourselves forced to deal with the consequences.

Mr. President, I call to the attention of my colleagues my remarks of October 9, 2002.

Had the United States taken that more prudent course, we would find ourselves in a different, and, I would argue, immeasurably stronger position than we are in today. Before the invasion began, we had investigators from the International Atomic Energy Agency on the ground in Iraq, where they were tracking down and following up all reports of weapons of mass destruction. We were enforcing two U.N.-backed no-fly zones, one to protect the Kurds in the north, and another to protect Shites in the south. In effect, we had Saddam Hussein in a corner, and we were keeping him there with the blessing of the international community.

The President chose instead to take a reckless and irresponsible gamble. We can count up the number of deaths, we can count up the number of injuries from which people will never recover, but none of this begins to account for the costs to our country, which have lost more than 2,500 courageous and dedicated men and women—a tragedy for them and their families, and also for the nation, because they represented the promise and hope of our future. This is not to mention the tens of thousands of innocent Iraqi civilians, women and children alike, who were caught in the crossfire. We have diminished our standing in the eyes of the world, and having declined to use the tools at our disposal, we now find their effectiveness diminished. This military action has clouded our vision and distorted our priorities to the point that the entire question of national security must now be debated through the prism of Iraq.

With our diplomatic resources focused overwhelmingly on Iraq, we have undermined our ability to achieve national-security objectives we know to be critical. Today the challenge posed by Iran is gaining momentum at the same time that our presence in Iraq immeasurably complicates the problems of dealing effectively with Iran, and North Korea has raised its own nuclear challenge to a new level.

Our country’s standing in the world community has been diminished on numerous fronts by the profoundly misguided invasion of Iraq and our continued failure to set the scene for ourselves. We have seriously undermined working relations with our traditional partners and allies, which the President’s trip to Vienna has yet again put on vivid display. Sixteen of the original 37 members of the coalition which the administration touted have withdrawn their troops, Japan being only the most recent to announce its departure. Of those who remain, only the United Kingdom has more than 5,000 soldiers on the ground. This is to say nothing of the toll Iraq has taken at home. There are thousands who have been disabled by serious war-related injuries and trauma. Hundreds of thousands of families have been torn apart by unplanned Guard and reserve duty, often creating substantial financial hardship. Our National Guard, thus stretched, is less able to render assistance in the situations it was designed to address. We have had to divert hard-pressed resources from urgent domestic priorities, the recovery from Hurricane Katrina among them.
Yet the administration refuses to face these realities. When at a hearing of the Senate Foreign Relations Committee last fall I asked Secretary of State Condoleezza Rice, referring to Iraq, “Do you think five years from now, some American forces will have come out?” She said, “Senator, I don’t want to speculate.” Even when asked, “What about 10 years from now?” she refused to rule out the prospect that our troops would still be on the ground in Iraq. Her response revealed the administration’s adamant refusal to think through to the consequences of the action, which has characterized our policy in Iraq from the beginning.

It is long past time to face the situation squarely and undertake a fundamental redirection of the policy before more damage is done. The war not only has taken a terrible toll in terms of lives and hopes for the future; it has diverted our attention from the real and urgent threats to our national security and reduced our ability to deal with them. We should not be pursuing an open-ended commitment in Iraq. It was a war that need never have begun. By failing to offer to a viable strategy to bring it to an end, the administration does a grave disservice to our Nation.

Mr. WARNER. Mr. President, in fairness, we should give the sponsors of the Kerry-Feingold amendment the opportunity to speak to the Senate.

The PRESIDING OFFICER. The Acting President pro tempore, Mr. FEINGOLD, Mr. President, I ask to be informed when I have consumed up to 7 minutes.

Mr. FEINGOLD. Mr. President, I thank my colleague from Massachusetts, Senator KERRY, for working together with me so well on this very important amendment. We understand that we are not going to get a majority. We know we are not going to get the support we need from the Senate. The Senator and I know we represent the view of a majority of the American people, which has clearly been demonstrated in every indication, whether it be conversation, polling, or town meetings that I hold in Wisconsin. The people of this country know that we have to finish this Iraq mission, that it cannot be open-ended.

To me, the most touching moment of the debate came when the senior Senator from Massachusetts quoted his own mentor, Robert Kennedy, who for many of us was a central figure who inspired us to go into politics. I hope he doesn’t mind my repeating Robert Kennedy’s words in 1968:

Past error is no excuse for its own perpetuation.

That is what the Iraq situation represents. Let’s be clear. Every one of us, as the Senator from Massachusetts pointed out last night, voted for the Afghanistan invasion. We did not think that was a mistake. I ask my colleagues on the other side, if they believe we believe in cut-and-run, why aren’t we trying to cut-and-run from Afghanistan? Why is no Senator saying: Let’s get the troops out of Afghanistan, as difficult as it is? Because that was not a mistake, because that was essential, because we had to go after the Taliban and al-Qaeda. It was not a mistake.

What is a mistake, though, is to continue indefinitely the Iraq invasion and Iraq situation with some 138,000 troops, without any realization or recognition that it is sapping our strength, it is sapping our credibility around the world, and it is sapping the resources of our military. It is sapping the recruitment ability of our military. In other words, it is weakening America.

At the same time, as I mentioned on the floor yesterday, the situation appears to be slipping in places where we know al-Qaeda was operating—such as Somalia or Mogadishu, now taken over by a radical Islamic government. We are trying to work with Indonesia’s Government, but the fact is, in the area between the Philippines, Malaysia, and Indonesia, there is an ungoverned area where groups sympathetic to al-Qaeda are operating. This is a threat of the exact kind that 9/11 represents, and we know they have successfully pulled off attacks in Indonesia.

Perhaps most compelling to me is the fact that we are losing ground in Afghanistan because we have stopped paying attention to the No. 1 priority in the fight against terrorism.

Let me quote from the Washington Post article from June 20, entitled “In Tribal Pakistan a Tide of Militancy.” It says:

In north Waziristan, barbers are ordered not to shave off beards, and thieves have been swiftly beheaded. In Swat, television sets and VCRs have been burned in public. In Dir, religious groups openly recruit teenagers to fight U.S. forces in Afghanistan. In the Khyber area, armed squads have burst into roaming houses, forcing people to pledge a solemn oath.

... A tide of Islamic militancy is spreading across and beyond the semiautonomous tribal areas of northwest Pakistan, that hug the Afghan border, and... Observers say the army’s aggressive efforts since 2004 have backfired, alienating the populace with heavy-handed tactics and undermining the traditional authority of tribal elders and officials.

How did we lose focus on those who attacked us on 9/11? Does it make sense to continue to pour virtually all our resources into an Iraq war that is not a priority? Has the administration learned that we have done what we can do militarily, that we will continue to help them in many ways, and we will continue to have special operations forces capacity in that region to take on situations, such as the al-Zarqawi situation. But the notion of continuing to put all of these resources just into Iraq on the absurd notion that that is the key to the fight against al-Qaeda is one of the worst mistakes in American foreign policy history. This is an enorously serious American people, and it is especially a disservice to the families of those who have died, those who have been injured, and those who continue to serve. We owe it to those families to not be standing here when No. 3,000 soldier has died. It doesn’t have to happen. It doesn’t have to be. What is happening now is a horrible situation, not the imagined problem that the other side continually suggests will occur if we have a reasonable program to bring this to a conclusion within the coming year.

Mr. President, how much time have I consumed?

The ACTING PRESIDENT pro tempore. The Senator has consumed 5 minutes.

Mr. FEINGOLD. Mr. President, I have been a legislator for almost 25 years now. I must say, this is one of the toughest moments of my career, to see the Senate not recognize that we were falsely led into a war, that we falsely led the American people into believing this had something to do with 9/11, and that many of the things that have happened simply didn’t have to happen. That is water over the dam.

What has happened after the mistake was made is that mistake after mistake has been compounded. Every day this myth that somehow Iraq is the central focus of the war on terrorism is used as an excuse to send more and more Americans into harm’s way, which is not necessary.

Iraq is not the be all and end all of our national security. Iraq is not the situation that led to 9/11. The American people know it. It is time for this body to catch up and have a reasonable plan to finish the Iraq mission so we can focus on those who attacked us on 9/11.

I reserve the remainder of our time.

The PRESIDING OFFICER (Ms. MORROW). Who yields time?

Mr. LEVIN. Madam President, how much time remains?

The PRESIDING OFFICER. There is 8 minutes 15 seconds remaining.

Mr. LEVIN. How about Senator WARNER’s time?

The PRESIDING OFFICER. Senator WARNER has 18½ minutes remaining.

Mr. LEVIN. Senator KERRY will go next.

Mr. WARNER. My understanding, Madam President, is that Senator KERRY has approximately 7¼ minutes; is that correct?

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes remaining.

The Senator from Massachusetts.

Mr. KERRY. Madam President, this is obviously the most important issue facing the country today. I listened to my colleagues on the other side try to make this a debate about something that it is not about.

All of us support the troops. The only question here is how do we most effectively support them. The best way to support the troops is to get this policy right. That is how we support the troops.

There is nothing more disappointing than being a troop in the field and see you are doing missions that don’t
make sense or that the overall strategy doesn’t make sense. And the record here—as the Senator from Wisconsin has said in quoting Robert Kennedy about past error justifying a perpetuation of the same—the record here is not good.

Prediction after prediction after prediction has been wrong. Policy choice after policy choice after policy choice has been wrong. Young men and women in the U.S. Armed Forces have been wounded and killed because of bad policy decisions, and it is not enough to come to the floor of the Senate and insist: Oh, we have to stay the course because otherwise our troops are doing would be lost or be in vain.

What would be lost and be in vain is not to look at and think about what is happening over there and to adjust appropriately. Our troops want us and deserve for us to get this policy right.

What Senator FEINGOLD and I are offering, along with Senator LEAHY and Senator BOXER, is a plan that gets it right, that helps us get on a path where we demand accountability and where we still support Iraq.

Sure, we have made mistakes along on this course. None of us have come to the floor and said the cause is lost. None of us have suggested that we just have to walk away and leave chaos. That is not what this plan does. This plan honors the investment of our troops, and, in fact, what it does provide a better way of not only empowering the Iraqis but of empowering the United States of America to fight a more effective war on terror.

Let me say it plainly. Redeploying U.S. troops is necessary for success in Iraq, and it is necessary to be able to fight a more effective war on terror. That is why we put this program forward.

Our amendment requires redeployment of American combat forces with important exceptions. At the end of the year, if, in fact, it is necessary to continue to train in order to stand up the Iraqi forces, that. If we find it necessary to continue to fight al-Qaida because we haven’t destroyed it completely in the next year, we allow for that. But we must allow, obviously, for the protection of American facilities and forces. There is no other reason to be in Iraq a year from now, other than standing up the Iraqi forces or chasing al-Qaida or protecting our facilities.

So, in fact, what we are providing for is exactly policy ought to be, but it begins the redeployment because the fact is—and our generals have said it and every expert has said it—the large presence of American forces in Iraq is contributing to the insurgency. What would Senator Garni want to come to the floor and argue, Let’s just stay the course and do the same old thing, when our own generals have told us the same old thing is part of the problem, the same old thing is attracting terrorists, the same old thing is losing our allies, the same old thing is costing us unbelievable sums of money and costing us lives unnecessarily?

Our plan believes there is a better way to fight the war on terror and a better way to be successful in Iraq. It is different from what Senator LEVIN and others are offering, but it is not different in that it has every component of the plan they offer.

I have heard some Senators say we don’t have a plan. We have exactly the same plan that is in the Levin amendment except we go further. We maintain an over-the-horizon force to protect our security interests in the region.

In addition to that, we have a date, and it is binding. I don’t believe at this point in time that our troops are well served by only having a sense-of-the-Senate resolution. We ought to be able to help make policy that put them there, and we ought to help make the policy to get them out of there.

Let me also be clear about this. Madam President. This plan continues support for those that wish to drop dead, no draft, no ultimatum. It gives them a deadline to stand up, but it provides the President the ability to continue to train if that hasn’t completely happened. The fact is, this amendment permits us to accomplish the job.

General Casey has said—how many times does the commanding general have to say it?—this war cannot be won militarily. The only way to do this is to bring parties together and resolve the political differences that are feeding the insurgency.

How much time do I have remaining?

The PRESIDING OFFICER. There is 2½ minutes remaining.

Mr. KERRY. Madam President, the National Security Adviser of Iraq said it this week. How many of our colleagues came over to the Senate the other day and argued about the sovereignty of Iraq? I am for the sovereignty of Iraq. The sovereignty of Iraq is respecting what they are saying about themselves.

Prime Minister Maliki says they will be able to take the security of 16 out of 18 provinces by the end of this year. Let’s honor that. Prime Minister Maliki said getting our troops out will, in fact, legitimize the Government, it will help them. Other Iraqis and Sunnis have said that. Madam President, 94 percent of the Sunnis say the United States should set a timetable; 80 percent of the Iraqis say the United States should set a timetable. Are the Iraqis cutting and running on themselves by saying that? Of course not.

All these comparisons with World War II are absolutely ridiculous. Of course we wouldn’t set a date when we are fighting a unified force that has invaded other countries and we can understand how to do it. But this is not a unified force. These are terrorists and these are insurgents and these are criminals the plan they offer. We are the one who is going to fight differently. And when our own presence is adding to their ability to recruit, if we are going to be smart, we ought to think about how we are going to turn around and fight differently.

I remember what it was like when we fought in a war where we were bound by a policy without thinking about how we could change it and be more effective. An awful lot of lives were lost as a result of that when policy leaders failed to change the policy and do what was necessary to win.

If the Iraqis themselves keep talking about a timetable and only deadlines have worked up until this point—the deadline for the transfer of authority for the provisional government, a deadline for the Constitution. The Iraqis wanted to let it slip. We said no. We put our feet to the fire. They did the Constitution. It was the same thing with the elections. We set a deadline. We said the date will be now. They wanted to let it slide. We said no. They held the elections.

I believe it is a more effective way to put America in a position of strength, in a position to fight the war on terror in Somalia, in Afghanistan, and in the other places of the world where al-Qaida is growing. Iraq has been a diversification of the real threat, and Iraq has weakened the United States in the world. We deserve to take a position that supports our troops by getting this policy right.

The PRESIDING OFFICER. The Senator’s time has expired.

Who yields time? The Senator from Virginia.

Mr. WARNER. Madam President, before we start on the next speaker, as I understand it, the standing order recites that the Levin amendment would be the first vote. If I understand the request of the distinguished colleague from Michigan, there is a preference to have it switched so that the Kerry vote will be first. Is that a request being pronounced?

Mr. LEVIN. The Senator is correct. I asked both Senators KERRY and FEINGOLD as to what their preference is. They do prefer to go first. That is fine with me, if it is OK with the manager of the bill.

Mr. WARNER. Madam President, there will be no objection on this side to that request. So for the advice of all Senators, the first vote that will occur will be on the Kerry-Feingold amendment to be followed by the Levin-Reed amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. WARNER. I yield such time as the distinguished Senator requires.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I rise once again to oppose the amendment offered by the Senators from Michigan and Rhode Island and the amendment offered by the Senators from Massachusetts and Wisconsin.

Before I speak about the problems I believe are inherent in these amendments, I would like for a moment to discuss the nature of the debate upon which this body is engaged.
The discussion over this war is perhaps the most consequential debate the Senate will engage in this year or perhaps in several years. The outcome of the war will impact the stability of the Middle East and the nature of U.S. foreign policy for a generation. It is that important. So our debate in this Chamber should be a serious weighing of the arguments. Sometimes, unfortunately, the debate seems to have deteriorated into slogans, and that is not healthy, strong debate is what this Nation needs. In that spirit, I would like to discuss again my strong opposition to the two amendments.

By withdrawing withdrawal of American troops tied to arbitrary timetables rather than conditions in country, these amendments literally risk disaster for our intervention in Iraq.

Madam President, this Iraqi security forces we say, our friends, are clearly unable to maintain security on their own. All one has to do is look at every news story every morning or every evening. Even with the presence of coalition forces in Iraq today, the violence and instability remain at unacceptably high levels. To abandon the fledgling Iraqi Army and police to the insurgents, the militias and the terrorists would risk chaos in Iraq, and chaos in Iraq to that same chaos, there is no prize. And in that vacuum, of course, that is the way every insurgency. That is the way every government will somehow get serious and fight the insurgency on its own without our help. That makes the assumption, incredibly, that the present Government in Iraq and the military who are out there fighting all the time are not serious. Of course they are serious. They are just not capable. It is going to take more time and more effort and, I am sorry to say, more American sacrifice before they are capable of assuming those responsibilities. Rather than imposing the Government to crack down on the insurgency, beginning a U.S. withdrawal is more likely to induce average Iraqis to join a militia for protection rather than cast their lots with the Government.

I would also ask the sponsors of the amendments what they advocate if we withdraw and the violence actually worsens and full-scale civil war ensues or terrorists then enjoy a safe haven to plan attacks against Americans and our friends. Do we then face the options only of tolerating this situation in perpetuity or reconsidering the country?

We have just one choice in Iraq, and that is to see our mission there through to victory. What does victory mean? It is the classic reduction and eventual elimination of any insurgency, an economy that works, a government that functions, and a military and police force that come back and eventually eliminate and destroy an insurgency. That is the way every insurgency in history was put down. There is no peace signing on board the USS Missouri. There are no Paris peace talks. It is an insurgency that has to be surrounded, contained, and eliminated.

That is not to say this victory will be quick and easy. It is long and it is tough, and many mistakes have been made and all of us have been frustrated. Many of us have been terribly frustrated by the inflated estimates and over-optimistic statements that so frustrated us and the American people when the conditions don’t warrant it. It is still tough today. We can’t fail prey to wishful thinking, that we can put the costs and the difficulties and the frustrations aside by ignoring our challenges and responsibilities. That is something we cannot do.

Madam President, I congratulate my colleagues for their participation in this debate. The American people expect nothing less of us. I hope we are a better informed nation and a better informed body when we vote. It will probably not be the last time we address this issue, but I think it has been done in a comprehensive fashion.

I would close by reminding my colleagues that it was the United States that led the invasion of Iraq, the United States and the occupation, and with the United States, with our Iraqi partners, has the responsibility to see this through. It will take more time, more commitment, more support, and more brave Americans who will lose their lives in the service of this great cause. Despite our cajoling, nagging, and pleading, few other countries around the world will share much of our burden. Iraq is for us to do, for us to win or lose, for us to suffer the consequences or share in the benefits. But in the end, there is only one United States of America, and it is to us that history will look for courage and commitment.

I urge my colleagues to vote against the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Madam President, I commend my longtime friend from Arizona. He is a very succinct way looked at this debate in the context of what is going on today and tomorrow and the weeks and months to come in Iraq, but he is also looking at it in the context of the future, how generations that follow will look back on this chapter and moment in history and how the Congress of the United States, hopefully, will give the Commander in Chief under the Constitution—our President—to direct the operations of the current conflicts.

The Senator also touched on how we have conducted this debate. I wish to just repeat a few remarks of my opening remarks yesterday with respect to my colleague from Michigan in addressing his amendment. I said that I have studied it carefully. I did not denounce the amendment; I said it was a serious amendment, and it is a serious amendment. It deserves serious thought, and I, and I think others, have given that serious thought to our colleagues on his amendment. But I strongly oppose it.

Unlike last year where I sat down and was able to work out with him a conciliatory, bipartisan amendment which got three-quarters of the votes of the Senate, it just, in the form he presented it, was not an option this time. Therefore, regrettably, we approach these critically important votes with far greater partisanship than I had hoped. I had hoped we would have greater bipartisanship.

But my basic message to America and to my colleagues is that we have put an enormous investment into these conflicts, both in Iraq and in Afghanistan. We are focusing today on Iraq, but we have to look at the others.

Madam President, 2,500-plus Americans have lost their lives and left families and loved ones grieving, and 18,000 have survived their wounds and are working to recover themselves, many going back into uniform or having never left uniform, but remaining in, which is to their everlasting credit, but others receiving the love and the care of their families and their communities in which they live. The sacrifice has been enormous sacrifice. We have dollars incalculable in amounts.

Also, what we have on the line is the credibility of the United States of
Mr. WARNER. Madam President, I reserve the remainder of the time.

Mr. LEVIN. Madam President, I yield 3½ minutes to the Senator from North Dakota.

Mr. CONRAD. Madam President, I do not believe it is a wise policy to set a specific date for withdrawal from Iraq. I do believe it makes sense to begin to redeploy our forces sometime this year. Therefore, I will support the Levin amendment. I believe that is the right policy for the following reasons:

No. 1, our military commanders have made clear that is their intention. In fact, the news this morning says in a headline: “U.S. Military to Send Equipment Home.” The story goes on to say that the U.S. military has begun sending thousands of Humvees and other war equipment home as more Iraqi units join the fight. The move also anticipates that the number of American troops in Iraq will decline.

Is anybody suggesting our military is engaged in a cut-and-run strategy? I don’t think so. It is not a cut-and-run strategy. It has been the long-term plan to begin to redeploy this year.

No. 2, the President has repeatedly said we will stand down as the Iraqis stand up. According to the administration, tens of thousands, even hundreds of thousands of Iraqis have now stood up. It is time for us to begin to redeploy. That does not constitute a cut-and-run approach but simply common sense.

No. 3, Iraq is ultimately the responsibility of the Iraqis. We cannot forever do the job for them. They must defend their own freedom.

No. 4, there are other priority threats that require our attention, including the worldwide al-Qaeda conspiracy, North Korea nuclear weapons and missile development, and Iranian nuclear development.

For those reasons, I support a policy of beginning to redeploy forces in Iraq this year but without a specific timetable or an arbitrary pace for reducing those troop commitments. That is the right policy. That is the policy outlined in the Levin amendment.

Madam President, I yield the remaining time of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Madam President, I had intended to reserve a brief period for the President pro tempore, Mr. STEVENS, but in his absence, I will just once again conclude.

The message today is whether we are here to uphold the credibility of the United States of America, as stated most eloquently by our President, as we have come to establish a new government in Iraq. That has been achieved. It has now been 18 months since the beginning of their elections, brave elections, followed by the establishment of a unity government. That Government is functioning, and we must give it an opportunity to govern.

Our President said it most succinctly upon his return from Iraq:

My message to the Iraqi people is this: Seize the moment. Seize this opportunity to develop a government of and by and for the people. And I also have a message to the Iraqi people, that which is my commitment, America keeps its commitment.

I yield the floor and yield back any time remaining.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, the credibility of the United States has been proven with the loss of lives and the number of wounded we have suffered in Iraq. We have proven our credibility, over 2,500 troops have lost more than 2,500 of our troops. We have proven our credibility over 17,000 times in terms of the number of people who have been wounded in Iraq. We have proven our credibility with hundreds of billions of dollars to secure the Iraqis an opportunity to have a nation. It is up to them to seize that opportunity. It is up to them to decide to make a choice. Do they want a civil war? Do they want to engage in more Saddam-like battles? Or do they want to reach the kind of political compromises which are essential if they are going to have a nation and end the insurgency and avoid an all-out civil war.

Our credibility has been proven thousands of times and with billions of dollars. We have given a people an opportunity that is extraordinary. We cannot make the decision for them, whether they will seize that opportunity. Only they can make that decision.

Last year we adopted, by an overwhelming vote, an amendment which said that 2006 would be a year of significant transition, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for a phased redeployment of U.S. forces in Iraq. Similar to last year’s sense of the Congress, this year’s sense of the Congress is that we are offering the Iraqis an opportunity of a free and sovereign Iraq, thereby creating the conditions for a phased redeployment of U.S. forces in Iraq. That is the issue. That is what our amendment would urge the President to do. Our amendment does not order the President, as some on that side have actually put it. This is a sense of the Senate. This is something where we, the authors of this amendment, believe that we have a responsibility to urge our best efforts to give our best advice as to what should be. It is not a policy of immediately redeploying forces. There is not a precipitous nature to this amendment. It says
by the end of this year, in the next 6 months, to begin the phased redeployment of American forces from Iraq.

That is what the Iraqis say their policy is. That is what their security adviser says their policy is. Their own security adviser. Mr. Rubai, in the Washington Post 2 days ago said: We envisage the U.S. troop presence by year’s end to be under 100,000. That is a redeployment of 30,000 troops. Our amendment tells the Iraqis: Stay with that. Stick to that policy. It is the right policy. You must take over your own nation and make it work and make it happen.

Then Mr. Rubai, the National Security Adviser of Iraq, in a written document presented to the American people through our newspaper, says that “the removal of coalition troops from Iraqi streets will help the Iraqis who now see foreign troops as occupiers rather than liberators.” He says, “The removal of foreign troops will legitimize Iraq’s government in the eyes of its people.”

Our amendment urging the President to end an open-ended commitment of our troops to Iraq and to begin the redeployment by year’s end is a way of implementing what the Iraqis themselves and they plan on doing.

All Senators want Iraq to end as a success story, every one of us. There is not one Senator who wants anything other than to maximize the chances of success in Iraq. No matter how we voted, the removal of a foreign occupying force, one every of the 25 or so Senators who voted against that resolution—and I am one of them—wants to maximize the chances of success in Iraq. But to do that, we must prod the Iraqis to take the responsibility for their own nation.

I thank the Presiding Officer and my dear friend from Virginia for the way in which this debate has proceeded. I hope we have made a contribution to the Senate and to the Nation.

Mr. WARNER. I thank our colleague.
independently—not one. On the reconstruction front, things aren’t any better. The President who campaigned on the pledge not to do nation building unfortunately stuck to that pledge. From the start, the rebuilding effort was plagued in Iraq by massive corruption. The American taxpayer and the Iraqi people have paid the price.

Power, water, and oil production all soon slipped below prewar levels. Today, oil production is still 400,000 barrels a day below prewar levels. And the availability of electricity in Baghdad dropped from 16 hours a day prior to the war to its current average of 4 hours a day.

These Bush administration missteps have reduced Iraqi support for our presence and fueled anti-American sentiments and insurgent activity. As a result, the mission of our troops has become more difficult and certainly more dangerous.

At the same time the President was sending too few troops for the mission in Iraq, he even failed to provide those he did send—those valiant troops—with armor and equipment which they need to do the job. Military families already stretched and burdened from multiple deployments were forced to buy armor and ship it to their loved ones serving in Iraq.

They went out and bought equipment and sent it to their loved ones because the military wasn’t providing it. Combat units had to jury-rig vehicles with scrap metal in order to get some extra degree of protection from the improvised explosive devices—and understandably so.

A study by the Marine Corps last year found that 80 percent of upper-body fatalities could have been prevented with proper armor. The greatest military in the world should not have to depend on scrap metal from Iraqi junkyards to protect its troops.

Meanwhile, security problems in Iraq grow more dangerous every day. In April and May of this year alone, more than 160 U.S. troops have been killed in Iraq. Weekly insurgent attacks are higher than they have ever been. At least five troops were killed in Iraq yesterday. We don’t know the exact number, but at least five were killed yesterday.

The country has become what is was not meant to be—a training ground and a launching pad for acts of international terror.

The killing of terrorist Zarqawi was a step forward. But as we have seen, the killings have not ended. Sectarian violence has not ceased because the Iraqi Government has failed to make the political compromises necessary to create a stable government that can provide for the security of its people—people taken from buses, kidnapped, and likely will be killed.

This is only part of what happened last night in Iraq. I recall vividly when the Senate paused for a moment of silence when we reached the grim milestone of 2,000 U.S. military killed in Iraq. But just last week on a date that arrived far too quickly, we paused again to honor the now 2,500 who have given their lives. And, of course, that figure has since passed and there is more.

The Senate has an obligation to our troops and their families to do everything we can to delay indefinitely the next milestone. Are we going to have a moment of silence for 3,000 of our best?

Twenty-five hundred dead Americans is not “just a number,” as Tony Snowe, the President’s spokesman, said. These 2,500 are sons, daughters, mothers, fathers, husbands, and wives. They are PFC Thomas Tucker and PFC Kristian Menchaca, whose mutilated bodies were found in Iraq yesterday. These aren’t just numbers.

We owe it to these troops and all of our forces serving in Iraq to develop a sound policy. We hear a lot of rhetoric about “supporting the troops.” But the best way to do that is with a smart strategy—not with more rhetoric or slogans. That is why the Levin-Reed amendment is so important.

The Levin-Reed amendment recognizes that it is time to transform the U.S. strategy, to begin the responsible redeployment of U.S. forces this year. It builds upon the bipartisan Senate amendment which we passed last year calling for 2006 to be a year of significant transition in Iraq.

The open-ended commitment advocated by the President and the majority—that is the Republicans in this body—is not the way to get the Iraqis to assume responsibility for governing and securing their country. They have trained 287,000 troops.

The Levin-Reed amendment recognizes that there are only political solutions remaining in Iraq, not military solutions. The administration rightly focuses on the need to reconcile the sectarian differences, to regionalize the U.S. strategy, and to revitalize reconstruction efforts.

Passage of this amendment would chart a new course, one that is well balanced between the military, the political, the regional, and the international solutions. An open-ended commitment is not sustainable, and the American people know that.

The war has been losing the American people every month upwards of $2 billion—$500 million each week. The military has been stretched so thin, with every available combat unit of the Army and Marine Corps serving multiple tours in Iraq.

This war is not a matter for “future Presidents” as President Bush said. It is his war. It is the war of President George Bush. And the time to act is now, for as we are bogged down in Iraq, the threat to our freedom around the world only grows.

An open-ended commitment in Iraq hurts our ability to address other national security challenges around the world. While beginning the phased redeployment this year will allow many of our troops to come home, it will also permit the President to redeploy forces so they can deal with other crises such as we now have in Afghanistan—where four or five were killed yesterday—where the recent U.S. threat must be eliminated and Osama bin Laden must be finally captured or killed.

I watched the floor debate yesterday. The majority, instead of offering their vision for the future in Iraq, chose to speak to the merits of the Levin-Reed amendment, chose to resort to a familiar playbook straight from Karl Rove’s book of partisan political tricks. They have engaged in these cheap political attacks saying Democrats want to “surrender” and “cut and run.” Not only are these attacks baseless, but they won’t help Iraqs—and they certainly won’t help our troops who are right now lugging 70-pound packs in 100-degree heat while trying to avoid roadside bombs and snipers.

The Republicans in the Senate stand alone, insisting on “no plan and no end.” It isn’t a position shared by the American people, and it isn’t even a position shared by our military leaders.

On today’s morning news, it is reported that General Casey, commander of U.S. forces in Iraq, has stated that thousands of troops will likely be redeployed by year’s end. That is General Casey.

To my Republican colleagues, is General Casey surrendering? To my Republican colleagues, is General Casey cutting and running? To my Republican colleagues, is General Casey admitting defeat? I think not.

Over at the White House, we see similar partisan games. The administration continues to mislead the American people. The Vice President continues to insist the insurgency is in its last throes, despite the headlines we read every day. The President continues to insist that we will “stand down when Iraq stands up.” This was yet to occur.

It is time to change from the slogans, the attacks, and the continual misleading nature of this administration as it relates to the war in Iraq. Demanding a change of course is not irresponsible, it is not unpatriotic, it is the right thing to do.

Edward R. Murrow said:

We must not confuse dissent with disloyalty. When the loyal opposition dies, I think the soul of America dies with it.

For all of those troops who are serving on their third and fourth tours of duty, for those who have served on their first and second tours of duty, for all those Iraqis who want to see an end to the civil war plaguing their nation, for all those people who want Iraq to succeed in delivering a free and democratic way of life, for those who believe we need to refocus our efforts in this global war on terror, we must vote for a change in policy and a change in direction. We must reject the “stay the
course” doctrine of the Bush administration. We must vote for the Levin-Reed amendment.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Madam President, I thank both managers for a superb debate and discussion over the course of the last several days—and really the last several weeks—as we have focused on an issue that is no more important to the safety and security of the American people.

We can take great pride in what our Nation and our military men and women have accomplished in Iraq. We thank them. We thank their families for their sacrifice and for their dedication. But we did not go into Iraq in pursuit of oil or riches or some other national advantage. We went as a volunteer—as a nation willing to enforce the mandates of the you U.N. Security Council and the credibility of many resolutions it adopted with respect to Iraq between 1991 and 2003.

We went into Iraq to end a cruel dictatorship of people that were less deserving of freedom than any other. As a result of our efforts, the dictatorship has ended, and the people of Iraq are now embarked on a grand democratic project, seeking to build a pluralistic, multiethnic, multireligious democracy in the heart of the Arab world.

This is a project without precedent in the Arab world. And because it is so novel, it has come under assault from religious fundamentalists, Sunni and Shiite extremists, and others whose narrow agendas are threatened by the prospect of democracy in that part of the world.

We have made an enormous investment in the success of this project. It would be foolish to squander that investment just as we are seeing success.

Last year, millions of Iraqis—half of them women—defied the threats of the terrorists and streamed to the polls in three national elections. Iraq’s Sunni population participated in greater numbers each time.

On June 8—just a couple of weeks ago—the newly democratically elected Prime Minister Jawad al-Maliki named the last three Cabinet members, the Ministers of Defense, Interior, and Security, thereby completing formation of his unity government.

That same day, the death of the foremost cleric, Abu Musab al-Zarqawi, was announced in Baghdad.

That was huge progress.

We made a commitment to the new government of Prime Minister Maliki, and it would be impossible to imagine a worse time than now, just 2 weeks after that government was fully formed and its most ferocious enemy eliminated, to turn our backs on it.

None of us know for sure exactly how the democratic reform in Iraq will turn out, as we stay committed, but we do know it will fail if it is abandoned prematurely by the United States.

Withdrawal is not an option. Surrender is not a solution. Every Senator must make his own decision and live with his own conscience, but this Senator will not be responsible for condemning the 26 million people of Iraq to decades more of violence and repression—not when there is a democratic alternative. We are that is so manifestly committed to creating the kind of pluralistic society that until now has been absent from the Arab world.

Another reason we went into Iraq was because we were convinced that Saddam Hussein was continuing his pursuit of weapons of mass destruction—chemical weapons that he had developed and used before. And the events of 9/11 had taught us that there is no greater threat to us today than the state sponsors of terrorism—such as Iraq under Saddam Hussein—working to acquire such weapons.

After the war, of course, there emerged a big debate over whether Saddam Hussein was pursuing weapons of mass destruction, and that’s the view not only of the Bush administration, but also of the Clinton administration, as well as the opinion of most other governments around the world.

It made sense for two reasons.

First, Saddam Hussein had a long track record of not only seeking, but also of using, chemical weapons. He had used chemical weapons against his own people in the 1980s. And at the end of the first Persian Gulf war in 1991 he was found to have an advanced nuclear weapons program—a program that may have only been 1 to 2 years away from producing a nuclear weapon.

Second, Saddam Hussein was acting like a man who had something to hide; he was obstructing the U.N.’s weapons inspectors and repeatedly defying U.S. disarmament mandates. No one can explain why Saddam acted this way if he in fact had no weapons of mass destruction programs to hide.

And we all now believe that if Saddam Hussein were still in power today, Iraq would remain on the list with Iran and North Korea of countries that we fear will develop weapons of mass destruction and pass them to terrorists.

Because Saddam Hussein has been removed from power, Iraq is no longer on that list.

But we must remember that many of Saddam’s weapons scientists—who produced the chemical weapons he used against the Kurds in the 1980s and who came close to producing nuclear weapons in the early 1990s—are still in Iraq. However, in a democratic Iraq these scientists pose no threat because a democratic Iraq would never seek to revive Saddam Hussein’s weapons programs.

If we were to cut and run from Iraq, and risk letting the terrorists take power, we would again have to fear the scientists, and their remnants of Saddam’s weapons infrastructure, would once again be put to work producing weapons that in the hands of international terrorists could destroy our cities and decimate our population.

Again, every Senator must live with how he or she conceives of this Senator does not want to be complicit in a decision that could reverse the success we’ve achieved since 9/11 in keeping terrorism from our shores and weapons of mass destruction out of the hands of terrorists.

The amendments before us are intentionally misleading. They are written in soft language and wrapped in reassuring concepts.

They don’t use such terms as “redeployment” or “withdrawal,” but instead call for “redeployment” of our Armed Forces from Iraq.

They don’t say that the withdrawal should take place on an artificial timetable and be concluded by an arbitrary date. Instead, they say that the “redeployment” should take place under a “schedule,” that the “schedule” should be “planned,” that the “plan” should be “coordinated” with the Government of Iraq, and that the Congress should be “consulted.”

None of this artful language, however, can conceal what is really proposed and what really at stake.

The proponents of these amendments want us to tell the new Government of Iraq that we’re leaving—no matter what the implications for the future of their country; no matter how much they plead with us to stay; no matter how great the risk that the investment that we and they have made to date in building a new Iraq will be squandered and turned to naught.

The amendments may differ in some of the details—how long we’ll wait until we actually leave, how emphatically we tell the Iraqi people we really care about them as we walk out the door, but the bottom line is the same.

The amendments tell us to set a deadline and leave by the deadline.

This would be a dangerous policy, a reckless policy, and a shameful policy. The time to leave Iraq is when we have achieved our objectives. If we knew our objectives were unachievable then these amendments might make sense. But our objectives are achievable and we are achieving them.

The brave men and women of our Armed Forces are fighting daily to win victory in Iraq, and it would dishonor them, to say nothing of their fallen comrades, to cut and run at a time as promising as now.

The spirit of these amendments is the spirit of defeatism and surrender.

This is not the spirit that made America the great Nation it is today, and I trust that when we vote we will
The PRESIDENT pro tem. The question is, Do you desire to vote? Mr. WARNER. Yes. Mr. President, I move to reconsider the vote. Mr. CRAIG. I move to lay that motion on the table. Mr. WARNER. The motion to lay on the table was agreed to.

The amendment (No. 4320) was rejected.

The President pro tem. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table. The motion to lay on the table was agreed to.

The amendment (No. 4442) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table. The motion to lay on the table was agreed to.

The amendment (No. 4442) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table. The motion to lay on the table was agreed to.

The amendment (No. 4442) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table. The motion to lay on the table was agreed to.

The amendment (No. 4442) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table. The motion to lay on the table was agreed to.

The amendment (No. 4442) was rejected.

Mr. WARNER. The President pro tem. The question is, Do you desire to vote? Mr. WARNER. Yes. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table. The motion to lay on the table was agreed to.
amendment by the distinguished Senator from Texas, and I am told by the Senator that she will seek a voice vote. That has been cleared on both sides. The next amendment will be offered by our distinguished colleague from Georgia, Mr. Chambliss. That will take perhaps an hour or more and will require a record vote. Thereafter, I ask unanimous consent that the Senate then recognize the Senator from Minnesota, Mr. Dayton, to address the Senate with regard to amendments and the bill as a whole. I would also say to colleagues, subject to confirmation by the leadership, that I am recommending there be no votes from now until 3:30. There are two very serious functions taking place, both of a religious nature, in our city, and Members are attending either the last rites of Philip Merrill, a personal friend of mine, a wonderful man who recently lost his life on the Chesapeake Bay, and then I understand a distinguished archbishop of the Catholic Church is being installed with a ceremony today.

Therefore, the bill will continue its momentum in this period of time, and following those votes, I am certain the leadership will give the managers such guidance as to when we can conclude this bill, which again I hope will be today.

So at this time, I yield the floor.

Mr. McCain. Mr. President, if the chairman will yield just for a second, we don’t need an hour on this amendment. I say to my friend from Virginia, I think 40 minutes equally divided would be very sufficient. I don’t know about the author of the amendment; he might want more time.

Mr. Chambliss. Mr. President, the only thing I would say is I have several folks who want to speak on it. If we could have an hour equally divided, my guess is we won’t use it.

Mr. Warner. Mr. President, I ask unanimous consent that there be an hour equally divided between the distinguished Senators from Georgia and Arizona on the Chambliss amendment. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Warner. We have covered as much ground as we can procedurally at this point, and I yield the floor.

Mrs. Hutchison. I call up amendment No. 4377 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas (Mrs. Hutchison) proposes an amendment numbered 4377.

Mrs. Hutchison. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To include a delineation of the homeland defense and civil support missions of the National Guard and Reserves in the Quadrennial Defense Review.)

At the end of subtitle C of title IX, add the following:

SEC. 924. INCLUSION OF HOMELAND DEFENSE AND CIVIL SUPPORT MISSIONS OF THE NATIONAL GUARD AND RESERVES IN THE QUADRENNIAL DEFENSE REVIEW.

Section 118(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following new paragraph (15):

‘‘(15) The homeland defense and civil support missions of the active and reserve components of the armed forces, including the organization and capabilities required for the active and reserve components to discharge each such mission.’’.

Mrs. Hutchison. Mr. President, this amendment would require the Department of Defense to clarify in the Quadrennial Defense Review the homeland defense and civil support missions of the National Guard and Reserves.

The QDR is a comprehensive examination of national defense strategy, force structure, force mobilization, and modernization plans, infrastructure, budget plans—all elements of the defense program. It is the planning that goes on every 4 years. The QDR is in process now for the next 4 years. The goal of the QDR is to determine the defense strategy of the United States and its established defense programs for the next 20 years, and it is updated every 4 years.

For decades, homeland defense has been a mission of the Department of Defense. However, only after the 9/11 attacks in 2001 did this very important mission really come to the forefront in defense planning. Unfortunately, the present QDR lacks sufficient guidance for the Guard and Reserve components in this very important mission they have.

The amendment I am proposing would require the Department of Defense to include in the QDR a definition of the homeland defense and civil support missions of the National Guard and Reserves. The amendment has not really formalized the requirements for the role of the National Guard and Reserve in homeland security. We know the President has ordered the deployment of Guard and Reserve to our borders to try to secure our borders, so we need a really comprehensive look and guidance for the Reserve component, particularly the Guard, concerning their roles and how they will be able to train and equip for homeland security missions.

Today, the National Guard and Reserve must debate the merits of their initiatives and their equipment procurement the way it should be. Our Guard and Reserve do a fabulous job. They are on active duty in Iraq and Afghanistan today. They have gone through several cycles of deployment to Iraq and Afghanistan. There is a Texas Guard unit in Bosnia in command and control today, continuing the peacekeeping mission there. They are doing their jobs, they are being called up at a level that is very high, but ambiguities remain in their homeland security mission.

Competition for resources continues, and there is a lack of clarity about what role the Department actually expects them to have. This omission was painfully obvious after 9/11. After hurricanes Rita and Katrina and now with the deployment to the border, which I totally support, their role is once again expanding. This amendment will provide the DOD with the information it needs to determine the role the National Guard and Reserves should have, must have, and will continue to have, but with more clarification, in the defense of our country.

This is a very important amendment. I believe it will add to their responsibilities, and they will be able to get the equipment and the training they need to do the jobs we are asking them to do in homeland defense and for the other civil emergencies we have.

Mr. President, I ask for the support of my colleagues for this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mrs. Hutchison. Mr. President, I urge the adoption of the amendment. The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment.

The amendment (No. 4377) was agreed to.

Mr. Warner. Mr. President, I move to reconsider the vote.

Mrs. Hutchison. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. Warner. Mr. President, we will turn to the distinguished Senator from Georgia for his amendment, with 1 hour equally divided.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 4261

Mr. Chambliss. I rise today to call up amendment No. 4261 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The legislative clerk read as follows: The Senator from Georgia (Mr. Chambliss), for himself, Mr. Hatch, Mr. Isakson, Mr. Inhofe, Mr. Lieberman, Mr. Cornyn, Mr. Thune, Mr. Bennett and Mr. Stevens, proposes an amendment numbered 4261.

Mr. Chambliss. I ask unanimous consent that the record of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. 146. FUNDING FOR PROCUREMENT OF F–22A FIGHTER AIRCRAFT.

(a) PROHIBITION ON USE OF INCREMENTAL FUNDING.—The Secretary of the Air Force shall not use incremental funding for the procurement of F–22A fighter aircraft.
(b) MULTIYEAR PROCUREMENT.—The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of not more than 60 F-22A fighter aircraft.

SEC. 147. MULTIYEAR PROCUREMENT OF F-119 ENGINES FOR F-22A FIGHTER AIRCRAFT.

The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of the following:

(1) Not more than 120 F-119 engines for F-22A fighter aircraft.

(2) Not more than 13 spare F-119 engines for F-22A fighter aircraft.

Mr. CHAMBLISS. Let me say, it is very difficult, any time you have to oppose your subcommittee chairman—and in this case the full committee chairman—on an issue, particularly two Senators whom I hold in such high esteem. But we do have a disagreement in a programional way on this issue. At the end of the day, all of us intend to do what is in the best interests of the men and women who fight for America.

The F-22A Raptor is the U.S. Air Force’s top priority for providing a joint force with air dominance, operational access, homeland and cruise missile defense for the next 20-plus years. The F-22A is a first-of-a-kind multimission fighter aircraft that combines Stealth, supercruise, advanced maneuverability, and integrated avionics to make it the world’s most capable combat aircraft.

This amendment authorizes a 3-year multiyear procurement contract for the F-22. This is not about spending money; it is about saving money, and it is about good acquisition practices and policy.

This amendment will save approximately $235 million as a minimum amount the DOD could use this money for other priorities or allow us, the Congress, to return these dollars to the taxpayers.

An independent study, commissioned by the Office of the Secretary of Defense, is the only independent study yet to be done for the F-22 multiyear contract. In that study, the Institute for Defense Analysis, or IDA, concluded that the proposed F-22A multiyear contract, first of all, meets all the criteria provided in title 10, United States Code. We intend to make the business case that we have identified a $235 million savings. This option is available to us, and we recommend it to the Congress. We have found a way to save the taxpayer a minimum of $235 million over the next 3 years.

The study was not completed in time for the Senate Armed Services Committee markup back in early May, which is why it was not included in the Senate bill at that time, or at least we didn’t have an amendment at that time. However, the study was submitted to the Armed Services Committee on the 16th of May. Since I have been on this committee, we have been talking about the need to conduct acquisitions better, cheaper, and more efficiently. This amendment does exactly that. We know we are going to buy 60 F-22As over the next 3 years. That is the current plan. The DOD budget provides for the funding, and I have heard no one in Congress question the need for the airplane. As a matter of fact, this airplane today is flying in rotation around the country and soon will be flying around the world and into Iraq shortly. As we are sitting here today, I suspect there is an F-22 flying over Washington, DC, protecting the skies over our Nation’s Capital.

The only question is how are we going to buy these airplanes? Are we going to buy them with 3 1-year contracts and pay more money, or are we going to buy them with a 3-year multiyear contract and save a quarter of a billion dollars?

We need to have a high standard for what qualifies for a multiyear contract. As a matter of comparison, the F-414 engine for the F-18 saved 2.8 percent and $51 million. The multiyear contract for two previous F-16 multiyear saved $246 million and $262 million respectively.

By comparison, the proposed F-22A multiyear contract saves 2.6 percent and a minimum of $235 million.

The point is that the F-22 multiyear is in the same category in terms of percent savings and total savings of multiyear contracts that this body has previously approved.

Also, the per-plane savings on the F-22 multiyear will be identical to the per-plane savings on the F/A-18 multiyear, that being $3.8 million per plane. That is why the authors of the independent business case analysis at IDA judge this multiyear to have significant savings, and I agree with them.

Much has been made over the old criteria for multiyear savings, which was a minimum of 10 percent. But, frankly, that was written in law and changed by the statute and now, instead of 10 percent the statute does say, “substantial savings.”

The 2005 QDR, which was provided to Congress in concert with the fiscal year 2007 budget request, restructures the F-22A program to extend production through the fiscal year 2010 with a multiyear acquisition contract to ensure the long-term viability of the JSF program by helping to reduce over-head rates and by retaining technical expertise across the tactical aircraft industrial base, including the prime contractor, subcontractors, and suppliers.

The Department is preparing the business case comparison of multiyear and successive annual procurements required by section 2306b of title 10, United States Code. We intend to make the business case available to the congressional defense committees by May 15, 2006, to support FY 2007 and 2008 budget deliberations.

Mr. President, I ask unanimous consent to print that letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The Under Secretary of Defense for Acquisition, Technology and Logistics,


Hon. John W. Warner,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Consistent with the Conference Report on the Department of Defense Appropriations Act, 2006, Public Law, 109-148, the Department has studied alternatives for the continued acquisition of the F-22A aircraft beyond fiscal year (FY) 2006. This has culminated in the procurement strategy identified in the President’s Budget for FY 2007 (PB07).

The Quadrennial Defense Review Joint Air Dominance Study and budget deliberations addressed alternative procurement quantities, rates, and force structure mixes. The Department’s PB07 plan provides for procurement of F-22A aircraft through FY 2010. To obtain a favorable cost, the strategy employs multiyear procurement of 20 aircraft each, in lots 7, 8, and 9, beginning in FY 2008, providing a total force structure of 183 aircraft. FY 2007 funds will be used to contract for delivery of economic-order-quantity items, sub-assemblies and material required for lot 7, advance procurement for lot 8 aircraft, and for other allowable costs including, sustaining support, production engineering, laboratories and combined test force infrastructure. This strategy also procures titanium one-year earlier than normal advanced procurement procurements and before the long-lead now required to buy titanium. This plan substantially reduces the F-22A procurement funds required by the Department in FY 2007, allowing the Department to meet other high-priority requirements.

Continuing the F-22A procurement through FY 2010 retains fifth-generation tactical aircraft procurement options for the event of delays in the Joint Strike Fighter (JSF) program. These actions also benefit the JSF program by helping to reduce overhead rates and by retaining technical expertise across the tactical aircraft industrial base, including the prime contractor, subcontractors, and suppliers.

The Department is preparing the business case cost comparison of multiyear and successive annual procurements required by section 2306b of title 10, United States Code. We intend to make the business case available to the congressional defense committees by May 15, 2006, to support FY 2007 and 2008 budget deliberations.

I appreciate the foresight of the Congress in directing the Department to study alternatives for the continued acquisition of the F-22A. I believe that we have developed a fiscally responsible strategy that will allow us to sustain this viable tactical aircraft production line.

Similar letters have been sent to the chairmen and ranking members of the other Congressional defense committees.

Sincerely,

KENNETH J. KRIEG.

Mr. CHAMBLISS. The business case for the F-22 is clear and was validated during the QDR by the Joint Army Dominance Study. This study included many options of tactical aircraft mixes, including various combinations of F-22s, F/A-18s, and joint strike fighter and other airborne weapons systems, so we are not proceeding with a random plan but one that has been validated by careful analysis.

In addition, the business plan has also validated by the IDA study, again the only independent organization that has looked at this multiyear plan.
There are six criteria for meeting a multiyear contract. The independent IDA business case analysis judges the F–22 program according to each of these six criteria. I mention this because there is a GAO study that came out, coincidentally this week, relative to the multiyear procurement of the F–22. It is critical of the multiyear contract.

The GAO study, though, contains, frankly, false factual information. For example, in the GAO study they talk about the cost of the airplane actually increasing under the multiyear contract. But what they fail to take into consideration is that originally, before the reprogramming to do 20 airplanes this year and 20 in the next budget and 20 in the next budget, the Air Force was going to ask for 29 planes in the next budget and 27 in the following budget.

If you build 29 versus 20, it is going to be cheaper. But that is the factual information that the GAO plugged into their numbers—29 instead of 20. That is why there is a higher price cost that the GAO came up with.

Second, the GAO report talks about the fact that under the Air Force proposal there is not enough funding in the budget to pay for these airplanes. We are going to have to use what is called incremental funding.

That was talked about early on in the process but abandoned. Here we are in the end of June of this year. The reprogramming took place the end of last year and the early part of this year. The facts were known at that time. GAO ignored those facts.

Second, the incremental funding issue that was talked about early on was abandoned early in the year. GAO ignored that and included those false facts in its report. So the GAO study, frankly, is not correct because it is not based on the actual, as we say in the law—evidence.

There is one other issue relative to the GAO that I am going to conclude with and that is this. It gives a list of the factors that it took into consideration in doing its report. There is one glaring factual statement, one factual provision that is left out of consideration by the GAO. That is talking to pilots that fly this airplane.

I have talked to several of those guys. We had a red flag operation that was over a year ago by the Air Force. In talking to a couple of those pilots afterward, it was unbelievable what they had to say about flying the F–22.

One of them said this: In the United States Air Force, we don’t look to win 51–49. We look to win 100–nothing, and that is what the Raptor gives us.

The Raptor is the follow-on for the F–15 and F–16. It is the fifth-generation fighter. It is going to allow us to continue air superiority and air dominance against any potential threat that might be forthcoming. I urge my colleagues to support the multiyear proposal that is included in the President’s budget, that is included in the authorization bill that comes to the Senate from the House, that will go into conference. We will save the taxpayor a minimum of $225 million over the next 3 years. I reserve the remainder of my time.

Mr. DOMENICI. Will the Senator yield 5 minutes to the Senator from New Mexico?

Mr. CHAMBLISS. I will be happy to yield 5 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to Senator McCAIN, I understand he wants to speak in opposition to the amendment. I will not be long.

Mr. McCAIN. No problem.

Mr. DOMENICI. Understand, we will each speak our piece here. It is not a pleasure to come and oppose my colleague. Nonetheless, I must say that it seems to me we are always talking in the Senate about trying to do things that are meretricious to do good business, do things in a way they ought to be done. Here we have an opportunity to do that.

We have a situation where the new fighter, the world-class F–22—but I am not going to talk about the Senate’s time—praising its qualities. We have heard some of that from the distinguished Senator from Georgia. We could spend all afternoon talking about what a fantastic airplane it is. That is not the issue before us.

The issue before us is that the Defense Department needs a multiyear procurement authority to acquire these airplanes. The administration requested a multiyear procurement authority for the F–22s. The House Defense Authorization bill granted the request. It makes plain, good business sense that the Senate do the same—that we give the Department what it needs.

I also support this because, as indicated by the principal sponsor of the amendment, the distinguished senior Senator from Georgia, this authority will save money.

We are going to hear something to the contrary, but the contrary evidence is from reports that do not apply to the 20-per-year acquisition of the F–22. That is what we are trying to do. That is what the Defense Department’s final studies were based upon—acquisition of 20 per year, for multiple years. A more efficient way of doing this nature would net a savings of between $225 million and $325 million.

It seems to this Senator that this is precisely what we ought to be doing. We ought to be doing more of this, not less. Is anybody doubting we are going to buy this many of these Raptors? I don’t hear that talk. I thought I was going to hear it 6 or 8 months ago when we were talking about a number of systems, some of which are on hold, but this one is not.

Therefore, we ought to proceed and save millions of dollars that can be used for other needs. $300 million, for example, would pay for 4,200 National Guard troops in active duty for 1 year. That is a lot of money. This is a monster bill, and one might say what is the difference here? $225 million to $325 million in savings doesn’t amount to much. I submit it is a pretty big amount.

There has been some talk this week about a new GAO report that is critical of this multiyear procurement. But this report rehashes old arguments and uses old data that is not relevant to the Department’s data regarding the multiyear acquisition. It has been stated in detail by the senior Senator from Georgia.

Therefore, I submit that the airplane we are going to rely on—which without question the Quadrennial Defense Review says we must go ahead and procure on a multiyear basis today when we vote on this amendment.

I thank the Senator for yielding time. I believe he has a compelling argument, and I hope the Senate will follow his lead.

I yield the floor.

Mr. CHAMBLISS. Mr. President, I yield 2 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my colleague from Georgia and my colleague from Arizona, who is the bottom line here? Simply put, Senator CHAMBLISS has offered an amendment that is supported by the administration that will enable the Air Force to buy 20 F–22s Raptors a year for the next 3 years. By entering into this multiyear contract, the Independent Institute for Defense Analysis believes that the American taxpayer will save at least $325 million.

Why are we buying the F–22? Because it is a war-winner. This fighter, which is also a very capable bomber, is now operational with the 1st Fighter Wing. The Raptor is stealthier than the famous F–117 Nighthawk, which dropped the first bombs during the first Gulf war. But unlike the Nighthawk, that must fly at night in order to survive in a combat environment, the F–22 brings stealth capability out of the night, enabling operations in high threat areas 24 hours a day 7 days a week.

I have been to the Air Force base where I have talked with the pilots and seen this plane and have seen it fly. It is a marvel.

The Raptor is the world’s most lethal and maneuverable fighter aircraft. This is accomplished in no small part by its supercruise engines. Supercruise engines do not need to go to after-burner in order to achieve supersonic flight. This provides the F–22 with a strategic advantage by enabling supersonic speeds to be maintained for a far greater length of time. By comparison, all other fighters require their engines to go to after-burner to achieve supersonic speeds. This consumes a tremendous amount of fuel and greatly limits an aircraft’s range.
Another legitimate question is why not just rely on the aircraft we have today? Over the past 30 years, the United States has been able to maintain air superiority in every conflict largely due to the F-15C. However, with wave after wave of technological advancements in technology over the past several years, the F-15 has struggled to keep pace. For example, the F-15 is not a stealth aircraft and its computer systems are based on obsolete technology. My colleagues should remember that the F-15 first flew in 1970s. During the ensuing years, nations have been consistently developing new aircraft and missile systems to defeat this fighter.

Obviously, we need the F-22 and we have identified a means to save money while we are buying it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I don't oppose the F-22 program. In fact, the Armed Services subcommittee I chaired and the Senate Armed Services Committee marked down an additional $1.4 billion for 20 F-22s.

The issue is not, frankly, whether we support the F-22. Rightly or wrongly, we are committed to what the committee does. The question is, Are we going to act responsibly? The question is, Are we going to authorize a multiyear procurement of an aircraft that has—and it is not unusual—experienced time after time dramatic delays and overruns? Are we ready to support that? Not according to the GAO, not according to the OMB, not according to the Congressional Research Service, and not according to every outside observer of this program.

Let me give a small example. The F-22 experienced an initial operational capability delay of 9 years 9 months; initial operational test and evaluation delayed 5 years 3 months; full rate production delay of 5 years 3 months; low rate initial production. 4 years 9 months: first delivery of operational aircraft delayed 4 years 7 months; first flight delayed 2 years; and completion of critical design review delayed 1 year 4 months. The record is not good. In fact, the record is terrible. In 1991, the estimated cost, according to the U.S. Air Force, for the aircraft was going to be $114 million—in then-year dollars; now, $354 million per copy.

This program—not atypically—has experienced delays and cost overruns, which, by the way, maybe we will get into at some point. Then they received incentive bonuses, even for violations of Nunn-McCurdy. We are not talking about the purchase of F-22s. What we are talking about is, are we going to violate the basic principles and the law which requires certain criteria to be met before multiyear acquisition of these aircraft? The report prepared by the Comptroller General of the United States clearly states that four of the six criteria set forth in the law have not been met by the Air Force. They have not been met. Yet here we are debating a measure that would effectively permit the Air Force to be held unaccountable, to end run a good Government provision in Federal law that is specifically designed to ensure accountability in our Government.

There have been two Nunn-McCurdy violations, according to the Comptroller General. Since its inception, this program has been subject to 2 Nunn-McCurdy violations and has been rebaselined 14 times just to avoid additional money. In both cases they have rebaselined the cost of this weapons system. We all know the game. They come and they say: This weapons system is going to cost X. They get it authorized, then we get it, and guess what happens. It ends up costing dramatically more money—in the case of this aircraft, from $114 million each to $354 million each, and it is still in a relatively embryonic stage.

The Air Force, I am sorry to say, has misrepresented several things, including the terms of the C-130J.

The Air Force—a September 28, 2005, Defense Contract Audit Agency report points out that Lockheed-Martin earned a profit of almost 27 percent—$643 million on a $2.4 billion, 60-aircraft contract, multiyear C-130J aircraft. The estimate on the actual multiyear procurement cost savings for the F-22—the Air Force acquisition officers misrepresented the F-22 program as a stably funded program. Last year, Congressional Research Service calculated enough money for 24 F-22 aircraft. The Air Force bought 22. We have been asking them: What happened to the other two airplanes? We still haven't gotten a response. How much will the F-22 be? The F-22 does not subject to unfettered discretion. If we choose to buy them under a multiyear contract, we must do so in compliance with the law. This amendment does not.

The Congressional Research Service points out many ongoing technical problems with the F-22—avionics problems, airframe problems, engine problems. The F-119 engine fuel consumption has been unsatisfactory, and problems were experienced with the engine's core combuster, which did not demonstrate desired temperature levels. The F-22's cockpit canopy experienced ongoing challenges, including cracking and reliability. It goes on and on. Many of these things are associated with the development of a new weapons system.

By the way, I have never met a pilot who didn't like to fly a new weapons system, but the fact is that it is not ready for multiyear procurement. That was the subject of extensive hearings in the subcommittee and consideration in the full committee. I don't expect this body to rubberstamp everything the committee does, but I can tell you that extensive analysis and study was done on it.

I also point out that literally every outside group, including the IDA, had concerns about it, even though they alleged that there would be significant cost savings. But the fact is that even the IDA, which my friend from Georgia points out—this form of contracting bears significant risks. Multiyear procurement reduces Congressional budgetary flexibility, both for the instant procurement and across programs within the Defense portfolio.

I urge my colleagues who consider supporting this amendment—and we know very well that there will be reductions in defense spending. It happens historically as the wars wind down. Already on the House side, there has been a proposal for significant reductions in defense spending, which I do not support but apparently may be the product for multiyear programs.

We are going to lock in multiyear procurement for a weapons system that has experienced dramatic cost overruns. And I am not saying we shouldn't lock in assets that we should. I am not totally convinced that it would actually meet the challenges of the war on terrorism, but I strongly support it. But before we give them a blank check, I think we should regard what we are doing in, in a multiyear fashion, the procurement of a weapons system that has gone from $100 and some million per copy to over $300 million per copy which still has very significant technical problems associated with it. I would caution and urge my colleagues to understand this in the larger context.

Finally, we have a responsibility of oversight in the committee and as a body. If we allow for multiyear procurement, we basically give up those oversight responsibilities. And when we talk about a couple hundred million dollars, which is big money, and cost savings, look at the overruns, the billions in cost overruns, the problems we already experienced, and we still haven't got a fully tested, completed, and operational product.

I understand the desire of my friend from Georgia to make sure this program is basically funded which is what this amendment will do. I don't think we are ready for it. Every outfit outside of the U.S. Air Force—and even the IDA, with a qualified endorsement—the Congressional Research Service, OMB, GAO, and all the others concur in that conclusion.

I hope we will reject the amendment, but I certainly understand and respect the position of my friend from Georgia.
Senators, having voted on this in various ways in our committee, believe that we should not go to this multyear procurement at this time for reasons eloquently stated by the Senator from Arizona.

I regret deeply to be in opposition to one of our most valued Members, the Senator from Georgia, but let me point this out: You have to sometimes stand apart from constituent interests, State interests, and do what you believe is in the best interest of the country. I say this with a sense of humility. I walked into the Pentagon in February of 1969 as then-Under Secretary of the Navy. The halls of the building were filled with the wreckage of a plane called TFX in which this country had invested billions of dollars to build and it was finally concluded that, for a number of reasons, the contract shouldn’t go forward. Thereafter, in the positions as Under Secretary and Secretary of the Navy, I worked with the Secretary of Defense to end that program, and I worked with the F-14. As a matter of fact, this distinguished aide of the Armed Services Committee was an F-14 pilot and has reminisced with me many times—thank you for putting that plane down because many a time he landed on a carrier with one engine.

The planes are complicated situations, and they are becoming more and more complicated each year, and it is the duty of all of the members of the Senate Armed Services Committee that we should not abdicate our oversight and jump into this multyear procurement. I support the airplane. I am hopefully to give my colleague from Georgia, Senator ISAKSON.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I thank my distinguished colleague, the senior Senator from Georgia, SASHY CHAMBLISS, for offering this amendment. I have the greatest regard for the committee and subcommittee chairmen, Senators WARNER and MCCAIN, and other Members of this body. I beg to differ with them, and I want to focus my debate on two critical areas.

One is Senator CHAMBLISS presents as a selling point of this amendment that $235 million in savings would be realized, a multiyear contract brings would not happen if you were doing annual contracts. The distinguished Senator from Arizona acknowledged, did not argue that that number was not correct. The distinguished Senator from Virginia also did not argue that number wasn’t correct but made the following statement, that that is not a substantial savings. That is at best a subjective judgment, but I would call $235 million substantial any time.

Secondly, I would like to quote from a letter—and I ask unanimous consent to have this letter printed in the Record—dated June 8 from James Finley, Deputy Under Secretary of Defense, to the GAO.

Over the past several procurement lots, the Air Force has been very successfully working with the prime contractor to drive down costs. Unit production costs have come down between Lot 1 and Lot 5. If stopped, production restart would be very costly and difficult to resume, breaking this positive trend. Likewise, there is considerable risk to any program instability. This instability would be detrimental to our nation’s defense capabilities and our aircraft industry. For the past several procurement lots, the Air Force has been very successfully working with the prime contractor to drive down costs. Unit production costs have come down between Lot 1 and Lot 5. If stopped, production restart would be very costly and difficult to resume, breaking this positive trend. Likewise, there is considerable risk to any program.

Implementing the GAO’s recommendation to delay investment in the F-22 would disrupt production and adjustment for structure stability. This instability would be detrimental to our nation’s defense capabilities and our aircraft industry. The 381 aircraft the Air Force analyzed under this amendment would not provide substantial any time. The quantity and mix of tactical aircraft to be procured by the Department has been very successfully working with the prime contractor to drive down costs. Unit production costs have come down between Lot 1 and Lot 5. If stopped, production restart would be very costly and difficult to resume, breaking this positive trend. Likewise, there is considerable risk to any program instability. This instability would be detrimental to our nation’s defense capabilities and our aircraft industry.

To support the Quadrennial Defense Re- view’s emphasis on stable and affordable FY2007 Budget (PB07), the Department performed a Joint Air Dominance (JAD) Study. The JAD Study examined options for varying levels within the strike fighter mix. The Department looked at the war scenarios and cost implications of buying fewer variants of Joint Strike Fighters, increasing and decreasing the number of F-22s, and buying more legacy aircraft at the expense of fewer fifth generation platforms. The results of these analyses are reflected in PB07, which supports an additional 12 aircraft in the portfolio of tactical aircraft, including Joint Strike Fighter, F-22 and F/A-18E/F. The draft GAO report notes of, “the large disparity between what the Air Force wants for the F-22A program and what OSD has committed to fund, there is a significant break in the transition to Joint Strike fighter production.” The JAD analysis reflects the need to address competing defense priorities.

The JAD analysis showed that a balanced force structure mix of fifth generation fighters and legacy F-15s and conventionally armed bombers, best met our requirements. Buying fifth generation tactical
Russian Air Force has been continually out competition on the world stage. Substantial threats from independent expansion and modernization of the Chinese nuclear ambitions, and the expenditure on fighting the war on terror. Of the Su-37 super-flanker have evened funding for the F-22. The QDR supports this notion. The QDR focuses on the ability to quickly and effectively penetrate enemy airspace and exploit stealthy air defenses. F-22As excel at all these missions and helps America take a step ahead against emerging technologies and threats we face.

Mr. President, I urge my colleagues to support it in the Chamber. I yield back the time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. THUNE. The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. THUNE. Mr. President, the flexibility it needs to purchase 60 aircraft and in so doing give the DOD the savings. The Senator from Oklahoma is recognized.

Mr. CHAMBLISS. I yield such time as he may consume to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Senator from Georgia. I think this is a very serious thing we are getting into. I have five very important points I plan to make to respond to statements that have been made in the Chamber here. One is I think the Chairman is right when he talks about the information wasn’t there, wasn’t adequately discussed during the markup. One of the reasons for that is the IDA study didn’t even come out until May 15, and because of that, that was not a part of the concern. Let me say one thing about the IDA study. I agree with the Senator from South Dakota. I am always leery of a new study that comes out the same day that an amendment is discussed and brought up in the Chamber, and that happened to be 3 days ago. I think it is quite a coincidence it came out at the same time. Having looked at the IDA study, we are on solid ground for pursuing this multiyear effort.

Let me respond to one good friend, the Senator from Arizona, on the cost overruns and the delays. I cannot re-member—I have been on this Armed Services Committee for 12 years and in the House for 8 years—one system that did not go through this same thing. In the Navy alone, they had many cost overruns. The joint strike fighter, now recognized as something we desperately need and are using, probably had many more cost overruns. We had the Black Hawk upgrades, the same thing there.

But the thing I remember the most is the C-17s because I was in the House at that time. It was delay after delay after delay, and stop and think. If we get to that point where would we be? Where would have gone in Bosnia, Kosovo? Things were anticipated where we would desperately need it.

Right now we need to increase the number of planes. That I think we all know. And then we know what is happening to the C-130-R program. This is something that has been happening for a long period of time.

The third thing I want to mention is the savings. I know one of the six criteria is called substantial savings. I don’t know if there is anyone who is going to be looking at this budget and accepting the fact that a quarter of a billion dollars is not substantial. But there seems to be a point in time where we cannot anticipate these savings, we would go back to the other type of procurement. That could be done. Quite frankly, I think the Air Force would be willing to do that. And the figure of $225 million they and others believe and I believe is a conservative figure. So I think that would be one way to offset it.

When you look at title 10 criteria, substantial savings, we have talked about that. Stability, we have talked about that. Stability of funding, stability of design, we know these things and where we are with the program.

And so I have come to the conclusion after looking at this that it does qualify for all of these criteria, but there is one thing that has not been said, quite frankly, in the right wing over here, and that is, during the 1990s I can remember standing on this floor and saying that, any point in time when it looks like we cannot anticipate these savings, we would go back to the other type of procurement. That could be done.

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time. We had two-star general John Jumper, who stood up and said publicly: Now we are sending our kids out with equipment that is not as good as the Russians are making. At that time, they had the Su-27; the Su-30 was not actually deployed yet, now the Su-35. And the purchase of the first Su-30 was a purchase by my friend from South Dakota because he mentioned other countries that are buying these things—in one purchase, the Chinese purchased 230 of these vehicles. We think they are Su-30s, but we do not know.

Consequently, if you assess the judgment as someone I think we will have to accept, and that is General John Jumper, their Su series in many ways is better than our best strike vehicles, the F-15 and F-16. That has to concern Americans.

So I think if that were the only reason to keep this on schedule, and go to a multiyear program where we enjoy the savings, that would be reason enough. I am here, I am going to try to put America in a position where we have the very best of equipment with which we send our kids to battle. That is not the case today. So I strongly support the amendment and I will get on with it.

Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself such time as I may use. I think we ought to go back to what this amendment is about. This amendment is not to cure any delay. The fact is, we have in this authorization 20 F-22s, with $1.4 billion over what was in the budget—20 of them. And then, next year, I would imagine we will authorize another 20; and the year after that, another 20. This is not about any delay. This is about congressional oversight. This is whether we should go to multiyear funding and lock into a weapons system which has not been proven yet.

I say to my friend from Georgia, no matter how this amendment comes out because of the differences of opinion we have within the committee, in July I would like to schedule a hearing, and we will get all the players over again. Whether this amendment goes up or down, in July we will schedule a hearing in the subcommittee and have another look at the pluses and minuses. The Oklahomans mentioned that several studies have come in. The IDAs came in on the 20th. The GAO one came in yesterday or the day before.

So I will be glad—no matter how the vote ends up—to have another hearing on this issue because we are talking about, obviously, really large sums of money. So this Senator does not want to delay the procurement of the F-22. But I certainly want to maintain our ability to oversee the program rather than get something in general. So it is not about whether we delay or not.

Finally, on the issue of saving $225 million: from what? Because the Air Force, on May 16, 2006, stated that an additional $674 million is needed to fully fund the multiyear program being proposed. So that is savings of $225 million out of the $674 million of additional costs or does it mean there really isn’t an additional $674 million, that they say they need? So that has to be sorted out as well.

So again, I restate to my colleagues that literally every outside organization—CRS, CBO, GAO—all of them believe not that this weapons system needs to be delayed, but we do not need to embark on a multiyear lock-in acquisition of this weapons system, which no doubt has very great value.

I hope my colleagues will agree with the distinguished chairman and me that this amendment should be rejected at this time.

Mr. President, does the Senator from Michigan wish to speak on this?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I will be opposing the Chambliss amendment, although I am both a supporter of the F-22 and a supporter, generally, of multiyear contracts. Where they meet the criteria, I am very supportive of them because of, mainly, the money that can be saved.

I oppose this amendment with some reluctance. Again, I very much support, and have supported, the airplane. And I strongly support the multiyear approach, where it meets the criteria. But some of the criteria have not been adequately met; for instance, whether the multiyear contract would result in substantial savings compared to using annual contracts. The studies are that the savings would be, I would say, very modest and not substantial. There are some savings, but I could not say they are substantial savings.

Another criteria is whether the contract is being signed for a multiyear contract to purchase 20 F-22s, as we are going to fly this airplane in defense of this country. I encourage my colleagues to support the amendment.

Mr. HATCH. Mr. President, today I rise as an ardent supporter of the F-22A Raptor. I am very pleased that the Armed Services Committee has modified the Department of Defense's budget request and authorized the procurement of 20 F-22s during the next fiscal year. And it is being said, I must express my disappointment that the committee did not include in this legislation language authorizing the Secretary of the Air Force to enter into a multiyear procurement contract to purchase 20 Raptors a year for the next 3 years. Under such a contract, the Institute for Defense Analyses estimates that we will save the taxpayer at least $225 million. Therefore, I am proud to join Senator CHAMBLISS and cosponsor this important amendment along with Senators Inhofe, Lieberman, Bingaman, Corzine, Thune, Bennett, Akaka, Domenici, Baucus, Dodd, Hutchison, Collins, Ben Nelson, Feinstein and
The Raptor is also equipped with supercruise engines. These engines do not need to go to after-burner in order to achieve supersonic flight. This provides the F-22 with a strategic advantage by enabling supersonic speeds to be maintained for a far greater length of time. Both of our potential fifth generation fighters require their engines to go to afterburner to achieve supersonic speeds. This consumes a tremendous amount of fuel and greatly limits an aircraft's range.

The F-22 is also the most maneuverable fighter flying today. This is of particular importance when encountering newer Russian-made aircraft and surface-to-air missile systems, both of which boast advanced, highly impressive capabilities against our legacy F-15, F-18, and F-16 aircraft.

Yet, a further advantage resides in the F-22's radar and avionics. When entering hostile airspace, the sensor-fused avionics of the F-22 can detect and track different threat types far before an enemy can hope to engage the F-22. At the same time its advanced sensors enable the F-22 to be a forward surveillance platform gathering crucial intelligence on the enemy.

However, one of the most important capabilities of the Raptor is often the most misunderstood. Many critics of the program state that, since much of the design work for this aircraft was performed during the Cold War, it does not meet the requirements of the future.

I believe this criticism is misplaced. The F-22 is more than just a fighter—it is also a bomber. In its existing configuration it is able to carry two 1,000 pound GPS-guided JDAM bombs and will undergo an upgrade to carry eight small diameter bombs in the near future. In 2006, the F-22's radar system will be enhanced with advanced air-to-ground capability, enabling the Raptor to hunt independently and destroy targets on the ground.

All of these capabilities are necessary to fight what is quickly emerging as the threat of the future—the anti-access integrated air defense system. Integrated air defenses include both surface-to-air missiles and fighters deployed in such a fashion as to leverage the strengths of both systems. Such a system could pose a very real threat to our military's ability to deny U.S. aircraft access to strategically important regions during future conflicts.

It should also be noted that—for a comparably cheap price—an adversary can purchase the Russian SA-20, surface-to-air missile. This system has an effective range of approximately 120 nautical miles and can engage targets at greater than 100,000 feet, much higher than the service ceiling of any existing American fighter or bomber. Surface-to-air missiles, with similar capabilities, are also in use.

The Russians have also developed a family of highly maneuverable fighters, the SU-30 and 35s, which have been sold to such nations as China. Of further import, 59 other nations have fourth generation fighters.

It has also been widely reported in the aviation media that the F-15C, our current air superiority fighter, is not as maneuverable as a similar Russian airframe, namely the SU-35. However, the F-22 is designed to defeat an integrated air defense system. By utilizing its stealth capability, the F-22 can penetrate an enemy's airspace undetected, when modified, in computer-directed, hunting for mobile surface to air missile systems. Once detected, the F-22 would then be able to drop bombs on those targets. Some correctly state that the B-2 bomber and the F-117 could handle these assignments during night only operations. However, the F-22 offers the additional capability of being able to engage an enemy's air superiority fighters, such as the widely proficient SU-35. Therefore, the Raptor will be able to defeat, almost simultaneously, two very different threats, 24 hours a day, until now have been handled by two different types of aircraft.

I should like to point out that these potential threats are not just future concerns, but they are here today. For the last 5 years, the Air Force has conducted exercises with the Indian Air Force as part of our effort to strengthen relations with that nation. The Indian Air Force has a number of SU-30 MKks, an aircraft which is very similar to a version of aircraft sold in large quantities to the People’s Republic of China. During these exercises, it has been widely reported in the aviation and defense media that the Indian Air Force’s SU-30s won a number of engagements when training against our Air Force’s F-15s.

So let me be clear on this point: a developing nation’s air force was able to defeat the F-15. This was a stunning event and one that requires our immediate attention.

Now that this fact has been established, the question that we must ask ourselves is: How do we remedy this national security concern? The F-22 provides the answer.

Though the F-22 may be the solution to these problems, if the Nation does not purchase a sufficient number of these aircraft our service members could face unnecessary dangers and risks. Many others and I have come to the conclusion after closely listening to our service members when they have outlined their equipment requirements based upon the national security goals our Government has outlined. What is their professional opinion? That if the Air Force is to succeed in the tasks very similar to those we are now only concerned about the effort to procure the correct number of F-22s but to procure them at a reasonable price. That
is exactly what this amendment achieves. It authorizes a multiyear procurement plan for the Raptor, in which 20 aircraft a year over 3 years will be purchased. This will result in the taxpayer saving approximately $225 million on the existing plan to purchase 184 aircraft.

Introducing innovative plans to save funds is nothing new to the F-22 program. In fact, since production first began on this aircraft, the “fly-away” cost has been reduced by 35 percent. However, we must take advantage of any opportunity that will result in additional savings while increasing our military capabilities. A multiyear F-22 procurement plan achieves that goal.

If this amendment is adopted, the Air Force will be permitted to enter into a multiyear procurement contract. However, some of our colleagues argue that the F-22 does not meet the six-point requirements for a multiyear procurement under existing law. I, on the other hand, believe these criteria have been met and the amendment before us should be seen as reinforcing that fact.

Specifically, the first requirement to authorize a multiyear contract under the existing statute is the determination that substantial savings will result from the contract. The Institute for Defense Analysis estimates that a multiyear contract will result in at least $225 million in savings.

The second criterion states there must be a “minimum need” for the aircraft. I believe that my address today has shown the urgent need to deploy the Raptor in order to counter the deployment of fourth generation fighters and new antiaccess systems.

As far as a minimum need is concerned, as a result of the Joint Air Dominance Study the Secretary of Defense stated that a minimum requirement for 183 Raptors existed. Under the administration’s proposal, this amendment, upon the procurement rate, total quantities of the Raptor purchased will be substantially unchanged during the contract period. Remember, the contract calls for the purchase of 20 Raptors a year over the next 3 years.

The third requirement insists that the Raptor be a program with stable funding. The Armed Services Committee has added additional funds for this year and the Department of Defense’s future budgets will also contain funding requests since the purchase of F-22s under a multiyear procurement contract was called for in the Quadrennial Defense Review.

Fourth, the aircraft’s design must be stable. This is probably the most controversial requirement. Yes, the F-22 has had its problems during the development and production process, but I challenge anyone to identify another strike aircraft that hasn’t. Remember, the F-22 was designed to be operational. That means the Raptor will deploy at the expense of the support of our service members and it has satisfactorily completed the engineering and manufacturing development phase as well as its follow-on operational test and evaluation.

It is important to note that any upgrades to the Raptor will not result in significant structural changes. Some might argue, correctly, that a potential forward boom or frame heat-treating has been identified on up to 91 aircraft. It is important to note that this was not an aircraft design problem, but an issue of a manufacturer not following the prescribed manufacturing process. In reality, testing showed that subject to the suspect frames tested did in fact undergo an adequate manufacturing process. I have advised that neither a redesign nor a refit are planned or expected. Regardless, the manufacturer has been replaced and all aircraft procured under a multiyear agreement will not have this problem.

Fifth, a program must show that its cost estimates are realistic. The Air Force has gone above and beyond the Call to the Congress with independent cost analysis. The Institute for Defense Analysis provided an Independent Cost Estimate in 2005 and with a multiyear procurement case analysis in May of this year.

Finally, the last requirement of a multiyear procurement plan is the determination that the program is important to the national security of the United States. I believe that we have already established conclusively that the Raptor is the answer to the present and future threats posed by antiaccess systems.

Therefore, I believe that the Raptor qualifies for a multiyear procurement contract under the existing statute.

Our Nation stands at a crossroads.

In a wide variety of policy arenas, the United States has made investments that will reap rewards for our children and our grandchildren.

The F-22 is one of these investments. It will guarantee America’s dominance of the skies for the next half century. All that is required is that we make a commitment now to ensure that future. By purchasing adequate numbers of F-22 Raptors we are meeting the threats of today and tomorrow and we are doing so in such a way as to maximize the savings of the American taxpayer.

I thank Senator Chambliss for offering this important amendment, and I urge my colleagues to join my fellow cosponsors, Senators Inhofe, Lieberman, Bingaman, Corrnyn, Thune, Bennett, Jackson, Ornato, Baucus, Dodd, Hutchinson, Collins, Ben Nelson, Feinsteen and Stevens in supporting this amendment.

Mr. LIEBERMAN. Mr. President, I rise today to speak in support of the amendment to authorize a multiyear procurement for the F-22 fighter—amendment No. 4261. I am proud to co-sponsor. I thank my friend and colleague, the Senator from Georgia, Mr. Chambliss, for his leadership in offering this amendment. I believe he has very ably and comprehensively argued the case for this multiyear and has persuasively rebutted the personal arguments against taking this action. But I want to add some thoughts about why I think this is a prudent act by this body.

The F-22 has had developmental problems and it has had cost increases. But all this is old news. There are few, if any, programs that have had more oversight by the Senate Armed Services Committee than this program. We have examined it in great detail in hearings each year from concept to procurement. We have examined the technology, the acquisition plan, the development process, and the production issue. And we have examined the costs in substantial detail. In some years we have put the Air Force spending discipline, and in other years we have slowed down production to align the request with the reality of the backlog. But despite the challenges of maintaining the weight of a capable fighter, we have decided, and the full Senate has decided, that this is a critical program that should and must continue. And the U.S. Air Force has argued it needs the F-22 to continue.

There is a very compelling reason for this decision. Air dominance is absolutely essential to American military dominance and American security in the 21st century. Our military has had that dominance since World War II. If we were ever to lose it, or even allow it to be seriously challenged, the global strategic environment would fundamentally change for the United States. The F-22 is the way we prevent that from happening for the next generation. Maybe not now, but it has been said about the cutting-edge technologies that are included in this airplane that will ensure we maintain that air dominance. I need not repeat that now. But it is the reason that we have voted to continue procuring the F-22 and it is reason that we will continue to do so.

I believe the problems with the F-22 that some of my colleagues have reminded us about have been substantially solved. The F-22 business case was validated by DOD during the QDR and the Air Dominance Study. The long debate over the number we will procure is about over. I am convinced that will not be 183 validated by the QDR. In fact if there are now to be changes in that number, it will be increased, not decreased. So I believe that we will build the additional 60 contemplated in this amendment. The decision to procure these 60 over 3 years instead of 2 years is sound. We should not have a break in the production line before we begin building the F-35 the JSF. Those 60 aircraft can be built for about $250 million less with the multiyear buy provided for by this amendment.

The Senate Armed Services Committee, and the Airlan Committee,
Mr. LEVIN. Mr. President, I want to put in the RECORD a chart from the Institute for Defense Analysis. It compares savings on various programs, showing savings with the F/A-18, multiyear, from 7 to 11 percent; the C-17 airplane, of 10 percent; the C-130J multiyear, of 10 percent; and the comparison to the F-22 suggests an estimate at 2.6 percent. I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 4.—CHARACTERISTICS OF OTHER RELEVANT MYP PROGRAMS

<table>
<thead>
<tr>
<th>Program</th>
<th>Savings (%): Savings (THB$)</th>
<th>Prior lots/units</th>
<th>Period of performance (years)</th>
<th>Procurement timeframe</th>
<th>Quantity procured</th>
<th>Amount of CRI funding ($M)</th>
<th>Amount of ESQ funding ($M)</th>
<th>FAR</th>
<th>TINA waiver</th>
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<tr>
<td>F/A-18E/C Air Vehicle (MYP-1)</td>
<td>7.4</td>
<td>$450</td>
<td>362</td>
<td>5</td>
<td>FY90-04</td>
<td>222</td>
<td>$200</td>
<td>$85</td>
<td>15</td>
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<tr>
<td>F/A-18E/C Air Vehicle (MYP-2)</td>
<td>7.8</td>
<td>51</td>
<td>5/58</td>
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<td>FY92-06</td>
<td>454</td>
<td>0</td>
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<td>1,002</td>
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<td>5</td>
<td>FY90-09</td>
<td>210</td>
<td>100</td>
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<td>15</td>
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<tr>
<td>C-130J Airframe (MYP-2)</td>
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<td>760</td>
<td>8/40</td>
<td>7</td>
<td>FY93-07</td>
<td>85</td>
<td>260</td>
<td>0</td>
<td>15</td>
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<tr>
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<td>132</td>
<td>4/160</td>
<td>7</td>
<td>FY93-07</td>
<td>210</td>
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<td>14/44</td>
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<td>FY94-07</td>
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<td>5/25</td>
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<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>C-130J Air Vehicle</td>
<td>2.6</td>
<td>201</td>
<td>5/122</td>
<td>3</td>
<td>FY92-04</td>
<td>120</td>
<td>0</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>C-130J Engine</td>
<td>2.7</td>
<td>32</td>
<td>5/44</td>
<td>3</td>
<td>FY92-04</td>
<td>120</td>
<td>0</td>
<td>0</td>
<td>15</td>
</tr>
</tbody>
</table>

*Include Preproduction Test Vehicle (PRTV) lot and units.  
*Include PRTV lot and units and Replacement Test Aircraft (RTA); installed engines only.

Mr. LEVIN. I yield back my time.

The PRESIDING OFFICER. The time has expired.

Mr. DAYTON. Thank you, Mr. President.

AMENDMENT NO. 4211

Mr. President, I am a proud cosponsor of Senator McCain's proposal to name this legislation after the great chairman of the Senate Armed Services Committee, Senator WARNER.

I have had the privilege during my term in the Senate to serve on the Armed Services Committee under two tremendous chairmen, outstanding Senators, and terrific human beings—JOHN WARNER and CARL LEVIN.

Our Senate, our military, and our country have been fortunate to have their extraordinary leadership during these critical years.

Chairman WARNER, for whom this legislation would be named, is more than deserving of that honor. He is greatly respected by our committee members on both sides of the aisle and, indeed, by the entire Senate. He has been unfailingly fair to all points of view and leading us with a firm hand and resolute gaze, that he learned during his own military service and as Secretary of the Navy.

When he picks up his committee gavel, all of us—members, staff, military officers, and other interested parties—all know we have a leader well prepared in all respects for that enormous responsibility.

Our Senate and our Nation are indebted to Senator WARNER and to Senator LEVIN for their superb public service.

Mr. President, I have listened to many of my colleagues express their views on Iraq during the past week and have waited for this opportunity to express my own.

My colleagues reflect sincere differences and I believe sincere desires to uphold the best interests of our great country in a very difficult and complicated situation. We are all patriotic Americans first and foremost and partisan politicians later.

I voted against the Iraq war resolution in October 2002, despite being presented with incorrect and misleading information by very high officials in the Bush administration, which purported to prove that Saddam Hussein was developing nuclear weapons. I questioned the veracity of that information. And I had grave concerns that an unwarranted invasion of Iraq, if no weapons of mass destruction were found, would undermine the nation, not strengthen, the national security of the United States by seriously damming our standing and our alliances throughout the world.

I also voted against the Iraq war resolution because I believed that such a decision by the Congress at that time was premature. President Bush was not asking Congress for a declaration of war, as the U.S. Constitution requires. He was asking for a congressional resolution authorizing him to declare war, if he determined it necessary at some later date. I do not fault the President for asking for that blank check. I fault the Congress for giving it to him. In fact, it was over 6 months later that the President made his final decision to commence military action against Iraq.

In a similar vein, I believe that both the Levin-Reed amendment and the Kerry-Feingold amendment were premature. One called for the redeployment of U.S. troops from Iraq to begin within 6 months. The other required the almost complete withdrawal of those troops within a week.

I believe it is impossible to foresee at this time whether either of those actions would be in the best national security and foreign policy interests of the United States 6 months or 1 year from now. The situation in Iraq is too uncertain and too unpredictable to do so. That uncertainty and unpredictability evidence the failures of the Bush administration's conduct of this war effort.

It is now over 3 years since the U.S. military swept from the Iraqi border to Baghdad in only 3 weeks, overthrew Saddam Hussein and his evil regime, and liberated the Iraqi people. Yet after that swift and decisive military victory was won, the Bush administration has failed to secure it.

Administration officials ignored the advice of their own top military commanders—and this is an important lesson for us—and failed to commit...
enough U.S. troops to secure the country. Other mistakes followed, leaving security and political vacuums that were filled by foreign terrorists and domestic insurgents.

During the past 3 years, violence in Iraq has steadily increased and still threatens to rip the country apart. Like it or not, our courageous troops remain the only effective protections of the Iraqi people from civil war or anarchy and a lawless bloodbath.

Unfortunately, the bad conditions in Iraq today can become even worse—if our troops begin or complete their withdrawals before Iraqi forces are able to take their place. That training and equipping of Iraqi replacements should have been completed already, but it is not. I do not know what that timetable is. I am skeptical that anyone else in this body does. The Bush administration should tell us, but they will not, which means they still do not know either.

So it seems to me necessary not to decide and certainly not to act until we have that information. It is imperative not to make future mistakes that will compound the previous mistakes. And we certainly should not decide or act until we are satisfied that the views of the top U.S. military commanders, who are responsible for successfully completing our mission in Iraq and for protecting the lives and safety of the 133,000 heroic Americans who are there now.

I serve on the Senate Armed Services Committee, and yet I have not heard those top military views recently expressed. I respectfully ask the distinguished chairman of our committee to arrange for us to hear them as soon as possible.

I read a news report 2 days ago that General Casey, the senior American commander in Iraq, will brief the Secretary of Defense later this week on his newest intelligence about U.S. force levels through the end of the year. I want to hear General Casey’s recommendation myself and his reasons for it before I am prepared to vote on any proposal affecting U.S. troop levels. I want to give our military commanders in Iraq and our American troops in Iraq what they need to succeed now, 6 months from now, a year from now.

Like most Americans, I wish this war were over. We wish it hadn’t begun. But we are not going to win it. We cannot leave Iraq until the Iraqi Government has established political control over its country and until the Iraqi security forces can protect their citizens. We cannot leave what we started to end in a lawless bloodbath.

We must rely on our senior military commanders to tell us what force strength they need to successfully complete their mission. The timetable we follow should be theirs, not ours. It should be based upon American security and Iraqi survival. Again, I respectfully urge Chairman WARNER to summon our top military commanders to tell us what they need and for how long. I don’t want any more incidents where American soldiers are captured, brutally tortured, and murdered because there were not enough of their fellow American soldiers there to defend them.

I agree with my colleagues about the urgent need for the new Iraqi Government to accelerate their assumption of complete responsibility for their country’s services, security, and success. They need to tell us their expected schedule for doing so. We need to assist them in that process, and we need to enlist other nations to help them as well. We must complete our mission in Iraq as soon as possible, but we must complete it with a lasting victory, and we cannot leave until that victory is secure.

We should be discussing what we can do to hasten that day. The Bush administration should be telling us what we need to do to hasten that day, how to accelerate the transfer of responsibility and to accelerate the social and economic reconstruction of Iraq, how to enrich the lives of Iraqi citizens rather than the livelihoods of American contractors. Instead, all we get are cheap spin-and-thin slogans rather than substantive proposals and sophisticated solutions. The administration needs to set forth a plan of action in Iraq, a roadmap to final victory. That is what we should be demanding. That is what we should be debating.

I yield the floor and suggest the absence of a quorum.

Mr. WARNER. Mr. President, I ask unanimous consent that I place the amendment which had been introduced by myself and the ranking member. I ask unanimous consent that the Senate consider the amendments to the desk. They have been cleared by myself and the ranking member.

Finally, I ask that any statements relating to any of the individual amendments be printed in the RECORD. The PRESIDING OFFICER. Without objection, it is so ordered.

At this time I send a series of amendments to the desk. They have been cleared by myself and the ranking member. I ask unanimous consent that the Senate consider the amendments en bloc, the amendments be agreed to, and motions to reconsider be laid upon the table.

I finally ask that any statements relating to any of the individual amendments be printed in the RECORD. The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4492
(Purpose: To clarify the contracting authority for the chemical demilitarization program)

At the end of subtitle E of title III, add the following:

SEC. 375. CHEMICAL DEMILITARIZATION PROGRAM CONTRACTING AUTHORITY.
(a) MULTICYEAR CONTRACTING AUTHORITY.—
The Secretary of Defense may carry out responsibilities under section 1412(a) of the Department of Defense Authorization Act, 1986 (Public Law 99–100, 50 U.S.C. 1521(a)) through multiyear contracts entered into before the date of the enactment of this Act.

(b) AVAILABILITY OF FUNDS.—Contracts entered into under this section shall be funded through annual appropriations for the destruction of chemical agents and munitions.

AMENDMENT NO. 4493
(Purpose: To expand the authority for the personnel program for scientific and technical personnel)

At the end of title XI, add the following:

SEC. 1104. THREE-YEAR EXTENSION OF AUTHORITY FOR EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.


AMENDMENT NO. 4494
(Purpose: To encourage the use of electronic voting technology and to provide for the continuation of the Interim Voting Assistance System)

On page 187, between lines 20 and 21, insert the following:

(c) USE OF ELECTRONIC VOTING TECHNOLOGY.—
(1) CONTINUATION OF INTERIM VOTING ASSISTANCE SYSTEM.—The Secretary of Defense shall continue the Interim Voting Assistance System (IVAS) ballot request program with
(A) Information on organized efforts of the Department of Justice that have been created to ensure that the Department of Justice is investigating, in a timely and appropriate manner, all civil and criminal cases that have been filed to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror. (B) The number of personnel, financial resources, and workdays devoted to addressing this waste, fraud, and abuse, including a complete listing of all of the offices and agencies of the United States and throughout the world that are working on these cases and an explanation of the types of addressing efforts in terms of personnel and finances, that the Department of Justice needs to ensure that all of these cases proceed on a timely basis. (C) A detailed report for any internal Department of Justice task force that exists to work specifically on cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including a description of its action plan, the frequency of its meetings, the level and quantity of staff dedicated to it, its measures for success, the nature and substance of the allegations, and the amount of funds in controversy for each case. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices. (D) A detailed description of any interagency task force that exists to work specifically on cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including its action plan, the frequency of its meetings, the level and quantity of staff dedicated to it, its measures for success, the type, nature, and substance of the allegations, and the amount of funds in controversy for each case. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices. (E) The names of the senior officials directly responsible for oversight of the efforts to address these cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror. (F) Specific information on the number of investigators and other personnel that have been provided to the Department of Justice by other Federal and foreign agencies in support of the efforts of the Department of Justice to combat contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror. (G) Specific information on the full number of investigations, including grand jury investigations currently underway, that are addressing these cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror. (H) Specific information on the number and status of the criminal cases that have been launched to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror. (I) Specific information on the number of civil and criminal cases that have been launched to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including specific information on the quantity of such cases. (J) Specific information on the resolved civil and criminal cases that have been launched to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including the specific results of each case, the types of waste, fraud, and abuse that took place, the amount of funds that were returned to the United States Government as a result of resolution of these cases, and the specific results of the investigation of the type and substance of the waste, fraud, and abuse that took place. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices. (K) The best estimate by the Department of Justice of the scale of the problem of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.
(A) conduct a full and complete interagency review of United States policy toward North Korea including matters related to security and human rights; and

(R) Report.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the distribution of radiation detectors to members of the Armed Forces serving in Iraq and Afghanistan, including a description of any distribution problems and attempts to resolve such problems.

AMENDMENT NO. 4385

(Purpose: To specify the qualifications required for instructors in the Junior Reserve Officers’ Training Corps Program)

SEC. 569. JUNIOR RESERVE OFFICERS’ TRAINING CORPS INSTRUCTOR QUALIFICATIONS

(a) IN GENERAL.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following:

"2033. Instructor qualifications

(a) IN GENERAL.—In order for a retired officer or noncommissioned officer to be employed as an instructor in the program, the officer must be certified by the Secretary of the military department concerned as a qualified instructor in leadership, wellness and fitness, civic, and other courses related to the content of the program, according to the qualifications set forth in subsection (b)(2) or (c)(2), as appropriate.

(b) SENIOR MILITARY INSTRUCTORS.

(1) ROLE.—Senior military instructors shall be retired officers of the armed forces and shall serve as instructional leaders who oversee the program.

(c) NON-SENIOR MILITARY INSTRUCTORS.

—

(1) Q UALIFICATIONS.

(a) In general.—A senior military instructor must:

(i) be a retired officer or noncommissioned officer to be employed as an instructor in the Junior Reserve Officers’ Training Corps Program; and

(ii) have a minimum of 20 years of active military service in the United States Armed Forces.

(b) Responsibilities.—Senior military instructors shall:

(i) serve as senior military instructors;

(ii) serve as instructional leaders; and

(iii) serve as course leaders.

(2) TRAINING REQUIREMENTS.

(a) In general.—A senior military instructor shall:

(i) be certified by the Secretary of the military department concerned as a qualified instructor in leadership, wellness and fitness, civic, and other courses related to the content of the program;

(ii) complete training as determined by the Secretary of the military department concerned; and

(iii) be re-certified at least every 5 years.

(b) OTHER REQUIREMENTS.

—

(i) Other qualifications.—A senior military instructor shall also meet other qualifications as determined by the Secretary of the military department concerned.

(ii) Experience.—A senior military instructor shall have a minimum of 20 years of active military service in the United States Armed Forces.

(iii) Professional military education.—A senior military instructor shall have completed a professional military education program as determined by the Secretary of the military department concerned.

(iii) Performance evaluation.—A senior military instructor shall be evaluated on a regular basis by the Secretary of the military department concerned.

(3) RECOGNITION.

(a) In general.—A senior military instructor who completes the training requirements specified in this subsection shall be recognized by the Secretary of the military department concerned.

(b) Recognition.—A senior military instructor who completes the training requirements specified in this subsection shall be recognized by the Secretary of the military department concerned.

(c) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(d) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(e) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(f) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(g) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(h) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(i) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(j) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(k) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(l) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(m) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(n) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(o) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(p) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(q) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(r) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(s) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(t) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(u) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(v) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(w) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(x) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(y) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(z) Certification.—A senior military instructor who completes the training requirements specified in this subsection shall be certified by the Secretary of the military department concerned.

(A) Professional military qualification, as determined by the Secretary of the military department concerned.

(B) Award of a baccalaureate degree from an institution of higher learning.

(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

(D) Award of a degree from an institution of higher learning.

(E) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(F) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(G) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(H) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(I) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(J) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(K) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(L) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(M) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(N) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(O) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(P) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(Q) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(R) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(S) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(T) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(U) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(V) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(W) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(X) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(Y) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(Z) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.

(1) Certification in leadership, wellness and fitness, civic, and other courses related to the content of the program.
“(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—
(i) accumulated points for professional activities, services to the profession, awards, and recognitions; and
(ii) professional development to meet content knowledge and instructional skills; and
(b) Report.—
(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment specified under subparagraph (a) shall submit to the Secretary and the congressional defense committees a report on the review and assessment.
(2) ELEMENTS.—The report shall include—
(B) recommendations on the best means by which the Department may improve its organization and management for national security in space.

AMENDMENT NO. 422
(Purpose: To require consideration of the utilization of fuel cells as back-up power systems in Department of Defense operations.)

At the end of subtitle F of title III, add the following:

SEC. 375. UTILIZATION OF FUEL CELLS AS BACK-UP POWER SYSTEMS IN DEPARTMENT OF DEFENSE OPERATIONS.
The Secretary of Defense shall consider the utilization of fuel cells as replacements for current back-up power systems in a variety of Department of Defense operations and activities, including in telecommunications networks, perimeter access control facilities, in order to increase the operational longevity of back-up power systems and stand-by power systems in such operations and activities.

AMENDMENT NO. 4498
(Purpose: To authorize an accession bonus for members of the Armed Forces who are appointed as a commissioned officer after completing officer candidate school)

At the end of subtitle B of title VI, add the following:

SEC. 629. ACCESSION BONUS FOR MEMBERS OF THE ARMED FORCES APPOINTED AS COMMISSIONED OFFICERS AFTER COMPLETING OFFICER CANDIDATE SCHOOL.
(a) ACCESSION BONUS AUTHORIZED.—
(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

§ 5329. Special pay: accession bonus for officer candidates
(a) ACCESSION BONUS AUTHORIZED.—
(1) A person who, having received an agreement under subsection (a) of section 303a of chapter 5 of title 37, United States Code, is appointed as a commissioned officer under such subsection (a), does not complete the total period of active duty as a commissioned officer referred to in that subsection shall be entitled to an accession bonus in an amount not to exceed $8,000 determined by the Secretary concerned, to be paid an accession bonus in an amount not to exceed $8,000 determined by the Secretary concerned, a person who, during the period beginning on October 1, 2006, and ending on December 31, 2007, executes a written agreement described in subsection (b) may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount not to exceed $8,000 determined by the Secretary concerned.

(b) AGREEMENT.—A written agreement described in this subsection is a written agreement by a person—
(1) to complete officer candidate school;
(2) to accept a commission or appointment as an officer of the armed forces; and
(3) to serve on active duty as a commissioned officer for a period specified in such agreement.
(c) PAYMENT METHOD.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid in a lump sum or installments.
(4) REPAYMENT.—A person who, having received all or part of the bonus under a written agreement under subsection (a), does not complete the total period of active duty as a commissioned officer as specified in such agreement shall be subject to the repayment provisions of section 303a of title 37.
sec. 20. (a) The Director may collect
such charges for evaluating, certifying, or validation information assurance products under the National Information Assurance Program or successor program.

(b) The charges collected under subsection (a) shall be established through a public rulemaking process in accordance with Office of Management and Budget Circular No. A-25.

(c) Charges collected under subsection (a) shall not exceed the direct costs of the program referred to in that subsection.

(d) The appropriation or fund bearing the cost of the service for which charges are collected under the program referred to in subsection (a) may be reimbursed, or the Director may require the service payment subject to such adjustment on completion of the work as may be agreed upon.

(e) Amounts collected under this section shall be credited to the account or accounts from which costs associated with such amounts have been or will be incurred, to reimburse or offset the direct costs of the National Guard and the Army National Guard Units to leave behind many items for use by follow-on forces.

(f) The Governors of every State and 2 Territorial Expresses expressed in February 2006 that units returning from deployment overseas without adequate equipment would have trouble carrying out their homeland security and domestic emergency mission requirements.

10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units

(1) A report required on withdrawal or diversion of equipment.—Not later than 90 days after withdrawing or diverting equipment from a unit of the Reserve to a unit of the Reserve being ordered to active duty under section 12301, 12302, or 12304 of this title, or to a reserve component of the armed forces, for purposes of the discharge of the mission of such unit or units, the Secretary concerned shall submit to the Secretary of Defense a status report on the withdrawal or diversion of equipment.

(b) Elements.—Each status report submitted under subsection (a) shall include the following:

1. A plan to recapitalize or replace such equipment within the unit from which withdrawn or diverted.

2. If such equipment is to remain in a theater of operations and the Secretary of Defense determines that such equipment is unable to provide such equipment within the unit from which withdrawn or diverted for use in Operation Iraqi Freedom or Operation Enduring Freedom, the Secretary of Defense shall provide the equipment identified under paragraph (1), which schedule shall take into account applicable depot workload and acquisition considerations, including production capacity and current production schedules.

3. A signed memorandum of understanding between the active or reserve component to which withdrawn or diverted and the Reserve component from which withdrawn or diverted to specify

(a) how such equipment will be tracked and

(b) when such equipment will be returned to the component from which withdrawn or diverted.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 1007 of title 10, United States Code, is amended by inserting after the section references to section 10208 the following new section:

"10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units"
(2) awareness regarding warning signs of such conditions; and
(3) information and outreach to members of the Armed Forces (including members of the National Guard and Reserves) and their families on specific services available for such conditions.

(b) Expansion of Program.—The Secretary of Defense shall, acting through the Office of Health Affairs of the Department of Defense, take appropriate actions to expand the Mental Health Self-Assessment Program in order to achieve the following:

(1) The continuous availability of the assessment under the program to members and former members of the Armed Forces in order to evaluate the long-term availability of the diagnostic mechanisms of the assessment to detect mental health conditions that may emerge over time.

(2) The availability of programs and services under the program to address the mental health of dependent children of members of the Armed Forces who have been deployed or mobilized.

(c) Outreach.—The Secretary shall develop and implement a plan to conduct outreach and other appropriate activities to expand the awareness of the Mental Health Self-Assessment Program, and the programs and services available under that program, to members of the Armed Forces (including members of the National Guard and Reserves) and their families.

(d) Reports.—Not later than one year after the enactment of this Act, the Secretary shall submit to Congress a report on the actions undertaken under this section during the one-year period ending on the date of such report.

AMENDMENT NO. 489

(Purpose: To require a report on the provision of an electronic copy of military records to members of the Armed Forces upon their discharge or release from the Armed Forces.)

At the end of subsection F of title V, add the following:

SEC. 587. REPORT ON PROVISION OF ELECTRONIC COPY OF MILITARY RECORDS ON DISCHARGE OR RELEASE OF MEMBERS FROM THE ARMED FORCES.

(a) Report Required.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of providing an electronic copy of military records (including all military service, medical, and other records) to members of the Armed Forces on their discharge or release from the Armed Forces.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) An estimate of the costs of the provision of military records as described in subsection (a).

(2) An assessment of providing military records as described in that subsection through the distribution of a portable, readily accessible medium (such as a computer disk or other similar medium) containing such records.

(3) A description and assessment of the mechanisms required to ensure the privacy of members of the Armed Forces in providing military records as described in that subsection.

(4) An assessment of the benefits to the members of the Armed Forces in receiving their military records as described in that subsection.

(5) If the Secretary determines that providing such records to members of the Armed Forces as described in that subsection is feasible and advisable, a plan (including a schedule) for providing such records to members of the Armed Forces as so described in order that each member of the Armed Forces is provided such records upon discharge or release from the Armed Forces.

(6) Any other matter relating to the provision of military records as described in that subsection that the Secretary considers appropriate.

AMENDMENT NO. 490

(Purpose: To require a report on vehicle-based active protection systems for certain battlefield threats.)

At the end of subsection D of title III, add the following:

SEC. 352. REPORT ON VEHICLE-BASED ACTIVE PROTECTION SYSTEMS FOR CERTAIN BATTLEFIELD THREATS.

(a) Independent Assessment.—The Secretary of Defense shall enter into a contract with an appropriate entity independent of the United States Government to conduct an assessment of various foreign and domestic technological approaches to vehicle-based active protection systems for defense against both chemical and kinetic energy, ballistic, and other threats, including anti-tank missiles and rocket-propelled grenades, mortars, and other similar battlefield threats.

(b) Report.—

(1) Report Required.—The contract required by subsection (a) shall require the entity entering into such contract to submit to the congressional defense committees a report on the feasibility and advisability of foreign military sales and direct sales to foreign customers of significant military equipment manufactured inside the United States.

(2) Content.—Each report required under subsection (a) shall include:

(A) a detailed comparative analysis and assessment of the approaches covered by the assessment under subsection (a), including the feasibility, military utility, cost, and potential short-term and long-term development and deployment schedule of such approaches; and

(B) any other elements specified by the Secretary in the contract under subsection (a).

AMENDMENT NO. 491

(Purpose: To require a report on the amount of the acquisitions made by the Department of Defense of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.)

At the end of subtitle G of title X, add the following:

SEC. 1066. ANNUAL REPORT ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

(a) In General.—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on the amount of acquisitions made by the Department of Defense of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

(b) Content.—Each report required by subsection (a) shall separately include:

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside the United States;

(2) an itemized list of all waivers granted with respect to acquisition of articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of—

(A) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

(b) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

(c) Public Availability.—The Department of Defense shall submit under subsection (a) shall make the report publicly available to the maximum extent practicable.

(d) Application.—This section shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as set forth in or defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

AMENDMENT NO. 492

(Purpose: To require an annual report on foreign military sales and direct sales to foreign customers of significant military equipment manufactured inside the United States.)

At the end of subtitle G of title X, add the following:

SEC. 1066. ANNUAL REPORT ON FOREIGN SALES OF SIGNIFICANT MILITARY EQUIPMENT MANUFACTURED INSIDE THE UNITED STATES.

(a) In General.—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on the amount of foreign military sales and direct sales to foreign customers of significant military equipment manufactured inside the United States.

(b) Content.—Each report required under subsection (a) shall indicate, for each sale in excess of $2,000,000:

(1) the nature of the military equipment sold and the dollar value of the sale;

(2) the country to which the military equipment was sold; and

(3) the manufacturer of the equipment and the State in which the equipment was manufactured.

(c) Public Availability.—The Department of Defense shall make the reports submitted under this section publicly available to the maximum extent practicable.

AMENDMENT NO. 494

(Purpose: To require an annual report on the amount of the acquisitions made by the Department of Defense of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.)

At the end of subtitle E of title VI, add the following:

SEC. 682. EXPANSION AND ENHANCEMENT OF AUTHORITY TO REMIT OR CANCEL INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES.

(a) Members of the Army.—

(1) Coverage of All Members and Former Members.—Subsection (a) of section 4837 of title 10, United States Code, is amended by inserting the following new paragraph (2):

(2) The nature of the military equipment sold and the dollar value of the sale;

(3) the country to which the military equipment was sold; and

(4) the manufacturer of the equipment and the State in which the equipment was manufactured.


(c) Correction of Title.—Section 662 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3322; 10 U.S.C. 4837 note) is repealed.
States Code, is amended by striking “a member of the Navy” and all that follows through “in an active status” and inserting “a member of the Navy (including a member on active duty or a member of a reserve component in an active status), a retired member of the Navy, or a former member of the Navy”.

(2) **TIME FOR EXERCISE OF AUTHORITY.**—Subsection (b) of such section is amended—

(A) by inserting “‘active duty or a member of a reserve component in an active status’,” in paragraph (1), by adding “or” at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):—

“(2) in the case of any other member of the Air Force covered by subsection (a), during such period or periods as the Secretary of Defense shall prescribe the regulations required for purposes of sections 4837, 6161, and 9837 of title 10, United States Code, as amended by this section, not later than March 1, 2007.

(c) **REPEAL OF TERMINATION OF MODIFIED AUTHORITY.**—Paragraph (2) of such subsection is amended—

(A) by deleting “the Secretary”, and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):—

“(2) in the case of any other member of the Air Force covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.”.

(3) **REPEAL OF TERMINATION OF MODIFIED AUTHORITY.**—Paragraph (3) of such subsection is amended—

(A) by inserting “the Secretary”, and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):—

“(2) in the case of any other member of the Air Force covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.”.

(4) **AMENDMENT NO. 4505.**—Paragraph (3) of section 683(b) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3323; 10 U.S.C. 9837 note) is repealed.

(d) **DEADLINE FOR REGULATIONS.**—The Secretary of Defense shall prescribe the regulations required for purposes of sections 4837, 6161, and 9837 of title 10, United States Code, as amended by this section, not later than March 1, 2007.

**AMENDMENT NO. 490.**—(Purpose: To provide an exception for notice to consumer reporting agencies regarding debts or erroneous payments for which a decision to waive or cancel is pending.) At the end of subsection E of title VI, add the following:

**SEC. 662. EXCEPTION FOR NOTICE TO CONSUMER REPORTING AGENCIES REGARDING DEBTS OR ERRONEOUS PAYMENTS PENDING A DECISION TO WAIVE, REMIT, OR CANCEL.** (a) **EXCEPTION.**—Section 2780(b) of title 10, United States Code, is amended—

(1) by striking “‘Active Duty or a member of a Reserve component in an active status’,” in paragraph (1), by adding “or” at the end; and

(2) by adding at the end the following new paragraph:

“(b) **No disclosure shall be made under paragraph (1) with respect to an indebtedness while a decision regarding waiver of collection is pending under section 2774 of this title, or a decision regarding remission or cancellation is pending under section 4837, 6161, or 9837 of this title, unless the Secretary concerned (as defined in section 101(5) of title 10, or the designee of such Secretary, determines that the extension of credit under that paragraph pending such decision is in the best interests of the United States).”.

(b) **EFFECTIVE DATE.**—(1) **IN GENERAL.**—The amendments made by this section shall take effect on March 1, 2007.

(2) **APPLICATION TO PRIOR ACTIONS.**—Paragraph (2) of section 2780(b) of title 10, United States Code, as added by subsection (a), shall not be construed to apply to or invalidate any action taken under such section before March 1, 2007.

(c) **REPORT.**—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the exercise of the authority in section 2780(b) of title 10, United States Code, including—

(1) the total number of members of the Armed Forces who have been reported to consumer reporting agencies under such section;

(2) the circumstances under which such authority has been exercised, or waived (as provided in paragraph (2) of such section, as amended by subsection (a)), and by whom;

(3) the cost of contracts for collection services to recover indebtedness owed to the United States that is delinquent;

(4) an evaluation of whether or not such congressionally directed military debtors to collection agencies, has been effective in reducing indebtedness to the United States;

(5) such recommendations as the Secretary considers appropriate regarding the continuing use of such authority with respect to members of the Armed Forces.

**AMENDMENT NO. 496.**—(Purpose: To enhance authority relating to the waiver of claims for overpayment of pay and allowances of members of the Armed Forces.) At the end of title VI, add the following:

**SEC. 662. ENHANCEMENT OF AUTHORITY TO WAIVE, REMIT, OR CANCEL PAYMENTS.** (a) ** CLARIFICATION OF PAY AND ALLOWANCES.**—Subsection (a) of section 2774 of title 10, United States Code, is amended in the matter preceding paragraph (1) by inserting “including any bonus or special or incentive pay” after “pay or allowances”.

(b) **WAIVER BY SECRETARIES CONCERNED.**—Paragraph (2) of such subsection is amended—

(1) in the matter preceding subparagraph (A), by inserting “the designee of such Secretary” after “title 37,”; and

(2) in subparagraph (A), by striking “$1,500” and inserting “$10,000”.

(c) **COURT DETERMINATIONS.**—Section 2774(b) of such section is amended by striking “three years” and inserting “five years”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on March 1, 2007.

(e) **DEADLINE FOR REVISED STANDARDS.**—The Director of the Office of Management and Budget and the Secretary of Defense shall prescribe any modifications to the standards under section 2774 of title 10, United States Code, that are required or authorized by reason of the amendments made by this section not later than March 1, 2007.

**AMENDMENT NO. 431.**—(Purpose: To establish requirements with respect to the remission or cancellation of debt extended by a creditor to a servicemember or the dependent of a servicemember, and for other purposes) At the appropriate place, insert the following:

**SEC. 663. TERMS OF CONSUMER CREDIT EXTENDED TO SERVICEMEMBER OR THE DEPENDENT OF A SERVICEMEMBER.** (a) **TERMS OF CONSUMER CREDIT.**—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

**SEC. 208. TERMS OF CONSUMER CREDIT.**

(a) **INTEREST.**—A creditor who extends consumer credit to a servicemember or a dependent of a servicemember’s dependent to pay interest with respect to the extension of such credit, except as authorized by this section, shall agree to be limited to the annual percentage rate applicable to the extension of credit.

(b) **ANNUAL PERCENTAGE RATE.**—A creditor described in subsection (a) shall not impose an annual percentage rate greater than 36 percent with respect to the consumer credit extended to a servicemember or a servicemember’s dependent.

(c) **MANDATORY LOAN DISCLOSURES.**—(1) **INFORMATION REQUIRED.**—With respect to any extension of consumer credit to a servicemember or a servicemember’s dependent, a creditor shall—

(1) agree to provide the consumer credit extended to a servicemember or a servicemember’s dependent the following information in writing, at or before the issuance of the credit:

(A) the annual percentage rate applicable to the extension of credit;

(B) any disclosures required under the Truth in Lending Act (15 U.S.C. App. 701 et seq.); and

(C) a clear description of the payment obligations of the servicemember or the servicemember’s dependent, as applicable.

(2) **DISCLOSURES.**—Such disclosures shall be presented in accordance with terms prescribed by the regulations issued by the Board of Governors of the Federal Reserve System to implement the Truth in Lending Act (15 U.S.C. 1601 et seq.).

(3) **LIMITATION.**—A creditor described in subsection (a) shall not automatically renew, repay, refinance, or consolidate with the proceeds of other credit extended by the same creditor any consumer credit extended to a servicemember or a servicemember’s dependent without—

(1) executing new loan documentation signed by the servicemember or the servicemember’s dependent, as applicable; and

(2) providing the loan disclosures described in subsection (c) to the servicemember or the servicemember’s dependent.

(e) **PREEMPTION.**—Except as provided in subsection (f)(2), this section preempt any State or Federal law, rule, or regulation, including any State law to the extent that such laws, rules, or regulations are inconsistent with this section, except that this section shall not preempt any such law, rule, or regulation that provides additional protection to a servicemember or a servicemember’s dependent.

(f) **PENALTIES.**—(1) **MISDEMEANOR.**—Any creditor who knowingly violates this section shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

(2) **PRESERVATION OF OTHER REMEDIES.**—The remedies and rights provided under this section are in addition to and do not prejudice any remedy otherwise available under law to the person claiming relief under this section, including any award for consequential and punitive damages.

**DEPARTMENT.**—For purposes of this section, the term ‘interest’ includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to the extension of credit.”.

(b) **C LERICAL AMENDMENT.**—The table of contents of the Servicemembers Civil Relief Act of
Act (50 U.S.C. App. 501) is amended by inserting after the item relating to section 207 the following new item:

“Sec. 208. Terms of consumer credit.”

AMENDMENT NO. 407

(Purpose: To Require the President to Conduct a Review of Circumstances Establishing Eligibility for the Purple Heart for former prisoners of war dying in or due to captivity, to report to the Congress on the Advisability of Modifying the Criteria for Award of the Purple Heart)

At the appropriate place, add the following:

(a) FINDINGS.—Congress makes the following findings:

(1) The Purple Heart is the oldest military decoration in present use.

(2) The Purple Heart was established on August 7, 1918, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit.

(3) The award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington’s birth, out of respect for his military and administrative services by War Department General Orders No. 3, dated February 22, 1932.

(4) The criteria for the award was originally set for by the Department of War, dated February 22, 1932, and revised by Presidential Executive Order 9277, dated December 3, 1942; Executive Order 10469, dated February 12, 1952, Executive Order 11016, dated April 25, 1962, and Executive Order 12464, dated February 23, 1984.

(b) DETERMINATION.—As part of the review and report required in subsection (d), the President shall make a determination on expanding eligibility to deceased servicemembers held as a prisoner of war after December 7, 1941 and who meet the criteria establishing eligibility for the prisoner-of-war medal under section 1128 of Title 10 but who do not meet the criteria establishing eligibility for the Purple Heart.

(c) REQUIREMENTS.—In making the determination described in subsection (b), the President shall take into consideration—

(1) the brutal treatment endured by thousands of POWs incarcerated by enemy forces;

(2) that many service members died due to starvation, abuse, the deliberate withholding of medical treatment for injury or disease, or other causes which do not currently meet the criteria for award of the Purple Heart;

(3) the views of veteran organizations, including the Military Order of the Purple Heart;

(4) the importance and gravity that has been assigned to determining all available facts prior to a decision to award the Purple Heart; and

(5) the views of the Secretary of Defense and the Joint Chiefs of Staff:

(A) no later than March 1, 2007, the President shall provide the Committees on Armed Services of the Senate and House of Representatives a report on the advisability of the criteria for the award of the Purple Heart to authorize the award of the Purple Heart to military members who die in captivity under unknown circumstances, as a result of conditions and treatment which currently do not qualify the decedent for award of the Purple Heart; and for military members who survive captivity as a result of disease or disability incurred during captivity.

AMENDMENT NO. 408

(Purpose: To modify the qualifications for leadership of the Naval Postgraduate School)

At the end of part I of subtitle A of title V, add the following:

SEC. 509. MODIFICATION OF QUALIFICATIONS FOR LEADERSHIP OF THE NAVAL POSTGRADUATE SCHOOL.

Section 704(a) of title 10, United States Code, is amended—

(A) in paragraph (1)(A)—

(1) by inserting “active-duty or retired” after “An”;

(2) by inserting “or Marine Corps” after “Navy”;

(B) by inserting “or colonel” respectively after “captain”; and

(C) by inserting “or assigned” after ‘‘detailed’’;

In paragraph (2), by inserting “and the Commandant of the Marine Corps” after “Operations”;

and in paragraph (4)(A)—

(A) by inserting “(unless such individual is a retired officer of the Navy or Marine Corps in a grade above, or the grade of captain or colonel, respectively)” after “in the case of a civilian”;

(B) by inserting “active-duty or retired” after “in the case of an” and

(C) by inserting “or Marine Corps” after “Navy”.

SEC. 509A. MODIFICATION OF CRITERIA FOR ELIGIBILITY FOR THE PURPLE HEART.

Section 704(a) of title 10, United States Code, is amended—

(A) in paragraph (1)(A)—

(1) by inserting “active-duty or retired” after “An”;

(2) by inserting “or Marine Corps” after “Navy”;

(B) by inserting “or colonel, respectively” after “captain”; and

(C) by inserting “or assigned” after “detailed”;

In paragraph (2), by inserting “and the Commandant of the Marine Corps” after “Operations”;

and in paragraph (4)(A)—

(A) by inserting “(unless such individual is a retired officer of the Navy or Marine Corps in a grade above, or the grade of captain or colonel, respectively)” after “in the case of a civilian”;

(B) by inserting “active-duty or retired” after “in the case of an” and

(C) by inserting “or Marine Corps” after “Navy”.

AMENDMENT NO. 409

(Purpose: To provide that the Secretary of the Army shall not be considered an owner or operator for purposes of environmental liability in connection with the construction of any portion of the Fairford County Parkway off the Enviro-Proving Ground, Fort Belvoir, Virginia, that is not owned by the Federal Government)

On page 555, strike lines 1 through line 12 and insert the following:

“(B) With respect to activities related to the construction of any portion of the Fairford County Parkway off the Enviro-Proving Ground, Fort Belvoir, Virginia, that is not owned by the Federal Government, the Secretary of the Army shall not be considered an owner or operator for purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

AMENDMENT NO. 410

(Purpose: To provide that the Secretary of the Army shall not be considered an owner or operator for purposes of environmental liability in connection with the construction of any portion of the Fairford County Parkway off the Enviro-Proving Ground, Fort Belvoir, Virginia, that is not owned by the Federal Government)

On page 1199, strike lines 1 through line 10 and insert the following:

“(B) With respect to activities related to the construction of any portion of the Fairford County Parkway off the Enviro-Proving Ground, Fort Belvoir, Virginia, that is not owned by the Federal Government, the Secretary shall not be considered an owner or operator for purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

AMENDMENT NO. 411

(Purpose: To provide that the Secretary of the Army shall not be considered an owner or operator for purposes of environmental liability in connection with the construction of any portion of the Fairford County Parkway off the Enviro-Proving Ground, Fort Belvoir, Virginia, that is not owned by the Federal Government)

Not later than March 1, 2007, the Secretary shall submit to the congressional defense committees a report setting forth the minimum level of performance by the competent contractor under a contract covered by such paragraph that will be required by the Secretary in order to be eligible for an extension authorized by such paragraph.

(4) DEFINITIONS.—In this subsection, the terms—

(a) “Secretary” means the Secretary of the Army; and

(b) “department” means the Department of the Army.

AMENDMENT NO. 412

(Purpose: To require the President to conduct a review of the TRICARE program)

At the end of subtitle D of title VI, add the following:

SEC. 648. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) in section 1475(a), by striking “have a death gratuity paid” and inserting “have fallen hero compensation paid”;

(2) in section 1476(a)—

(A) in paragraph (1), by striking “a death gratuity” and inserting “fallen hero compensation”; and

(B) in paragraph (2), by striking “a death gratuity” and inserting “fallen hero compensation”;

(3) in section 1477(a), by striking “a death gratuity” and inserting “fallen hero compensation”;

(4) in section 1478(a), by striking “The death gratuity” and inserting “The amount of fallen hero compensation”;

(5) in section 1479(b)(1), by striking “the death gratuity” and inserting “fallen hero compensation”;

(6) in section 1489—

(A) in subsection (a), by striking “a gratuity” and inserting “fallen hero compensation”;

(B) in subsection (b)(2), by inserting “or other assistance” after “lesser death gratuity”;

(c) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENTS.—Such subchapter is further amended by striking “DEATH GRATUITY” each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting “FALLEN HERO COMPENSATION”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of such subchapter is amended by striking “Death Gratuity” in the heading relating to sections 1474 through 1480 and 1489 and inserting “Fallen Hero compensation.”
AMENDMENT NO. 1385
(Purpose: To require a joint family support assistance program for families of members of the Armed Forces)

At the end of title VI, add the following:

SEC. 662. JOINT FAMILY SUPPORT ASSISTANCE PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a joint family support assistance program for the purpose of providing assistance to families of members of the Armed Forces.

(b) LOCATIONS.

(1) IN GENERAL.—The Secretary shall carry out the program for at least six regions of the country through sites established by the Secretary for purposes of the program in such regions.

(2) LOCATION OF CERTAIN SITES.—At least three of the sites established under paragraph (1) shall be located in an area that is geographically isolated from military installations.

(c) FUNCTIONS.—The Secretary shall provide assistance to families of the members of the Armed Forces under the program by providing at each site established for purposes of the program under subsection (b) the following:

(1) Financial, material, and other assistance to families of members of the Armed Forces.

(2) Mobile support services to families of members of the Armed Forces.

(3) Sponsorship of volunteers and family support professionals for the delivery of support services to families of members of the Armed Forces.

(4) Coordination of family assistance programs and activities provided by Military OneSource, Military Family Life Consultants, counselors, the Department of Defense, other departments and agencies of the Federal Government, State and local agencies, and nonprofit entities.

(5) Facilitation of discussion on military family assistance programs, activities, and initiatives between and among the organizations, agencies, and entities referred to in paragraph (4).

(d) RESOURCES.

(1) IN GENERAL.—The Secretary shall provide personnel and other resources necessary for the implementation and operation of the program at each site established under subsection (b).

(2) ACCEPTANCE OF CERTAIN SERVICES.—In providing resources under paragraph (1), the Secretary may accept and utilize the services of Federal, State, local, and nonprofit entities.

(3) PROVISION OF MATERIALS.—The Secretary shall establish procedures for the operation of each site established under subsection (b) for the provision of assistance to families of members of the Armed Forces at such site.

(4) IMPLEMENTATION PLAN.

(1) IN GENERAL.—Not later than 30 days after the first obligation of amounts for the program, the Secretary shall submit to the congressional defense committees a report setting forth a plan for the implementation of the program.

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following:

(A) A description of the procedures established under subsection (d).

(B) A description of the procedures established under subsection (d).

(C) A review of proposed actions to be taken under the program to improve coordination and activities between and among the Department of Defense, other departments and agencies of the Federal Government, State and local agencies, and nonprofit entities.

(D) REPORT.—

(I) IN GENERAL.—Not later than 270 days after the first obligation of amounts for the program, the Secretary shall submit to the congressional defense committees a report on the program.

(2) ELEMENTS.—The report shall include the following:

(A) A description of the program, including each site established for purposes of the program, the procedures established under subsection (d) for operations at each such site, and the assistance provided through each such site for families of members of the Armed Forces.

(B) An assessment of the effect of the program in providing assistance to families of members of the Armed Forces.

(C) An assessment of the advisability of extending the program or making it permanent.

(h) ASSISTANCE TO NON-PROFIT ENTITIES PROVIDING ASSISTANCE TO MILITARY FAMILIES.—The Secretary may provide financial, material, and other assistance to nonprofit entities in order to facilitate the provision by such entities of assistance to geographically isolated families of members of the Armed Forces.

(1) SUNDAY.—The program required by this section, and the authority to provide assistance under subsection (d), shall cease upon the date that is three years after the first obligation of amounts for the program.

(2) FUNDING.—The authority to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 may be available for the program required by this section and the provision of assistance under subsection (h).

AMENDMENT NO. 411
(Purpose: To modify the requirement of reduction of Survivor Benefit Plan annuities by dependency and indemnity compensation)

On page 225, line 13, strike "144B(d)(2)(B)" and insert "144B(d)(2)(B)."

AMENDMENT NO. 4197
(Purpose: To modify the effective date of the termination of the phase-in of concurrent receipt of retired pay and veterans disability compensation for veterans with service-connected disabilities rated as total by virtue of unemployment)

At the end of title V, add the following:

SEC. 648. EFFECTIVE DATE OF TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY VIRTUE OF UNEMPLOYABILITY.

(a) IN GENERAL.—Section 1414(a)(1) of title 10, United States Code, is amended by striking paragraph (C).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

AMENDMENT NO. 4112
(Purpose: To modify certain additional authorities for purposes of the targeted shaping of the Armed Forces)

On page 214, strike line 3 and insert the following:

(b) RELAXATION OF LIMITATION ON SELECTIVE EARLY RETIREMENT.—Section 638(a)(2) of title 10, United States Code, is amended by adding at the end the following new sentence:

"However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade."

(f) ENHANCED AUTHORITY FOR SELECTIVE EARLY RETIREMENT AND EARLY DISCHARGES.

(1) RENEWAL OF AUTHORITY.—Subsection (a) of section 638a of title 10, United States Code, is amended by inserting "and during the period beginning on October 1, 2006, and ending on December 31, 2012," after "December 31, 2001."

(2) RELAXATION OF LIMITATION ON SELECTIVE EARLY RETIREMENT.—Subsection (c) of such section is amended by adding at the end the following new sentence:

"However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade."

(3) RELAXATION OF LIMITATION ON SELECTIVE EARLY DISCHARGE.—Subsection (d) of such section is amended—

(A) in subparagraph (A), by inserting before the semicolon the following: ""; and

(B) the first sentence of such section, as amended by paragraph (A), by striking ""December 31, 2001.""
of the number of officers considered in each grade.

(d) Increase in Amount of Incentive Bonus

AMENDMENT NO. 433

(Purpose: To provide for the determination of the retired pay base or retain pay base of a general or flag officer based on actual rate of basic pay rather than on amounts payable under the basic pay on the basic pay of such officers)

At the end of subtitle D of title VI, add the following:

SEC. 648. DETERMINATION OF RETIRED PAY BASE OF GENERAL AND FLAG OFFICERS BASED ON RATES OF BASIC PAY PROVIDED BY LAW.

(a) Determination of Retired Pay Base.—

(1) In General.—Chapter 71 of title 10, United States Code, is amended by inserting after section 1405 the following new section 1407a:

(1) Retired pay base: members who were general or flag officers.

Notwithstanding any other provision of law, if the determination of the retired pay base or retain pay base under section 1406 or 1407 of this title with respect to a person who was a commissioned officer in pay grade O-7 through O-19 involves a rate or rates of basic pay that were subject to a reduction under section 203(a)(2) of title 37, such determination shall be made utilizing such rate or rates of basic pay in effect as provided by law rather than such rate or rates as so reduced under section 203(a)(2) of title 37.

(2) Clerical Amendment.—The table of sections for chapter 71 of such title is amended by inserting after the item relating to section 1407 the following new item:

“1407a. Retired pay base: members who were general or flag officers.”

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to the computation of retired pay for members of the Armed Forces who retire on or after that date.

AMENDMENT NO. 453

(Purpose: To provide in the calculation of retired pay for members of the Armed Forces that service in excess of 30 years shall not subject to the maximum limit on the percentage of the retired pay multiplier.

At the end of subtitle D of title VI, add the following:

SEC. 648. INAPPLICABILITY OF RETIRED PAY MUltIPLIER—MAXIMUM PERCENTAGE TO SERVICE OF MEMBERS OF THE ARMED FORCES IN EXCESS OF 30 YEARS.

(a) In General.—Section 1409(b) of title 10, United States Code, is amended to read as follows:

“(3) 30 YEARS OF SERVICE.—

“(A) Retirement Before January 1, 2007.—In the case of a member who retires before January 1, 2007, with more than 30 years of service, the percentage to be used under subsection (a) is 75 percent.

“(B) Retirement After December 31, 2006.—In the case of a member who retires after December 31, 2006, with more than 30 years of creditable service, the percentage to be used under subsection (a) is the sum of—

“(i) 75 percent; and

“(ii) the product (stated as a percentage) of—

“(I) 2.5% for each year of service in excess of 30 years of creditable service in any service, regardless of when served, under conditions authorized for purposes of this subparagraph during a period designated by the Secretary of Defense for purposes of this subparagraph; and

“(B) Retirement Pay for Non-regular Service.—Section 12739(c) of such title is amended—

“(1) by striking “the total amount” and inserting “(1) Except for an optional annuity for members who were general or flag officers.”

(ii) while the member is serving

“(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active duty while serving in the Selected Reserve; or

“(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

“(ii) in the case of a person who separates from the Selected Reserve of the Ready Reserve, in the case of a member who retires, or is separated from the Selected Reserve under section 12702 of title 10, United States Code, is amended by striking “the total amount”; and

“(2) by adding at the end the following new paragraph:

“(B) the product of—

“(ii) 2.5% for each year of service in excess of 30 years of creditable service in any service, regardless of when served, under conditions authorized for purposes of this subparagraph during a period designated by the Secretary of Defense for purposes of this subparagraph; and

“(2) by striking “the total amount” and inserting “(1) Except for an optional annuity for members who were general or flag officers.”

(b) Retired Pay for Non-regular Service.—Section 12739(c) of such title is amended—

“(1) by striking “the total amount” and inserting “(1) Except for an optional annuity for members who were general or flag officers.”

(b) Conforming Amendment.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

“(2) when the member separates from the Ready Reserve as a member of the Ready Reserve in the case of a person who retires after December 31, 2006, any portion of the period provided for in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.”

Effective Date.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), to which such amendments relate.

AMENDMENT NO. 485

(Purpose: To reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods and to expand eligibility of members of the Select Reserve for coverage under the TRICARE program.

At the end of subtitle D of title VI, add the following:

SEC. 648. COMMENCEMENT OF RECEIPT OF NON-regular service retired pay for members of the Ready Reserve in active federal status or active duty for significant periods.

(a) Reduced Eligibility Age.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) has attained the eligibility age applicable under subsection (f) to that person;”

and

(2) by adding at the end the following new subsection:

“(f) Subject to paragraph (2), the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may be included in only one aggregate of 90 days for purposes of this paragraph.

(b) In the case of a person who as a member of the Ready Reserve serves on active duty or performs active service described in subparagraph (b) after September 11, 2001, the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date.

(c) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).

(d) Active service described in this subparagraph is service on active duty pursuant to a call or order to active duty under provisions of law specified in section 101(a)(13)(B) of this title or under section 12301(d) of this title. Such service does not include service on active duty pursuant to a call or order to active duty under section 12310 of this title.

(e) Active service described in this subparagraph is service under a call to active duty authorized by the President or the Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

(f) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).

(g) Continuation of Age 60 as Minimum Age for Eligibility of non-regular service retired pay for members of the Ready Reserve.

(1) by inserting “(1)” after “(b)”; and

(2) by adding at the end the following new paragraph:

“(2) Paragraph (1) does not apply to a member or former member entitled to retired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.”
(c) ADMINISTRATION OF RELATED PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a performance period of a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 55 of title 10, United States Code, but for the fact that the member or former member attained the eligibility age in excess of 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference thereto the age of 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a) of section 227(b) of the William M. Proxmire Veterans' Benefits Improvement Act of 2004), and thereafter applying the provisions of such section as so amended to all such retired pay.

SEC. 707. EXPANSION OF ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE FOR COVERAGE UNDER TRICARE.

(a) In General.—Subsection (a) of section 1076b of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end; and

(b) in paragraph (3), by striking the period at the end and inserting “, or”; and

(c) by adding at the end the following new paragraph:—

“(4) is an employee of a business with 20 or fewer employees.”;

(b) PREMIUMS.—Subsection (e)(2) of such section is amended by adding at the end the following new subparagraph:

“(C) For members eligible under paragraph (4) of subsection (a), the amount equal to 75 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.”;

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

AMENDMENT NO. 431

(Purpose: To name the Act after John Warner, a Senator from Virginia)

On page 2, strike lines 1 through 3, and insert the following:

SECTION 1. SHORT TITLE: FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the “Demonstrating National Defense Authorization Act for Fiscal Year 2007”.

(b) FINDINGS.—Congress makes the following findings:

(1) Senator John Warner of Virginia was elected a member of the United States Senate on November 7, 1978, for a full term beginning on January 3, 1979. He was subsequently re-elected to the Senate in 1984, 1990, and 1996.

(2) Senator Warner has served in this position until 1972, when he was confirmed as the first Secretary of the Navy. He served during the Vietnam War and the Korean War, and served a full term in the Senate.

(3) Senator Warner has been a member of the Senate Armed Services Committee, and has been the ranking member of the committee.

(4) Senator Warner has been re-elected to the Senate in 1984, 1990, and 1996.

(5) Senator Warner has been the ranking member of the Senate Armed Services Committee, and has been the chairman of the committee.

(6) Senator Warner was confirmed as the first Secretary of the Navy on January 3, 1979.

(7) Senator Warner has been confirmed as the first Secretary of the Navy on January 3, 1979.

(8) Senator Warner has been confirmed as the first Secretary of the Navy on January 3, 1979.

(9) Senator Warner has been confirmed as the first Secretary of the Navy on January 3, 1979.

(10) Senator Warner has been confirmed as the first Secretary of the Navy on January 3, 1979.

(11) Senator Warner has been confirmed as the first Secretary of the Navy on January 3, 1979.

(12) Senator Warner has been confirmed as the first Secretary of the Navy on January 3, 1979.

(13) Senator Warner has been confirmed as the first Secretary of the Navy on January 3, 1979.

(14) Senator Warner has been confirmed as the first Secretary of the Navy on January 3, 1979.

(15) Senator Warner has been confirmed as the first Secretary of the Navy on January 3, 1979.

(16) Senator Warner has been confirmed as the first Secretary of the Navy on January 3, 1979.

(17) Senator Warner has been confirmed as the first Secretary of the Navy on January 3, 1979.

(18) Senator Warner has been confirmed as the first Secretary of the Navy on January 3, 1979.

(19) Senator Warner has been confirmed as the first Secretary of the Navy on January 3, 1979.

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AMENDMENT NO. 431

(Purpose: To improve the provisions relating to the linking of award and incentive fees to acquisition outcomes)

On page 345, line 2, strike “poor” and insert “below-satisfactory performance or performance that does not meet the basic requirements of the contract.”

AMENDMENT NO. 431

(Purpose: Relating to military vaccinations)

At the end of subtitle B of title VII, add the following:

SEC. 730. MILITARY VACCINATION MATTERS.

(a) ADDITIONAL ELEMENT FOR COMPETITION GRANT PROGRAM LOOKING AT STUDY OF VACCINE MANAGEMENT AT MILITARY HEALTHCARE CENTERS.—Section 730(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 2684) is amended by adding at the end the following new paragraph:

“(11) The feasibility and advisability of transferring direct responsibility for the development of vaccines to the Under Secretary of Defense for Personnel and Readiness and the Assistant Secretary of...
Defense for Force Protection and Readiness.

(b) RESPONSE TO MEDICAL NEEDS ARISING FROM MANDATORY MILITARY VACCINATIONS.—

(1) The Secretary of Defense shall maintain a joint military medical center of excellence focusing on the medical needs arising from mandatory military vaccinations.

(2) ELEMENTS.—The joint military medical center of excellence under paragraph (1) shall consist of the following:

(A) The Vaccine Healthcare Centers of the Department of Defense, which shall be the principal elements of the center.

(B) The elements that the Secretary considers appropriate.

(3) AUTHORIZED ACTIVITIES.—In acting as the principal elements of the joint military medical center under paragraph (1), the Vaccine Healthcare Centers referred to in paragraph (2) may carry out the following:

(A) Medical assistance and care to individuals receiving mandatory military vaccines and their dependents, including long-term case management for adverse events where necessary.

(B) Evaluations to identify and treat potential and actual health effects from vaccines before and after their use in the field.

(C) Development and sustainment of a long-term vaccine safety and efficacy registry.

(D) Support for an expert clinical advisory board to consider related to disability assessment questions.

(E) Long-term and short-term studies to identify unanticipated benefits and adverse events from vaccines.

(F) Educational outreach for immunization providers and those required to receive immunizations.

(G) Development, dissemination, and validation of educational materials for Department of Defense healthcare workers relating to vaccine safety, efficacy, and acceptability.

(c) LIMITATION ON RESTRUCTURING OF VACCINE HEALTHCARE CENTERS.—

(1) NOTIFICATION.—The Secretary of Defense may not downsize or otherwise restructure the Vaccine Healthcare Centers of the Department of Defense until the Secretary submits to Congress a report setting forth a plan for meeting the immunization needs of the Armed Forces during the 10-year period beginning on the date of the submittal of the report.

(2) REPORT ELEMENTS.—The report submitted under paragraph (1) shall include the following:

(A) An assessment of the potential biological threats to members of the Armed Forces that are addressable by vaccine.

(B) An assessment of the distance and time required to travel to a Vaccine Healthcare Center by members of the Armed Forces who have severe reactions to a mandatory military vaccine.

(C) An identification of the most effective mechanisms for ensuring the provision of services by the Vaccine Healthcare Centers to both military professionals and members of the Armed Forces.

(D) An assessment of current military and civilian expertise with respect to mass adult immunization programs, including case management under such programs for rare adverse reactions to immunizations.

(E) An organizational structure for each military service to ensure support of the Vaccine Healthcare Centers in the provision of services to members of the Armed Forces.

AMENDMENT NO. 405

Purpose: To enhance the equity finalization process for Naval Petroleum Reserve Numbered 1

At the end of division C, add the following:

TITLE XXXIII—NAVAL PETROLEUM RESERVES

SEC. 3301. COMPLETION OF EQUITY FINALIZATION PROCESS FOR NAVAL PETROLEUM RESERVE NUMBERED 1.

(a) In general.—Section 3142(g) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 7420 note) is amended—

(1) by inserting ‘‘An assessment of any behavior of the member, and any use of psychotropic medications by the member, for a mental health condition or disorder.’’ after ‘‘by the Secretary of Defense, or the commanders of the Armed Forces, relating to the need for deployment to a combat operation or contingency operation.’’;

(2) by substituting ‘‘An organizational structure for each military service to ensure support of the Vaccine Healthcare Centers in the provision of services to members of the Armed Forces. ’’ for ‘‘The Vaccine Healthcare Centers of the Department of Defense, which shall be the principal elements of the center.’’; and

(b) Implementation.—Not later than 60 days after the date of the enactment of this Act, the Department of Defense shall determine if it is feasible, and if so prescribe in regulations, to implement a plan to mobilize and deploy one or more mental health professionals or medical professionals to those combat operations or contingency operations that meet the criteria specified under subsection (a) for the provision of mental health services.

AMENDMENT NO. 407

Purpose: To improve mental health screening and services for members of the Armed Forces

At the end of subtitle B of title VII, add the following:

SEC. 730. ENHANCED MENTAL HEALTH SCREENING AND SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) REQUIRED ELEMENTS OF ASSESSMENTS.—Each pre-deployment mental health assessment of a member of the Armed Forces, shall include the following:

(1) A mental health history of the member, with emphasis on mental health status during the 12-month period ending on the date of the assessment and a review of military service during that period.

(2) An assessment of the current treatment of the member by the mental health professional, and any use of psychotropic medications by the member, for a mental health condition or disorder.

(3) An assessment of any behavior of the member, and any use of psychotropic medications by the member, for a mental health condition or disorder.

(4) Information provided by the member (through a checklist or other means) on the presence of any serious mental illness or any symptoms indicating a mental health condition or disorder.

(b) REFERRAL FOR FURTHER EVALUATION.—Each member of the Armed Forces who is determined during a pre-deployment or post-deployment mental health assessment to have, or have symptoms or indicators for, a mental health condition or disorder shall be referred to a qualified health care professional with expertise in mental health conditions, conduct or computation, unless caused by its gross negligence; or

(C) An identification of the most effective mechanisms for ensuring the provision of services to members of the Armed Forces who, after deployment to a combat operation or contingency operation, are known—

(1) to have a mental health condition or disorder; or

(2) to be receiving treatment, including psychotropic medications, for a mental health condition or disorder.

(f) IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Appropriations of the Senate and the House of Representatives a report on the actions taken to implement the requirements of this section.

AMENDMENT NO. 417

Purpose: To make funds available for the Our Military Kids youth support program

At the end of title XIV, add the following:

TITLE XIV. OUR MILITARY KIDS YOUTH SUPPORT PROGRAM

(3) Our Military Kids youth support program:

(A) AMOUNT.—Of the amount authorized to be appropriated by section 1405(1) for operation and maintenance for the Army, $1,500,000 may be available for the expansion of the youth support program of the Our Military Kids youth support program for depends of elementary and
secondary school age of members of the National Guard and Reserve who are severely wounded or injured during deployment.

(b) Army National Guard Funding for Expansion Program. — Of the amount authorized to be appropriated by section 1405(6) for operation and maintenance for the Army National Guard, $850,000 may be available for the expansion of the National Guard Kids youth support program.

AMENDMENT NO. 481, AS MODIFIED
At the end of subtitle B of title III, add the following:

SEC. 315. INFANTRY COMBAT EQUIPMENT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, $2,500,000 may be available for Infantry Combat Equipment (ICE).

AMENDMENT NO. 490, AS MODIFIED
At the end of subtitle B of title II, add the following:

SEC. 215. HIGH ENERGY LASER-LOW ASPECT TARGET TRACKING.

(a) Additional Amount for Research, Development, Test, and Evaluation, Army. — The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for the Army is hereby increased by $3,000,000.

(b) Availability of Amount. — (1) In General. — Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army by subsection (a), $3,000,000 may be available for the Department of Defense High Energy Laser Test Facility for High Energy Laser Low Aspect Target Tracking (HEL-LATT) test series done jointly with the Navy.

(2) Construction with Other Amounts. — The amount available under paragraph (1) for the Army is hereby reduced by $5,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 482, AS MODIFIED
At the end of subtitle B of title III, add the following:

SEC. 315. INDIVIDUAL FIRST AID KIT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, $1,000,000 may be available for the Individual First Aid Kit (IFAK).

AMENDMENT NO. 475, AS MODIFIED
At the end of subtitle B of title II, add the following:

SEC. 215. ADVANCED ALUMINUM AEROSTRUCTURES INITIATIVE.

(a) Additional Amount for Research, Development, Test, and Evaluation, Air Force. — The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $2,000,000.

(b) Availability of Amount. — Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $2,000,000 may be available for Aerospace Technology Development and Demonstration (PE #603211F) for the Advanced Aluminum Aerostructures Initiative (AAASI).

(c) Offset. — The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Air Force is hereby reduced by $3,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 475, AS MODIFIED
At the end of subtitle A of title II, add the following:

SEC. 203. AMOUNT FOR DEVELOPMENT AND VALIDATION OF WARRIORFIGHTER RAPID AWARENESS PROCESSING TECHNOLOGY.

(a) Increase in Amount for Research, Development, Test, and Evaluation for the Navy. — The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $1,000,000.

(b) Availability of Amount. — Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by paragraph (1), $1,000,000 may be available for program element PE 0601109N for University Research Initiatives.

(c) Air Force Support for University Research Initiatives. — The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $10,000,000.

(d) Additional Amount for Research, Development, Test, and Evaluation, Air Force. — The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $10,000,000.

(e) Computer Science and Cybersecurity.

(1) Additional Amount for Research, Development, Test, and Evaluation, Defense-wide. — The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $10,000,000.

(2) Availability of Amount. — Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601010E for the Defense Advanced Research Projects Agency University Research Program in Computer Science and Cybersecurity.

(3) SMART National Defense Education Program.

(1) Additional Amount for Research, Development, Test, and Evaluation, Defense-wide. — The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $5,000,000.

(2) Availability of Amount. — Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1), $5,000,000 may be available for program element PE 0601120DZ for the SMART National Defense Education Program.

(3) Offset. — The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby reduced by $15,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 438
(Purpose: To make available funds for the Reading for the Blind and Dyslexic program of the Department of Defense)
At the end of subtitle B of title III, add the following:

SEC. 31. READING FOR THE BLIND AND DYSLEXIC PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) Defense Authorization. — Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for defense dependents of elementary
Mr. REID. Mr. President, I rise today along with my colleague Mrs. Lincoln to discuss an amendment accepted today by the distinguished chairman Mr. WARNER, and ranking member, Mr. LEVIN.

I appreciate their willingness to advance this very important legislation. Our policy must reflect our Nation’s care and appreciation for our veterans, and I will continue to work towards obtaining full concurrent receipt. I have said it before, but I will say it again

It is unacceptable that the men and women who dedicated their entire careers to service in the military must surrender a portion of their retired pay if they want to receive the disability compensation.

It is acceptable, but today, because of the policy of concurrent receipt, it is the law for veterans classified as unemployable.

Throughout my time in the Senate, I have championed legislation that would end the unfair policy of denying America’s disabled veteran’s retirement benefits they have earned through years of service and sacrifice.

In 2004, I introduced legislation that was passed into helping those veterans who were 100 percent disabled to receive full concurrent receipt immediately. By eliminating the 10-year phasein period, the passage of this legislation was a significant victory for those who have fought for our freedom.

But, I never imagined that the administration would intentionally change the intent, interpret the law, and shamelessly deny unemployable veterans what they are legally entitled to.

What kind of message does this send to our men and women in the military today?

We have thousands of new American veterans from the Iraq and Afghanistan wars. These men and women serve in the most inhospitable reaches of the world, defending our freedoms and fighting for the cause of liberty.

Most of these American Veterans don’t realize that if they are injured or wounded to the point where they cannot work, they will have to choose between their retired pay and their disability compensation. As of today, they will not receive both until 2009.

This is unfair.

Military retired pay is earned compensation for the extraordinary demands and sacrifices inherent in a career of military service.

For several years I have introduced and championed legislation that would end the unfair policy of denying America’s disabled veterans’ retirement benefits they have earned through years of service and sacrifice.

In November 2005, an amendment was passed to expand concurrent receipt to cover a veteran’s disabled veterans rated as “unemployable,” and to implement the new policy immediately instead of phasing it in over a decade. However, I was disappointed that the conference committee chose not to enact this valuable legislation until 2009.

Therefore, I introduced this amendment to restore their full benefits as originally intended in the legislation I introduced in 2004.

Veterans’ disability compensation is a reasonable way to compensate for pain, suffering, and lost future earning power caused by a service-connected disability.

At a time when our Nation is calling upon our Armed Forces to defend democracy and freedom, we must be careful not to send the wrong signal to those in uniform.

All who have selected to make their career in the U.S. military now face an additional unknown risk in our fight against terrorism. If they are injured, they would be forced to forego their earned retired pay in order to receive their VA disability compensation.

In effect, they would be paying for their own disability benefits from their retirement checks unless my legislation is enacted.

This will send a signal to these brave men and women that the American people and government take care of those who make sacrifices for our nation. It is time for us to show our appreciation to the men and women who have demonstrated their allegiance to their country and the principles it stands for.

I, again, thank Senator WARNER and Senator LEVIN for their assistance in including this provision in the fiscal year 2007 Defense authorization bill.

Mr. DODD. Mr. President, I rise today to discuss my concerns about the amendment offered by my good colleague Senator BURNS, regarding electronic voting technology to S. 2766, the National Defense Authorization Act for Fiscal Year 2007.

I understand that this amendment directs the Department of Defense, DOD, to continue the interim voting assistance system, IVAS, for uniformed service voters, overseas Defense Department employees, and dependents of such voters and employees, for all Federal elections through December 31, 2006. The amendment would not, as I understand it, extend the current program to nonmilitary overseas voters.

Further, I understand that the amendment directs the DOD to submit two reports to Congress, one assessing the IVAS program during the 2006 Federal elections and the second detailing plans for an expansion of the IVAS program to all voters covered under the Uniform Overseas Citizens Absentee Voting Act, UOCAVA, through November 2010.

I commend my colleague from Montana for his efforts to protect the fundamental right to vote and for extending a critical program that facilitates electronic ballot access for our valiant men and women, both in and out of military service. I strongly support the goals of this legislation.

However, I am deeply concerned that the amendment as drafted continues to...
withhold the benefits of new technology from millions of other non-military overseas voters in a manner that is inconsistent with the purposes of UOCAVA. According to the language of this amendment, only those with an existing affiliation to DOD will continue to benefit from the IVAS program in contrast to the broader group of citizens covered by UOCAVA, including overseas voters who are not members of the military, employees of the Defense Department or a dependent of either group.

As my colleague know, UOCAVA treats all overseas voters—military, civilian or otherwise—equally with respect to voting rights. Classes of voters under UOCAVA are not bifurcated. This approach ensures that the all voters are treated in a nondiscriminatory manner under UOCAVA.

The number of overseas voters continues to make a difference in our Federal elections. The Federal Voting Assistance Program, FY07, under the Secretary of Defense estimates that over 3 percent of the total vote in the 1996, 2000, and 2004 elections came abroad. In addition, an umbrella coalition focused on military and overseas voters estimates that the number of Americans residing overseas have ranged from 3 million to 6 million, but generally put the global population somewhere around 4 million. The coalition’s member organizations include the Federation of American Women’s Clubs Overseas Inc, FAWCO, the American Citizens Abroad, ACA, the Alliance for Non-Politicization of Elections and Portugal, ALLAMO and the Association of Americans Resident Overseas, AARO. Overseas voters are important Americans who, under the goals of UOCAVA, must have the same opportunities to cast a vote and have that vote counted as their military counterparts.

There is nothing more fundamental to the vitality and endurance of a democracy of the people, by the people and for the people than the right to vote. Thomas Paine wrote in 1795 that, “the right of voting for representatives is the primary right by which other rights are protected.” This statement takes on an even more significant meaning to Americans when America is at war.

As a former Peace Corps volunteer, I can offer testimony to the meaningful contributions made by overseas citizens organized in excluded classes under the amendment of my colleague from Montana. At a time when the image of the United States is receiving international scrutiny, the work of individuals such as Peace Corps volunteers speaks directly to the concerns of all of our overseas citizens, whether they serve in the military to protect us back at home or whether they conduct businesses and raise their families overseas, must be honored with an absolute opportunity to vote in Federal elections.

We should not take any actions to discourage our civilian overseas voters. We should not treat civilian overseas voters any differently than overseas military or DOD contract voters, and certainly not by erecting an artificial bifurcation barrier between military and civilian voters under UOCAVA.

I applaud the amendment recognizes the need to eliminate that bifurcation by requiring DOD to report specifically on expanding the use of electronic voting technology for all voters under UOCAVA. I look forward to that report and will continue to work to ensure that all American citizens living overseas have an equal opportunity to participate in our democracy through the ballot box.

AMENDMENT NO. 621

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

This amendment would name the National Defense Authorization Act for Fiscal Year 2007 after the chairman of the Committee on Armed Services, our distinguished friend and colleague from Virginia, JOHN WARNER. I am pleased to be joined in this effort by Senators FRIST, LEVIN, INHOFE, KENNEDY, ROBERTS, BYRD, SESSIONS, LIEBERMAN, COLLINS, JACK REED, ENSENBAUGH, AKAKA, TALMADGE, CHISHOLM, BILL NELSON, GRAHAM, DAYTON, DOLE, BAYH, CORNYN, CLINTON, THUNE, ALLARD, and ALLEN.

I am certain that there is not a Senator in this Chamber who would not agree that Senator WARNER, with his grace, courtliness, bipartisan attitude: and kindness to all, represents the finest traditions of the Senate. All Senators know that the Defense Authorization bill occupies a major place in the annual legislative calendar and takes substantial time to complete. Those Senators who do not have the privilege of serving on the Committee on Armed Services may not realize the tremendous amount of work that goes into hearing of legislatively proposals, preparation for markup, and actual markup of this bill—the largest annually recurring piece of legislation in Congress. When one adds to this the oversight of the largest department in the government, and the processing of thousands of military and civilian nominations each year, the demands on the chairman of the committee and the need for leadership are obvious. For 6 years, JOHN WARNER has provided that leadership, and done it in a manner that has gained him universal respect.

JOHN WARNER is, first and foremost, a Virginian—a native of that Old Dominion that has stood at the center of American history for over two centuries and has given the Nation so many of its eminent men, from Washington forward. JOHN WARNER has continued that tradition of service to country from his youth. The son of a decorated Army physician in World War I, JOHN WARNER left high school to enlist in the Navy late in World War II. He served until 1946, when he was discharged as a petty officer 3rd class. Like millions of other young Americans, he then attended college on the GI bill, graduating from Washington and Lee University in 1949. He then entered the University of Virginia Law School. He interrupted his education to serve in the Korean War, volunteering for active duty and accepting a commission in the Marine Corps. He served in combat as a ground officer in the First Marine Air Wing, and remained in the Marine Corps Reserve for several years. Upon returning from Korean war, he resumed his legal education, graduating from the University of Virginia Law School in 1953.

Upon graduation, JOHN WARNER’s outstanding qualities were recognized when he was selected to serve as the law clerk to the late Judge E. Barrett Prettyman of the U.S. Court of Appeals for the District of Columbia Circuit, one of the most outstanding jurists of that period. Many years later, Senator WARNER would be instrumental in naming the U.S. Court House in Washington, DC, for his old mentor. After his clerkship, JOHN WARNER became an assistant U.S. attorney in the District of Columbia, and later engaged in the private practice of law.

In 1969, President Nixon nominated JOHN WARNER to serve as Under Secretary of the Navy. The Senate confirmed the nomination, and he served as Under Secretary until he was confirmed and appointed as the 61st Secretary of the Navy in 1972. During his tenure as Secretary, the United States and the Soviet Union signed the Incidents at Sea Executive Agreement, for which he was the principal United States negotiator and signatory. This agreement remains in effect today and has served as a model for similar agreements governing naval vessels and aircraft around the world.

After leaving the Department of the Navy in 1974, JOHN WARNER’s next public service was as chairman of the American Revolution Bicentennial Commission. He oversaw the celebration of the bicentennial of the Federal Government’s role in a commemoration that embraced all 50 States and over 20 foreign nations.

In 1978, the voters of Virginia elected JOHN WARNER to a full term in the U.S. Senate. Upon beginning his service in 1979, he was elected a member of the Committee on Armed Services. Upon leaving the chairmanship the previous year, he will have served on the committee for 28 years. Nearly his entire tenure in the Senate, almost the entire Senate, Chairman, the Committee, Senator WARNER served as chairman of the committee since 1999 to 2001, and again since 2003. He also served as ranking member from 1997 to 1999, and again from 2001 to 2003. He served as the committee’s leader from 1979 to 1987, 1999 to 2001, and 2003 to 2007, a period that saw the end of the Cold War, the first Gulf War, the attacks on September 11, 2001, and the global war on terror. JOHN WARNER has served in a leadership role on the committee.

John Warner, Senator from Virginia, has been a leader of this body. For his service and commitment to our Nation and to the military, we honor him for his leadership. We absconded to the committee to his former residence. This is the man who has done more for our national security than JOHN WARNER. As sailor, Marine officer, Under Secretary, and Senator of
the Navy, and U.S. Senator, he has al-
ways answered his country’s call. The
dignified and even-handed way in which
he has presided over the business of the
committee has enabled it to continue
its noble tradition of being an island of
bipartisanship in an increasingly un-
pleasantly partisan atmosphere. And I
add, Mr. President, that it is exceedingly appro-
priate that this year’s Defense Author-
ization Act, the last which John War-
ner will manage as chairman of the
Committee on Armed Services, be
named in his honor.

AMENDMENT NO. 524H

Mr. BIDEN. Mr. President, I rise to
thank my colleagues for accepting an
amendment that I introduced on behalf
of myself, Senator BINGAMAN, and Sen-
arator CARPER to fully protect the health
of our military personnel. The major-
ity of this amendment is the same lan-
guage the Senate included in last
year’s Defense Authorization bill clear-
ly establishing the Vaccine Healthcare
Centers, or VHCs, role in force protection
operations. That language was not
retained in conference. Instead, a
GAO report was mandated. While the
GAO report will be helpful in refining
the organization and missions of the
VHCs, it is important to clearly estab-
lish their role today.

The GAO report will not be com-
pleted until next year. In addition to
the language the Senate passed last
year, this amendment includes one ad-
ditional area for GAO to investigate and
that the Department of Defense examine and plan for
its future vaccination needs. Both nec-
essary steps to determining the opti-
mal structure for the centers.

I should also point out to my col-
leagues that this amendment does not
add any funding to the bill. The centers are
currently being funded at $6 mil-

lion a year with global war on terror
funds. This amendment does not change that.

Let me explain more thoroughly
what the vaccine health care centers do.
As our military operates around
the globe, they are protected from
common illnesses like the flu and from
common travel concerns, like yellow fever for sub-Saharan Africa, by vac-
cinations. In addition, they are vac-
cinated to protect them from biologi-
cal warfare agents like anthrax or
smallpox.

These force protection measures are
critically important, but they only
work if military personnel are con-
fident that the vaccines themselves are
not dangerous or that the side-effects
can be treated.

Vaccines, when those generally con-
sidered safe, are still drugs put into the
body. For that reason, there are always a
small number of personnel whose
bodies will have an adverse reaction to a
“safe” vaccine. In order to deal with
this, the Vaccine Healthcare Centers
Network was established in 2001.

The centers act as a specialized med-
ical unit and center of excellence that
can provide the best possible clinical
care to any military member, Active-
Duty, Guard, or Reserve, or their fam-
ily that has a severe reaction. They
also advise the Department of Defense
regarding vaccine administration poli-
cies and educate military health care
professionals regarding the safest and
best practices for vaccine administra-
tion. Their overall mission is to pro-
mote vaccine safety and provide expert
knowledge to patients and physicians.

Why is this so important? As many of
you know, the number of adults who
get regular vaccines is fairly small.
While we have civilian specialists who
deal with childhood vaccinations and
problems that might develop, the popu-
lation of adults regularly vaccinated
with anything more than the flu vac-
cine is small. No civilian expertise ex-
ists in this area because the cases are
rare and infrequent.

In the military, the reverse is true.
Military personnel are regularly vac-
cinated for travel, for threats relating to
their current operation, and for things like the flu. Even in the mili-
tary, though, the cases are rare and
spread throughout the force. It is dif-
ficult for the average base physician to
develop the expertise needed to recog-
nize the problem and to provide the
best treatment. In order to effectively
develop proper treatments, there must
be a centralized center to capture the
information on those who experience
severe problems.

Here are some specifics:

Last year, 2005, the VHCs managed
over 700 cases of adverse reactions to
mandatory vaccines.

Each military service made use of
the help and care offered by the VHCs.
48 percent of their cases were in
the Army, 29.6 percent of their cases
were in the Air Force, 13 percent of their
cases were in the Navy and Marine
Corps, and 2.4 percent of their cases
were in the Coast Guard.

Since beginning their work in 2001,
the VHCs have handled a total of 2,049
cases. Their yearly case load has gone
up 83 percent since 2001.

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One of 2,000 cases treated
demonstrates clearly the need for
postvaccination treatment expertise.
In all of these cases, base or post doc-
tors did not have the expertise to ade-
quately treat sick personnel. Given
that these are mandatory vaccinations,
we have a moral obligation to make sure that those made sick by
them get the best possible treatment.

Much as the military developed a
unique expertise in treating those ex-
posed to nuclear radiation, in this new
era of proliferating biological threats
we must now develop an expertise in
postvaccination treatments.

This has all been done by an ex-
tremely small staff—two full-time
doctor, three nurse practitioners, and
five educators and support staff at each
of the four regional facilities. The
value and medical services they have
provided to the enlisted military fam-
ily—Army, Navy, Air Force, Marines,
and Coast Guard—has been extraor-
dinary.

Make no mistake, military personnel
and their dependents are more con-
fident in the vaccination programs be-
cause of the VHCs. When personnel do
suffer adverse reactions, reports are ex-
tremely positive regarding the care
they now get from the centers and we
do not see individual cases becoming
national news and fear spreading
throughout the force.

Why do we need the language I am
proposing? The reason is simple. De-
spite the May 9, 2006, testimony from
the Deputy Assistant Secretary of De-
fense for Force Health Protection and
Readiness to the House Committee on
Government Reform outlining the cen-
ters as DOD’s answer to adverse an-
thrax vaccine reactions, the centers
are still not clearly established in law
and face regular funding battles.

The VHCs were created in minimally
worded report language from the fiscal
year 2001 Labor-HHS Appropriations
report. The report recognized their role and varied responsibil-
ities with a proper authorization.

In addition, it is time to make sure
they have clear and regular funding.
For the past 5 years, the VHCs have
been funded by the Army alone, pri-
arily with global war on terror funds.
I applaud the Army for recognizing
the need for the centers and providing
those funds from their wartime alloca-
tions. I also commend the service this
is not sustainable and it is not what Con-
gress intended. The Army is only the
executive agent for what is supposed to be
a defense-wide service. Even though
almost half, 45 percent, of those treat-
ed by the VHC came from the Air
Force, Navy and Marines, and Coast
Guard, none of those services is willing
to provide their fair share of the yearly
$6 million bill. The Army cannot sus-
tain this and the people that would
lose are injured military personnel
and the other services who will not be
able to access expert care.

In recent years, the decision by the
other services not to provide a portion
of the funding for the centers has led to
proposals to eliminate some of their
operations. If all or part of the VHC
network is dismantled, the technical
expertise built up over the past 5 years
will be dispersed. It will be almost
impossible to reconstitute that highly
specialized knowledge when we need it
in the future. More important, it is
likely that the 706 personnel who sought treat-
mant last year will just get better on their
own.
This amendment seeks to clarify that the vaccine health care centers must exist, while also mandating a thorough review of their organization and functions. Next year, when we have the GAO study and the Pentagon’s study, Congress can act on any worthwhile recommendations. In the meantime, we cannot leave this vital force protection and treatment center in limbo, nor can we leave the entire burden on the Army.

As biological threats grow from both naturally occurring diseases like bird flu to weaponized agents like anthrax, force protection clearly demands a good vaccination program. Equally clearly, that program must include quality care for those who suffer adverse effects in every service, not just the Army.

As we look to the future, the need for vaccinations is only likely to grow. For that very reason, we established Project BioShield. At this point, there is no system in place to address the vaccine health care centers network, but there is an initial collaborative effort between the VHCs and the Centers for Disease Control and Prevention. This collaboration must be encouraged so that we can take advantage of the VHCs knowledge should a mass civilian inoculation become necessary. If the VHCs are dismantled, that knowledge will be lost and may not be easily recovered or recreated.

At the end of the day, this is very simple. We simply cannot mandate that military personnel take these vaccines and then abandon them when a problem arises. There should be no ambiguity about the authority for the vaccine health care centers to continue their excellent work.

If military personnel are injured because of their service to this Nation, whether it be needing a prosthetic limb or long-term treatment for an adverse vaccine reaction, we have an absolute obligation to give them the best possible care.

Anything less is unconscionable.

For that reason, I am thankful that my colleagues have agreed and that this vital amendment has passed the Senate.

AMENDMENT NO. 466

Mrs. BOXER. Mr. President, I would like to take a few minutes to discuss an amendment that I understand Mr. WARNER and Mr. LEVIN have included in the defense package. I would like to begin by thanking Senators WARNER and LEVIN and their staffs for working so hard with us to get this done. I would also like to thank my colleague Senator LIEBERMAN for working diligently with me to draft this legislation.

He really is a true champion for our men and women in uniform.

This amendment addresses an issue that is vitally important to many of my colleagues here in the Senate—improving mental health screening and services for our brave men and women serving in our armed services.

As we all know, our soldiers, marines, airmen, and sailors have been bogged down in an extremely dangerous and increasingly destructive war in Iraq for more than 3 years, and the pressure is taking its toll.

Multiple deployments, the insurgency, and our unprepared urban combat that many of our service members face is resulting in high levels of mental illness, including PTSD—a disorder that, if left untreated, can cripple a person for life.

Tragically, many of our service members are not being adequately screened and treated for these conditions.

Let me give you an example from last month’s Hartford Courant, which ran an extended series of articles detailing the failures of our military health care system.

Nine months ago, 27-year-old SSG Bryce Syverson was on suicide watch and taking antidepressants in the psychiatric unit at Walter Reed Army Medical Center. He was diagnosed with depression, PTSD and depression, which they attributed to his 15-month tour in Iraq as a gunner on a Bradley tank.

Today, Staff Sergeant Syverson is back in the combat zone as part of a medical evacuation team. I ask myself what could be summoned to Iraq at any time.

He got his deployment orders after being told he wasn’t fit for duty.

He got his gun back after being told he was too unstable to carry a weapon.

In a recent e-mail to his parents and brothers, Sergeant Syverson wrote: “Nearly died on a PT test out here on a nice and really mild night because of the medication that I am taking. Head about to explode from the blood swelling inside, the [lightening] storm that happened in my head, the blurred vision, confusion, dizziness and a whole lot more. Not the best feeling in the entire world to have after being here for two weeks. And I ask myself what... am I doing here?”

I ask my colleagues, do this make any sense?

In the Hartford Courant’s May 17 piece entitled “Still Suffering, But Re-deployed,” COL Elisabeth Ritchie, a psychiatry consultant to the Army surgeon general, acknowledged that the decision to deploy soldiers with PTSD is a matter that the Army is currently wrestling with.

I would like to quote Colonel Ritchie, because I think that something she said is particularly telling: “historically, we have not wanted to send soldiers or anybody with post-traumatic stress disorder back into what traumatized them. . . . The challenge for us is that the Army has a mission to fight.”

I appreciate that the military—particularly the Army—is facing severe manpower needs, but the fact that we are knowingly sending U.S. service members back into the very situation that caused their trauma is utterly tragic.

Tragic and unacceptable.

The Boxer-Lieberman amendment would do some very important things to address this situation.

First, it would improve mental health screening procedures for those about to be deployed. Currently, the military’s pre-deployment mental health assessment is a single question on a form.

The Boxer-Lieberman amendment requires an enhanced mental health screening process prior to deployment that will include: a mental health history of the servicemember; current mental health treatment or use of medications for a mental health disorder; an assessment of any behavior identified by the unit commander that might provided by the member, (through a checklist or other means,) of symptoms that might indicate a mental health condition.

Second, the amendment mandates that soldiers determined to have symptoms of a mental health condition—either before deployment or after deployment—will be referred to a qualified health care professional with experience in the evaluation and diagnosis of mental health conditions.

This is an area where we are really falling short—the Hartford Courant reports that military screeners have arranged mental health evaluations for fewer than one in 300 deploying troops.

Third, the Boxer-Lieberman amendment mandates that any member of the Armed Forces who requests access to mental health care services, before, during, or after deployment to a combat zone, will be given access within 72 hours after making the request or as soon as possible.

Fourth, the amendment directs the Department of Defense to develop clear and consistent guidelines and regulations on what mental health conditions and psychotropic drugs ought to prevent a servicemember from being deployed to a combat zone.

It also requires the Department to develop guidelines for the deployability and treatment of service members diagnosed with severe mental illness or PTSD.

And lastly, it will require the Department to develop a plan to monitor individuals deployed to a combat zone who are known to have a mental health condition or disorder or are known to be taking psychotropic medications.

I think that these small steps that we can take to ensure that our service members receive a higher standard of mental health services and care.

I hope it will also prevent stories like the one I am about to tell you, again in the Hartford Courant, from happening again.

Patricia Powers of Skiatook, OK wonders why her 20-year-old son Joshua was sent to Iraq barely six months after he enlisted in the Army.

According to Ms. Powers, she “just couldn’t believe” that the Army took her son in, as her son had Asperger’s syndrome—a form of autism.
People with Asperger syndrome tend to be highly intelligent, but they have trouble in social settings and are quite often loners who have difficulty building relationships.

However, Asperger’s was not the only neurological issue facing Joshua.

In reading through the medical records of her son’s frequent visits to the base doctor, Ms. Powers found that in every instance, the doctor had taken note of Joshua’s severe depression.

Three weeks after arriving in Iraq, Pvt. Powers left his barracks around midnight and walked to the latrine, where he ended his life with a gunshot to the head.

In a recent GAG report, the GAG noted that the military has been reluctant to create uniform guidelines for deployment.

In its recommendation, the GAG argued that guidelines are necessary “so that in future deployments [the Defense Department] would not experience the mistakes such as those that occurred with members being deployed into Iraq who clearly had pre-existing conditions that should have prevented their deployment.

Situations like Joshua Power’s Situation involving Bryce Syverson, where he was forced to ask his family: “What am I doing here?”

Mr. President, the heroic men and women serving in Iraq and Afghanistan are doing a fantastic job.

In Iraq, they have succeeded in every mission that has been asked of them, even the ones that have changed over time. In Afghanistan, they are relentlessly hunting for the man responsible for the deaths of over 3,000 Americans.

But as the death toll continues to rise, so does drain.

I did today just two examples of soldiers who clearly indicated that deploying them to a combat zone would be a mistake. But we know that there are many more.

What we are asking for in this amendment is simple: that the Pentagon does a better job of dealing with mental health matters for the men and women that it sends into harm’s way. I don’t think this is too much to ask.

Again, I like to thank Senator WARRNER, Senator LEVIN, and Senator LIEBERMAN for their support.

Mr. LIEBERMAN. Mr. President, I rise today to speak about an amendment I held during the debate on the 2007 Defense authorization bill by Senators BOXER, KENNEDY, CLINTON, and myself.

In May of this year, the Hartford Courant published a series of articles describing inadequacies in the military’s mental health screening procedures for servicemembers deploying to Iraq and Afghanistan. The Courant’s investigation revealed that servicemembers displaying clear signs of distress and mental health problems are being sent to combat zones and in some cases have taken their life. These cases compromise not only the lives of our servicemembers but the strength and cohesion of our military units.

The Hartford Courant wrote about Jeffrey Henthorn, a young servicemember who took his life. Jeffrey was from Oklahoma and shipped out for the Christmas in 2004. While home, Jeffrey was depressed, was having nightmares, and was plagued by memories of a young boy who had died in Iraq. Less than 2 months after his redeployment to Iraq, Jeffrey took his own life at the age of 25 years.

Since then, it has become known that Jeffrey had made suicidal statements that were known to his Army superiors. Despite the clear psychological problems Jeffrey was having before his deployment, he was still sent back to a combat zone where he took his own. To prevent acts such as this that ruin individual lives and have deleterious effects on a unit, Congress passed the National Defense Authorization Act for Fiscal Year 1998. At that time, the statute required the military to conduct an “assessment of mental health” for all deploying troops to prevent young men like Jeffrey Henthorn from being placed in further harm. However, the military’s current screening and deployment process consists of a single mental health question on a predeployment questionnaire. The law is not being followed as it was intended.

Alarmingly, the Hartford Courant’s investigation found that only 6.5 percent of those indicating mental health problems were referred for mental health evaluations from March 2003 to October 2005. This is unacceptable.

Senator BOXER and I are also concerned about the increase in the numbers of servicemembers being prescribed medication for depression, anxiety, and post-traumatic stress disorder, PTSD. These individuals are being sent into combat with psychopharmacologic medications systematically receiving any followup or monitoring. We cannot send our servicemembers into combat zones without the medical and mental health support they deserve and need. There is nothing controversial about that.

Another case reported by the Hartford Courant illustrates the dangers of providing medications without followup or monitoring in the field. Michael Deem, father of two, saw a psychologist back home who helped him cope with serious symptoms of depression. He was given a year’s supply of Prozac, among other medications. Less than a month after deploying to Iraq, Michael Deem was found dead in his bunk. The Army determined that he died of an enlarged heart “complicated by elevated levels” of Prozac. We cannot have servicemembers on medications for serious conditions out in the field with inadequate monitoring, and nonexistent followup. We must do better for those willing to make the ultimate sacrifice for us.

We have also learned that troops with preexisting mental health conditions and serious mental health disorders are being sent into combat zones. This amendment would make sure young men and women who are unable to serve are not sent into combat zones that make their conditions worse or place them and their units in danger.

The Courant series also told the story of a young man from Pennsylvania, Eddie Brabazon. Eddie Brabazon had a history of bipolar disorder and spent time in group homes and psychiatric hospitals during his adolescent years. In March of 2004, less than 3 months into his second deployment to the Middle East, Eddie shot himself and took his own life at the age of 20. There were signs before this act that something was terribly wrong. In the days leading up to his suicide, Eddie had locked himself in a portable toilet with his rifle for 45 minutes, causing his sergeant concern. But no one sent Eddie to receive intensive treatment to prevent his suicide or get him away from the combat zone, where his condition was worsening. Young men with Eddie’s history of mental health problems and exhibiting such clearly communicated signs of distress should not continue to serve in a combat zone.

To protect servicemembers similar to the ones the Courant has written about and their units, Senators BOXER, KENNEDY, CLINTON, and I are introducing this amendment. The military mental health assessment screening process.

First, it is meant to keep these courageous young men and women out of the way of any further harm. Second, we must make sure that our units have the strongest and healthiest soldiers, and this amendment moves us in the right direction. By deploying servicemembers with serious mental health problems, we are compromising the strength of our military units.

Our amendment will ensure that the military would conduct thorough screening for determining whether a servicemember has a significant mental health problem before deploying; servicemembers with a significant mental health problem are seen by someone with experience in mental health assessment; access to mental health professionals in a more timely manner; the military identifies preexisting mental health conditions to determine appropriateness for deployment; servicemembers receiving mental health services during deployment for how to continue to provide mental health services during deployment for any servicemembers receiving mental health services before their deployment.

Senator BOXER and I, along with Senators CLINTON and KENNEDY, introduced this amendment to ensure that servicemembers like Jeffrey Henthorn, Michael Deem, and Eddie Brabazon receive the care they deserve before it is too late. I thank both Senators LEVIN and LIEBERMAN for adopting this amendment into the Defense authorization bill for 2007, and I encourage the conferees in both Houses to maintain the
Language that would correct this injustice was accepted as part of the House version of the Defense authorization bill, where it had the overwhelming bipartisan support of 216 co-sponsors.

Equally important, correcting this important loophole in the law has been endorsed by the American Legion, Veterans of Foreign Wars, Military Order of the Purple Heart, the National Association for Uniformed Services, the Military Officers of America Association, the Defense POW/MIA Association, the National League of POW/MIA Families, Tiger Survivors, and a number of other prominent veterans organizations.

I can think of no stronger endorsement than from these fine groups who know first-hand the suffering of war.

I would like to tell you one more story by a World War II soldier by the name of John Coleman. This is his story as recounted in his book, Bataan and Beyond.

The treatment of the death march and imprisonment... is beyond the imagination's ability to comprehend. If there ever was a hell on earth, this was administered to the 40,000 souls of least and most devoted of our military personnel. Day after day they were in agony, seemingly blotted out in memory by their nation. They suffered under the burning tropics, on starvation rations, with little water to drink. They could not even wash the filth from their bodies or clothes, matted hair, and beards. They were mentally depressed, had swollen limbs from beri beri, unhealed festering wounds that were never treated. They also had distended stomachs, bloody dysentery, and raw, sore mouths from pellagra. Even a drink of water would cause their mouth to burn. Everyone had stomach worms that would sometimes find their way out of the body through the nose. No attempt was made by the Imperial Japanese Army to furnish any kind of medication to alleviate the suffering.

Unimaginable. Simply unimaginable.

Mr. President, these brave members of the Armed Forces suffered these cruelties so that we might enjoy the freedom we have today. I can think of no more fitting tribute for their sacrifice than to posthumously make them eligible for the Purple Heart.

While the amendment that I originally offered would have provided congressional authorization expanding eligibility for the Purple Heart, I worked with Senators WARNER and LEVIN on compromise language that would require the President to determine whether eligibility for the Purple Heart should be expanded to all POW’s who died in captivity.

I sincerely hope the President will take a serious look at this proposal, and ensure that our POW’s are afforded the recognition they deserve.

Mrs. HUTCHISON. Mr. President, the National Biocontainment Lab, NBL, at the University of Texas Medical Branch, UTMB, in Galveston is an important tool in our continued fight against bioterrorism and emerging infectious diseases. As a Regional Center of Excellence for Biodefense and Emerging Infectious Diseases, RESEARCH, RCE, for Federal Region VI, UTMB’s lab is able to research and develop new therapies, vaccines, and tests for microbes that might be used as weapons by terrorists, as well as naturally occurring diseases such as SARS and West Nile virus.

I was happy to support UTMB in 2003 in their efforts to establish the NBL in Galveston. In letters and conversations with Dr. Anthony Fauci, director of the National Institutes of Allergy and Infectious Diseases, and Dr. Elias Zerhouni, director of National Institutes of Health, I conveyed the importance of this facility and the benefits to housing the NBL at UTMB.

Once again, I am pleased to support the NBL and UTMB with this amendment. By understanding the staffing

provisions of this amendment to ensure we keep our troops strong and healthy.

AMENDMENT NO. 4571

Mr. OBAMA. Mr. President, I rise to speak in favor of amendment No. 4571, which is being offered today by my friend and colleague, Senator COBURN and I have been working tirelessly to improve accountability and transparency in Federal contracting so that the American people can rely on their Government for the excellence and efficiency that they deserve.

Award and incentive fees are often used in defense contracts to encourage outstanding performance. But too often these awards are given without regard to performance. That doesn’t make sense. This amendment prohibits unsatisfactory performance from being rewarded by the Federal Government. It sets a higher standard for defense contractors and requires them at least to satisfy the basic requirements of a contract in order to be eligible for any award or incentive fee.

It is a simple concept. No bonus awards when the work is unsatisfactory. Period. You don’t tip a waiter who doesn’t bring you your food. You don’t give a bonus to an employee who doesn’t do his or her job at work. The Government should not permit awards for performance, that is less than satisfactory. Awards should be used as an incentive for excellence, not as a backdoor for undeserved payments.

The authorization bill makes some progress by requiring the Secretary of Defense to provide needed guidance on the use of awards and incentive fees. It requires guidance that award fees be tied to performance outcomes. It requires guidance on designating contractor performance as “excellent,” “good,” “satisfactory,” or “unsatisfactory.” It requires standards for when performance awards are appropriate.

This amendment just makes it clear that unsatisfactory work should never be eligible for award fees. Contractors can and must be held to a higher standard. Our troops deserve no less. American taxpayers deserve no less. Americans should reward excellence, not mediocrity; success, not failure; contract fulfillment, not merely execution.

I urge my colleagues to support this amendment.
and training requirements needed at this new facility, our doctors and scientists will be better prepared and more able to recognize a bioterrorist attack.

AMENDMENT NO. 4222

Mr. BING. Mr. President, today marks the anniversary of the passage of a sense-of-the-Senate resolution on climate change. One year ago the Senate convened to debate the appropriate policy direction for the United States on this issue.

The Senate debate on climate change included discussions on various proposals from Senators HAGEL, and PAYOR, as well as Senators McCAIN and LIEBERMAN and others. Although I had worked very closely with Senator DOMENICI on a specific policy proposal of our own, we were not able in the time allotted to find agreement on various aspects of that proposal. We ultimately decided that we should put the question to the Senate of whether or not our efforts should continue over the remainder of the 109th Congress.

I am pleased to say that passage of the sense-of-the-Senate resolution gave us the impetus to continue our collaboration. Over the course of the last year, I have worked with Chairman DOMENICI and others to explore the basic workings of a mandatory market-based system to limit greenhouse gases. We have held hearings in the Energy Committee, participated in workshops and conferences, and engaged interested stakeholders through a White Paper process that culminated in an important day-long conference in April.

Other Members of this body have been actively engaged in the continuing conversation, such as Senators CARPER, FEINSTEIN, LUGAR, and BIDEN just to name a few. I am not sure that it is important for us to recognize how much faster this issue is progressing outside of Washington, DC.

The European Union Emissions Trading Scheme is in its second year of operation and is a model of how the program is progressing. Here in the United States, the Emissions Trading Scheme is in its second year of experience. Our States have recently concluded that the intensity of individual hurricanes has increased, which is attributed to the warming of the oceans.

In conclusion, I believe that this is evidence that we need to act now. Since the sense-of-the-Senate resolution was passed last year, the United States has emitted roughly 6 billion metric tons of carbon dioxide. EIA forecasts continued steady emissions growth at a rate that, if not slowed and ultimately stopped and reversed, will make it increasingly difficult to avoid dangerous climate impacts.

I want to thank Senators DOMENICI and SPECTER, along with all of the co-sponsors of the sense-of-the-Senate Resolution and everyone who supported it, that there was a great deal over the course of the last year, and I would like to continue the progress. I would like to urge all of my colleagues who are interested in this issue to work with us to find a solution we can implement sooner rather than later.

I would like the references to some of the studies I have mentioned printed in the RECORD so that others can read them as well.

There has been no objection, the material was ordered to be printed in the RECORD, as follows:


Mr. LEVIN. Mr. President, the amendments have been cleared on this side. It is a packet of 60 amendments, as I understand. I thank our staffs for putting them together. There is a lot of interest in them by a lot of Members. We owe thanks to the staff for their great work. I have not only no objection but enthusiastically join in moving their adoption. I gather they have been agreed to by unanimous consent.

Mr. WARNER. I thank my distinguished colleague for his remarks.

If I might draw to the attention of my distinguished colleague, we have been consulting with our respective leadership and their staffs. We have a joint goal of trying to complete this bill today and have third reading and final passage. The bill is now open for amendment. We have some knowledge of some amendments that may be offered. We would urge those who wish to offer amendments, recognizing cloture has been agreed to by the Chamber, nevertheless within the confines of that cloture, we are ready to have the opportunity to consider further amendments.

I believe I am about to put in the first quorum call for the purpose solely that we have no amendments at the moment pending. That is the first time in the consideration of this bill, I believe.

Mr. LEVIN. I commend the chairman for the way in which he has been able to manage this bill, as always. It is a testament to his ability and the respect that everybody has for him in the Chamber. I have never seen fewer quorum calls on a bill of this size than we have had this week. I am sure there have been a few. I have not counted them. There may have been a quorum call yesterday during the 8 or 9 hours of debate. If there was, I missed it.

I commend the chairman for putting up with our opposition who can unfortunately get this bill agreed to as soon as possible today. Again, I join him in not urging people to bring amendments to
the floor—we never do that—but in notifying people that if they have amendments, they should bring them to the floor.

Mr. WARNER. I thank my colleague who has worked side by side with me these 20 years on these matters. When I look back on the modest career I have had in the Senate, I can’t think of any other Senator with whom I have had a better relationship and a more trusting one, although we do disagree on occasion.

Mr. LEVIN. There is recent evidence of an increase of missile threats. We agree on civil rights. We agree on most matters. We are able to work things out. It is his nature to do that, and we are all very much in his debt. Our wives are on the same path that we have been on.

Mr. WARNER. That is right. Who quoted Edward R. Murrow, something about the strength of our Nation depends on the diversity of thinking and expression.

Mr. LEVIN. Well, it was quoted this morning. It didn’t carry the day, but it was very appropriate.

Mr. WARNER. I thank my colleague. I do believe those two amendments on which we spent so much time were carefully and fully debated. I accept with a sense of humility the outcome, that we were able to prevail on this side of the aisle. However I underline that I do that with a sense of deep humility.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AT-EXANDER). Without objection, it is so ordered.

AMENDMENT NO. 4471, AS MODIFIED

Mr. SESSIONS. Mr. President, I ask unanimous consent to call up my amendment No. 4471 and ask that it be modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

Mr. SESSIONS. I further ask unanimous consent that Senators ALLARD, KYL, THUNE, and VITTER be added as cosponsors.

Mr. LEVIN. Mr. President, resuming the right to object, there is a little uncertainty as to the modifications.

Mr. SESSIONS. I don’t think the Senator will find that objectionable. It dealt with funding allocations, the offsets.

Mr. LEVIN. Is the one at the desk the modified version?

Mr. SESSIONS. Yes.

Mr. LEVIN. If the Senator will please withhold for a moment.

Mr. SESSIONS. I will be pleased to.

Mr. LEVIN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The Senator from Alabama (Mr. SESSIONS), for himself, Mr. ALLARD, Mr. KYL, Mr. THUNE, and Mr. VITTER, proposes an amendment numbered 4471, as modified.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. 236. TESTING AND OPERATIONS FOR MISSILE DEFENSE.

(a) ADDITIONAL AMOUNT FOR MISSILE DEFENSE AGENCY.

The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, the amount that is available for the Missile Defense Agency is hereby increased by $45,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, as increased by subsection (a), $45,000,000 may be available for Ballistic Missile Defense Midcourse Defense Segment (P.L. 108-87).

(1) to accelerate the ability to conduct concurrent test and missile defense operations; and

(2) to increase the pace of realistic flight testing of the ground-based midcourse defense system.

(c) SUPPLEMENT.—Amounts available under subsection (b) for the program element referred to in that subsection are in addition to any other amounts available in this Act for that program element.

(d) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $45,000,000 due to unexpended obligations.

Mr. SESSIONS. Mr. President, recent concerns over a long-range ballistic missile threat have brought the United States closer to North Korea than at any time since the 1950s. This is an event that many experts have predicted and an event of serious import for the world.

President Bush, in December of 2002, directed the Department of Defense to begin fielding a missile defense system to protect the United States. There were many concerns expressed at that time, but Congress followed his orders and has moved forward. Today, we have nine GBIs—ground-based interceptors—in Alaska in silos in the ground, and two in California that are able to be launched to attack and destroy incoming missiles. The system and those missiles that we have are not complete nor fully perfected, but the Commander in Chief, General Cartwright, says it does have capability to defend our Nation.

So I would first like to give my thanks to President Bush and to the Department of Defense for moving on this issue some time ago.

I would also like to express my appreciation for a bipartisan effort that was begun not long after I came to the Senate by Senator THAD COCHRAN and Senator JOE LIEBERMAN and the legislation they passed that called on this Government to deploy a ground-based missile defense system as soon as feasible. That was a major step forward.

Following that, President Bush’s actions in 2002 have moved us farther forward.

These missiles that we have in the ground are able to be launched, they are able to attack and destroy incoming systems. So it is a remarkable thing that has been accomplished.

Many doubted it. We have a lot more testing to do to deal with decoys and other matters to make sure the entire system works in an harmonious and effective way, from the ground-based midcourse defense system to our interceptors and all of the computer systems that are necessary to make these missiles move at incredible speeds to collide in the air with such great force that they basically vaporize without any explosives being involved. So I think, Mr. President, it is an important event in our lifetime as a nation to note that this defense shield is now being employed.

I also was pleased that our Democrat leader a few weeks ago said that: “We live in a dangerous time and the threats to our Nation are many.” He said, “They range from terrorist attacks like those on 9/11 to rogue nations with nuclear ambitions like Iran and Iraq, and we must continue to note the “Headlines about North Korea’s new missile test.” He discussed that and noted: “It is important that we as a country address each of these threats.”

Mr. President, I suggest, based upon the events of the past few weeks, that the debate over the need for missile defense is no longer an academic one, but it is a debate that must now take place in the reality of current events.

As we convene today, North Korea may perhaps still be preparing to test launch its Taepo-Dong II long-range ballistic missile. According to U.S. intelligence agencies, this missile has the potential to reach the shores of the United States. It has a reported maximum range of 9,000 miles, far enough to hit the west coast of the U.S. mainland and all of the Pacific bases, according to an article in the Washington Post earlier this week.

The leaders of South Korea, Australia, New Zealand, China, Japan, and the United States are warning, as Secretary of State Rice did Monday, that, as she said, “The launch of a ballistic missile would be a provocative act that would deepen North Korea’s isolation.”

She urged the North Koreans not to end their moratorium on long-range missile testing. Japan’s warning was even stronger. Japanese Prime Minister Koizumi said that Japan “would have to respond harshly” if there were a missile attack.

North Korea also fields some 200 medium-range No-Dong ballistic missiles that can reach Japan, and it deploys some 600 short-range ballistic missiles that could reach throughout the Korean Peninsula, where we have some 30,000-plus troops.

Likewise, on the other side of the world, Iran continues to enhance and
I don’t know what response the Ambassador had in mind, but certainly the ability to intercept that missile before it struck a populated area would be high on my list.

My main point to my colleagues on both sides of the aisle and in both Houses of Congress, Mr. President, is that missile defenses must now be considered an integral and important tool of U.S. diplomacy and national security policy.

This is the all the more reason to support the administration’s efforts to develop test and field effective missile defenses against missiles of all ranges. So I am pleased to report that the Defense Authorization bill reported out of the Armed Services Committee fully funds the President’s request for missile defense to include $56 million for site survey and design work associated with the European defense missile defense site.

The European missile defense site, scheduled to begin construction in 2008 with full fielding expected in 2011, will allow 10 ground-based interceptors capable of protecting both the United States and Europe against a long-range missile fired by Iran.

If you look at the globe carefully, you could indicate a long-range missile launched towards the United States from Iran over the northeastern Europe. That would be an excellent site to protect both the United States as well as protecting Europe.

Congressional support for this activity is timely for our defense and to support what we have been doing that is the Armed Forces Committee funds the President’s request.

Should diplomacy fail, a European missile defense site will be critical to defer Iranian ballistic missile threats aimed at attacking or intimidating the West.

Our NATO allies recognize the threat posed by the proliferation of ballistic missiles. In 2010, the alliance expects to have the troops deployed that are ready to move to eastern Europe. That would be an excellent site to protect both the United States as well as protecting Europe.

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amendment. I think it is a good step forward.

It is great to see my colleague, Senator ALLARD, here. He used to chair the subcommittee that I have now, the Strategic Subcommittee. He has been a long-time champion of national missile defense.

I say to Senator LEVIN, he is due to be recognized next, but I know Senator ALLARD is here also.

I yield the floor.

The PRESIDING OFFICER. The Senate from Michigan.

Mr. LEVIN. Mr. President, we do accept the amendment on this side. There are no differences in terms of the North Korean threat. The question is whether or not we will be deploying a system which will be adequate to meet that threat. Right now we do not know. There has been no operational testing, realistic testing of our system. It needs testing.

Although we have differences and have expressed those and argued over those differences as to whether we ought to be producing 10 more missiles which have not been tested operationally or realistically—which whether we ought to be buying these final 10 missiles given that we want to make sure if we are going to have a system that it works, and we don’t know that yet—as far as this Senator is concerned, I very much disagree with this approach of buying before we fly. Usually we fly and then we purchase, but this system, we have decided, at least the majority of Senators have decided, that we are going to buy before we test. I think that is a mistake, but that is not the issue on this amendment.

This amendment would authorize $45 million, mainly for testing, mainly to improve the likelihood that a missile which has been deployed will in fact do the job. Since I have been one who has been arguing regularly for more testing, realistic testing, more operational testing, it seems to me that I can very readily support funding which is going to go to more testing, which is really what this amendment is all about.

We have not had a single successful intercept test with an operational system. There have been two failures with this operational system. We don’t know if our system would work. We obviously want it to work if we are going to have it.

Since this amendment basically is going to increase not only the pace of realistic flight testing of this ground-based, mid-course defense system but also is going to accelerate the ability to conduct concurrent testing while the missile defense operations are going on, since in both instances the focus is on testing and making sure that this system will work if ever called upon, I accept the amendment. I have no objection to it and, indeed, support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I rise to speak in support of the amendment offered by my good friend, Senator Jerry SESSIONS of Alabama, who has worked hard on this issue. I know he is a strong, dedicated Senator as far as making sure we have a good, strong national defense, which is important in today’s times.

There is no doubt that this has been an unusual approach where we develop and purchase at the same time. But these issues have posed the possibility of an emerging threat that, according to many of our defense experts, is real. We had to move forward at an unprecedented rapid pace.

Over the last several weeks, the North Koreans have moved toward the brink and have been preparing to test fire a long-range ballistic missile capable of reaching the United States. We were in the same position in 1998. Then all we did was to accelerate. Then we did not have a system that was capable of defending our country from attack.

Today the situation is different. Acting upon the request of Congress, which mandated in 1999 that our country deploy a missile defense system as quickly as technologically possible, the Department of Defense has developed and deployed a missile defense system that is capable of defending our Nation against limited ballistic missiles.

Given the real-world ballistic threats, such as North Korea, the Department of Defense has pursued a strategy of the concurrent tests and operations. The Department recognizes that our current missile defense system does not have sufficient capability and needs more testing. That is why the Department continues to test the system and add new capabilities.

At the same time, it is clear that situations such as the ongoing North Korean threat require that our missile defenses be ready in case of a ballistic missile attack. Leaving our Nation defenseless in the face of an attack is unacceptable, while such situations persist is folly in the extreme. We currently have 11 ground-based interceptors deployed and operational. We have also upgraded our early warning radars, improved our Aegis tracking radars, built new forward-based and sea-based radars, and created an integrated command-and-control battle management system.

These are significant achievements that provide our country with a limited ballistic missile defense. Yet, as we all know, our missile defense still needs more work. It has a limited capability, which is certainly better than having none at all, but we need to do more—particularly with regard to testing.

The amendment offered by Senator SESSIONS puts us on the right track. The Missile Defense Agency needs to test its ballistic missile defense system more often and under more complicated conditions. This amendment, offered by Senator SESSIONS, will help in that effort.

The amendment will also help pay for the unexpected costs of operating the missile defense system 24 hours a day over the last couple of weeks. Soldiers who man the system in Colorado and Alaska have performed exceptionally well, and there is cost for keeping the system on full-time alert status. This amendment helps address this cost.

This body mandated that the Department of Defense deploy a missile defense system as quickly as technologically possible. I urge my colleagues to support this mandate and believe that our current missile defense system can provide a limited defense against a ballistic missile attack. It still needs work, which is why this amendment is so important and necessary.

I do support the Sessions amendment and urge my colleagues to do so as well. I am pleased to hear that the ranking member on the Armed Services Committee has agreed to support this amendment.

I thank, again, Senator SESSIONS, for his leadership on this very important issue. I think this is a valuable system, and we need to be very sure that we do not get behind in this kind of technology.

Mr. President, I yield the floor and thank the Members for their support.

Mr. WARNER. Mr. President, I rise to speak on behalf of the amendment offered by Senator Sessions concerning the need to add an additional $45 million to the Missile Defense Agency for testing and operations of the ground-based midcourse defense, GMD, system.

In December of 2002, the President directed the Department of Defense to begin fielding an initial set of missile defense capabilities that included ground-based interceptors for the defense of the United States against the long-range ballistic missile threat. Given our total vulnerability to that threat, the Missile Defense Agency chose to begin the simultaneous fielding of missile defense interceptors even while developmental testing continued to validate the effectiveness of the system.

While this is not a conventional acquisition approach, I believe it was prudent given the emerging ballistic missile threats we expected to face.

Recent North Korean preparations for the test launch of a long-range ballistic missile confirm the wisdom of the administration’s approach: we need to have an emergency missile defense capability in place, even while development and testing of the system continues.

Moreover, I believe Iran’s continuing development of longer range ballistic missiles, coupled with their intention to acquire nuclear weapons for fielding missile defense capabilities as soon as technically feasible and in numbers sufficient to stay ahead of the threat.

Just last month, from the floor of the Senate, I spoke to my colleagues about how NATO might respond to the greatest threat to regional and global stability that we face today: Iran. I noted...
that I support the principle of preserving as many options as possible in diplomacy, and to bolster those diplomatic options, NATO should consider erecting a “ring of deterrence” that would surround Iran to deter the use of actual force. This has been done so successfully during the cold war. I believe that a ground-based interceptor site in Europe, as being proposed by the Department of Defense, would contribute to this deterrence of Iran and, I believe, many other missile threats, and would be consistent with NATO activities already underway to provide missile defense capabilities for the Alliance in the next decade. Most important, a missile defense site in Europe would send a message to nations developing longer-range missiles that the United States and its allies will not be intimidated by the threat of ballistic missiles armed with weapons of mass destruction.

The amendment before us now recognizes the accomplishments of the Department of Defense in fielding, in such a short time, a limited missile defense system that is now available in an emergency to provide a measure of protection for the American people against a long-range missile threat, such as the missile that now sits on a North Korean launch pad.

One of the limitations of the current GMD system, however, is that it is difficult to maintain the system on alert while it is undergoing the testing necessary to further improve its capability and reliability. To address this limitation, the Missile Defense Agency plans to create the infrastructure and redundant communications links necessary to permit the system to remain on alert even while test events are underway. This amendment helps advance these plans so that we are better prepared to address the threat posed by the development of a North Korean intercontinental missile threat.

In closing, I would note that in my many years here in the Senate, I have been privileged to participate in many a debate over missile defense. We have examined this issue from every conceivable angle—cost, technology, policy, strategy, and diplomacy—and the debate always appeared to me to be somewhat theoretical, since we lacked actual missile defense capabilities. But today this is no longer the case. The test event this past week now has a hard capability to defend its territory, deployed forces, and its allies against missiles of all ranges. It is a limited capability, to be sure, but one that now provides the President and his senior officials with additional options that can improve deterrence and deterrence necessity to further improve its capability and reliability. To address this limitation, the Missile Defense Agency plans to create the infrastructure and redundant communications links necessary to permit the system to remain on alert even while test events are underway. This amendment helps advance these plans so that we are better prepared to address the threat posed by the development of a North Korean intercontinental missile threat.

In the event that we have decided that it is time to move forward and accelerate our testing and deployment, and our deployment of the missile interception system, then this amendment would give us the ability to do so as quickly as possible. This amendment helps advance those successes.

I am delighted that the missile defense system is receiving the kind of support that it needs to receive so that we can get to this point in the program. But I am concerned that it will take us a little longer to get to this point than we had hoped. This is why I support this amendment. I appreciate the support of the ranking minority member on the committee, and I urge my colleagues to support this amendment.

Mr. SESSIONS. Mr. President, I thank the Senator from Arizona for his comments, and in particular I want to express my appreciation to him for his steadfast leadership to ensure that this Nation has a ballistic missile defense system. He was active in this before 9/11. Ever since he has been in the Senate, this has been a long passion of his. I am delighted that he could be here today to share some thoughts about it. The system is not yet where we want it to be. But it has been proved. We have demonstrated hit-to-kill technology on two occasions. Now we have this entire system in place where we have ship-based radar, ground-based radar, our missile satellite system, and the computers are tied all together.

I ask my colleague, Senator Kyl, a member of the leadership in this Senate, if he remembers those debates in the late 1990s—when the Cochran-Lieberman bill passed to deploy this system. Maybe he could share some of his thoughts. He must feel some satisfaction to know that we now have a system in place that can give us at least some protection from a missile attack.

Mr. Kyl. Mr. President, I will respond quickly to make this point. A lot of folks over the years asked, Why has it taken us so long? It is a good question. There are several different answers to it.

First of all, this is hard. It is hard to hit a bullet with a bullet. It has taken a lot of time and effort by very smart people.

I am glad we were there at the beginning, providing them the resources they needed to conduct these kinds of tests and demonstrate that we could really intercept an intercontinental ballistic missile, which is the equivalent of hitting a bullet with a bullet.

There were years in which there was opposition to the missile defense system, in which funding was cut from the program. That crippled the program and slowed it down. There were times when we were ready to deploy something that my colleagues and I would like to deploy yet, we want to do some more testing. As a result, every time we seemed to be ready to put up something, we were pulled back—all the way back to the early 1980s when Ronald Reagan started talking about this. You have to scratch your head and wonder why it has taken us this long to get to this point.

I think the most important thing, as the Senator from Alabama pointed out, is we are now making tremendous progress. We have an operational system deployed. It is better with every subsequent test, and as time goes on, the American people can at least begin to feel a little bit more secure. We are not there yet, as everybody has pointed out. But we are making great progress.

Because we worked hard during some of those lean years to keep the funding going and keep the progress going forward, we are at the stage we are today. I thank both Members of the minority and majority for their support for the program this year.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Legislative Clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside.
Mr. COBURN. Mr. President, I call up amendment No. 4491. The amendment (No. 4491), as modified, is as follows:

AMENDMENT NO. 4491, AS MODIFIED

Mr. COBURN. Mr. President, I call up amendment No. 4491, as modified, and I ask unanimous consent to make it a first-degree amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, is it in order for the clerk to call the roll?

The PRESIDING OFFICER. The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, is it in order for the clerk to call the roll?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, is it in order for the clerk to call the roll?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, is it in order for the clerk to call the roll?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, is it in order for the clerk to call the roll?

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4491), as modified, is as follows:

SEC. 6. REFORMS TO THE DEFENSE TRAVEL SYSTEM TO A FEE-FOR-USE-OF-SERVICE SYSTEM.

No later than one year after the enactment of this Act, the Secretary of Defense may not obligate or expend any funds related to the Defense Travel System except those funds obtained through a one-time, fixed price service fee per DOD customer utilizing the system with an additional fixed fee for each transaction.

Mr. COBURN. Mr. President, this is a great case for the American people to see what is not operating right in many of the branches of our Government.

There is a procurement contract that started out 8 years ago. The total cost was to be $200 million. The idea was to save money by using travel vouchers for our military. That was the goal. The original cost was $246 million. We are now 8 years into this, and we are over $464 million. It is working at a 30-percent level. It was working at less than 10 percent last year. Even though we have the GAO saying they may have saved $13 million this year, the fact is that study didn’t consider the fact that the vast majority of time when they buy an airplane ticket they do not get the best price. So that wasn’t even considered. The purpose of this amendment is to cause us to focus again on what we are doing.

There are no-bid contracts, contracts that change in terms of violation of the competitive laws, performance bonuses, pay for back costs, negotiating through the procurement procedure. There is no significant oversight in this Congress on procurement in the agencies of this Government. That has to change. Nobody in the private sector would get away with this. Nobody in their personal life would be able to get away with this.

Yet we have a system now where almost every ticket that is bought through this $464 million program still has to be checked by a travel agent, of which we pay anywhere from $5 to $11 an hour, even though we might have saved $20 on a payment system through the Pentagon.

What is the problem? I have worked with the comptroller at the Pentagon. They were aware of this. The Secretary of Defense is aware of it. The chairman was aware of the problem. The ranking member and I have had multiple discussions.

The problem is the Pentagon has hundreds of computers that won’t talk to each other. Instead of fixing that problem, we contract to make a system that should be off the shelf for less than $20 million, and we pay $500 million for it so it will speak to all these different programs—and it is not doing it effectively.

The purpose of this amendment is to quit sending good money after bad and contract for a system that says if this is good for the Pentagon, then use it and we will pay for it. That incentivizes the contractor to make it easy, to make it useful, and to get our value for it. Isn’t half a billion enough to pay for a travel system that we could have bought off the shelf for $50 million? It reflects on what we have as problems within the Pentagon.

Let me touch on that. I am a supporter of the Pentagon. I am a supporter of our Defense Secretary. He has told me this is working in the areas where they have great problems. Last year, the Pentagon paid $6 billion in performance bonuses to contractors who
did not meet their performance requirements. Think about that for a minute. That means if you are told where you work: If you meet a certain expectation you are going to get a bonus, except we will pay you even if you do not meet that expectation—what are you going to think next? You are going to think: I don’t have to meet the expectation because I am going to get paid.

That is exactly what is happening within our contracting within the Pentagon and several other agencies within the Federal Government.

I ask the chairman and the ranking member to consider this. I believe it is a way to straighten out a contract and also send a signal. At best, we are going to have a $350 billion deficit this year. Should we spend our kids’ and grandkids’ money in an inefficient way? This is a good message we ought to send so other contractors see it. You will not get a cost-plus contract if you do not meet the cost target. We are not going to continue to have contracts renewed.

There are a lot of other details, and I ask unanimous consent to have them printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**BACKGROUND**

The Defense Travel System (DTS), is an end-to-end electronic travel system intended to improve functions of the General Services Administration through ticket purchase to accounting for the Department of Defense. The system was initiated in 1998 and it was supposed to be fully deployed by 2002. DTS is currently in the final phase of a six-year contract that expires September 30, 2006. In its entire history, the system has never met a deadline, never stayed within cost estimates, and never performed adequately.

To date, DTS has cost the taxpayers $474 million—a staggering $220 million more than it was expected to cost.

In short, the American taxpayer has funded a project that is FOUR YEARS behind schedule and several contractors won the contract. GSA e-travel systems are fully automated and do not rely upon the travel agent or the system where the ticket and performance rates, and higher fees, up to $23, if a travel agent has to complete or correct a DTS transaction.

Under the GSA Contract DOD would pay only $5.25 per transaction to whichever of the three contractors wins the contract. GSA e-travel systems are fully automated and do not require the assistance of a travel agent. This example here shows that DTS is not effective.

**TESTING OF THE SYSTEM IS NOT ACCURATE**

In a January 2006 report, GAO noted that DTS, as originally envisioned, was to commence within 120 days after the effective date of contract award in September 1998, with complete deployment by July 1, 2000. This was ultimately failed to meet the expectation because I am going to get paid.

In GAO’s latest report, January 2006, they examined agencies that continue to use existing legacy travel systems at locations where DTS is not present. This means that all of the proclaimed savings that DTS was supposed to reap are nowhere to be found—because DOD continues to use legacy systems to do the same work.

A blatant example of the waste from the use of these two systems can be seen in the way that travel vouchers are processed. According to an April 13, 2005, memorandum from the Assistant Secretary of the Army, Financial Management and Comptroller, from 2005 to 2006, DOD was paying only $5.25 through approximately $6 million to process 177,000 travel vouchers manually, or $94 per travel voucher, versus about $165,000 to process 11,000 travel vouchers electronically, or $2,22 per travel voucher. Overall, for this 5 month period, the Army reported that it spent about $5.6 million more to process these travel vouchers manually as opposed to electronically using DTS.

This example here shows that DTS contract. The DOD is being paid billions of dollars each month for operation and maintenance, training, help desk, development and deployment regardless of the actual extent of use by DOD travelers. In addition, DOD is also paying travel agents, commercial travel managers, fees ranging from $12.50 to $5.25 per travel transaction using DTS, the agent still has to buy the ticket and perform other administrative functions, and higher fees, up to $23, if a travel agent has to complete or correct a DTS transaction.

Under the GSA Contract DOD would pay only $5.25 per transaction to whichever of the three contractors won the contract. GSA e-travel systems are fully automated and do not require the assistance of a travel agent. This example here shows that DTS is not cost effective.
just covered the losses covered by the contractor when the original contract stipulated that the contractor would bear all risks for the development and deployment of DTS.

Mr. WARNER. Mr. Coburn has been asking me the same question for the last 12 years. I commend the Senator for that work. As a consequence of that work, the Department has done some things, have they not?

Mr. COBURN. They have.

Mr. WARNER. It has been told to me that 95 percent of the Senator’s goals have been achieved and that by October 1 of this year, it will be 100 percent.

Mr. COBURN. The actual numbers on utilization of this system, if the Senator will allow me for a minute, the utilization rate right now is 30 percent in the military. In other words, 3 out of 10 facilities that purchase travel are utilizing this. If that is what we wanted when we contracted it, great. But that is not what was in the contract.

This same contractor, by the way, had a system developed through the Department of Transportation 6 months ago that is working just fine. We have reported that the problem with the system is the contracting, not the contractor. We ought to send a signal. Say it is 90 percent, if that is the case, they will make more money doing it on a per-travelation basis than they would under the current contract.

Mr. WARNER. Mr. President, my friend is an expert on this, and I freely admit I am not.

Mr. COBURN. I am not an expert, but I don’t like waste. I think we have wasted money.

Mr. WARNER. It is represented to me the DTS, the defense system is not merely a travel booking system, but it has much broader functionality than anything the Federal Government e-travel systems. In short, DTS is an end-to-end accounting system that automatically handles the entire range of otherwise very expensive and time-consuming manual tasks associated with DOD travel.

And, for the record, comparison has to begin with the fact that DTS offers an end-to-end travel management capability that incorporates military entitlements and DOD travel policies, and e-travel services simply do not.

Mr. COBURN. I freely admit that I made this point: We are fixing the wrong problem. The problem is the computer system. The reason this is so expensive, the computer systems in the Pentagon do not talk to one another. We have designed a monolithic computer system to make it talk to all these systems that will not talk to one another rather than to fix the computer system in the Pentagon to make them talk to one another.

If we do that on every project that we need to enhance and overfill for the Pentagon, we are going to get into the same problem. They make all their money by being able to pay the bill. But it is a travel system.

If they make efficiency in terms of being able to pay the bill—which is the problem the Pentagon was having—we ought to also expect them to get the fares right and not have to pay another $6 to a travel agent for every ticket they write. I talk about being able to see if the system was right. That is what is happening.

When you say 90 percent, that is 90 percent, plus we are having the travel agents check it. It is not an automated system trying to place something that is not adequately serving this constituency and the Department of Defense. I would rather put in a fix if I can get in my mind what that fix can be. The amendment could virtually bring what is in existence at DOD today.

Mr. COBURN. If I could ask the chairman a question, if, in fact, it is at 90 percent, as the contractor says it is, basis. You cannot have it both ways. If they are at 90 percent, any prudent businessman would say: Sure, we want it on a transaction basis. If they are not at 90 percent, if they are at 30 percent, as I propose they are, and ineffectively at 30 percent, the reason they are at 30 percent this year and next year is because they are going to make a lot more money than they would on the transaction basis.

Mr. WARNER. Mr. President, I continue to be very depressed by the knowledge that this Senator has on the subject. I freely admit that I do not have the depth of knowledge.

I understand initially the amendment called for a study. Then, as provided under the rules of the Senate, the Senator modified the amendment, and it is now a very specific piece of legislation that I am advised could well end the program.

Somewhere between a study and trying to end the program, should the Senator prevail, there is a basis on which we can have an accommodation so I can accept some measure to meet the Senator’s goals and incorporate it in the bill, assuming my distinguished ranking member will accept my recommendation.

Mr. President, why doesn’t the Senator go to his next amendment? In the meantime staff can go to work.

Mr. COBURN. I will gladly do that, and I am happy to work with you.

Mr. COBURN. I make a final point. Supposedly, this contract is going to be out for bid at the end of this year. It was supposed to have been out for bid last year. They renewed the contract without putting it out for bid, so I don’t have any hope it will go out, first.

And, No. 2, nobody is going to bid on this. It is a mess. Nobody is going to bid on it. The only person you will have bid on it is the original contractor. Whether that is accurate or not, nobody is going to bid on it, with the chairman to bring down the costs.

The fact is, the real problem is the computer systems in the Pentagon. We all know that. The Senator is aware of it, the ranking member is aware of it. The comptroller is working hard to change that. That is a 4- to 7-year program that we have embarked on which everyone knows has to happen.

Here is my worry: I will be back here next year doing the same thing because it will not be going to work. That is my worry. That is not fair to our grandkids.

Mr. WARNER. Mr. President, I say that is not fair to the men and women of the Armed Forces who use this program.

I am not trying to keep in place something that is not adequately serving this constituency and the Department of Defense. I would rather put in a fix if I can get in my mind what that fix can be. The amendment could virtually bring what is in existence at DOD today.
then by the contract they should have already converted over to a per-trans-
action plan. So why haven't they? They haven't because it is not at 90 percent
because they would be making a whole lot more money if it was.
I am happy to ask unanimous con-
sent that I do not want to take any more time and discuss other amendments and work with the Senator and his staff prior to the vot-
ing or conclusion of this bill.
The PRESIDING OFFICER. Without objection, is it ordered?
Mr. WARNER. I thank the coop-
eration of the Senator.
The PRESIDING OFFICER. The Sen-
ator from South Carolina.

AMENDMENT NO. 4935
Mr. GRAHAM. Mr. President, if it is ac-
ceptable to the chairman, I would like about 10 minutes, maybe less, to
talk about a managers' amendment that has been accepted by the chair-
man and ranking member, to put in the record how important I think this is
regarding military retirement, Guard and Reserves.
Mr. WARNER. We certainly want to
accommodate the Senator. I suggest at
the conclusion of the presentation of this
next amendment.
Mr. GRAHAM. I am happy to let the
Senator from South Carolina intervene
for a short period of time.
The PRESIDING OFFICER. The Sen-
ator from South Carolina has the floor.
Mr. WARNER. I will be very brief.
One, I thank the chairman and rank-
ing member for their willingness to
help Senator CHAMBLISS and Senator CLINTON and myself with a package of
reforms that would be very beneficial to the Guard and Reserve.
Right now, the current system will not allow you to retire until you are 60.
You can serve your 20 years, 30 years,
but you have to wait until you are 60 to get your benefits. We are trying to
incentivize those Guard and Reserve to take part in active-duty operations,
and if you are called up to active duty involuntarily, for every 90 days a mem-
ber spends on active duty, from Sep-
tember 11 forward, you will get a day-
for-day credit in terms of retirement. If
you serve a whole year on active duty, voluntarily or involuntarily, you could
retire at 59.
We have had this scored. It is min-
imum cost share. But I can assure you it will go a long way in the Guard and Reserve
community as a much needed reform.
It will be well received by our troops.
It will be good for them and their fam-
ilies. Quite honestly, the level of com-
mitment, the level of Active Duty serv-
ices is the same whether it was World War II or the Guard and Reserve, and it is the
least we can do. This will certainly
benefit our guardsmen and reservists
and their families. I appreciate the
chairman and ranking member putting it in this package.
I have enjoyed working with Sen-
ators CHAMBLISS and CLINTON on this
issue. The reduced retirement provi-
sion was from Senator CHAMBLISS. It
was his amendment. And we used his
amendment also to improve health
care for the Guard and Reserves.
What we have done—there is a three-
tiered system. For every 90 days you
serve on active duty, you will get a year of TRICARE at a 28-percent pre-
mium share rate, which is the same as
for Federal employees. Everyone who
works in our offices as Federal employ-
ees pays 28 percent of the cost of their
Federal health care. The only group in the Federal system who do not have
Federal health care were the Guard and
Reserves. We fixed that last year. And
we are going to have a change in the
allocation.
Tier 2: If you are an unemployed or
an uninsured guardsman or reservist,
we are going to have a 50-50 cost share.
If you are in the private sector with
health care, and you want to come into
TRICARE, to have continuity of health
care, not bouncing back and forth, we
will help you do that. So if you
want to get out of your private-sector
health care and come into TRICARE,
you will have to pay 75 per-
cent. That will be down from 85 per-
cent. We put a cap on premium growth.

The entire package, from allowing
people to retire early if they serve on
active duty, voluntarily or involun-
tarily, is a great idea. Balancing out
the premiums to be paid will go a long
way, like every other Federal em-
jee. The one that you have
understand about the
premium share.

Mr. GRAHAM. Mr. President, if it is
accepted, it will be very brief.
Mr. COBURN. I am happy to let the
Senator from South Carolina intervene
for a short period of time.

The PRESIDING OFFICER. The Sen-
ator from South Carolina has the floor.

Mr. WARNER. I thank Senator C HAMBLISS for com-
ing up with a package that would allow
military members and the Guard and
Reserves to get credit for their active
service in terms of retiring below age 60. Senator CLINTON and I have worked
for several years on TRICARE benefits
for guardsmen and reservists. I think
we have improved that benefit in a
very reasonable way. I put that on the
record and believe that the chairman of
the Senate will appreciate what we have
done because our guardsmen and
reservists have served above and beyond
the call of duty.
Mr. President, I now yield to Senator
CLINTON.

The PRESIDING OFFICER. The Sen-
ator from New York.

Mrs. CLINTON. Mr. President, I am
honored and delighted to join my voice
along with my colleagues, Senator GRAHAM and Senator CHAMBLISS, and
thank them for their efforts.

Today, we have made further
progress in improving benefits for Na-
tional Guard members and reservists.
This bill makes great strides in im-
proving retirement benefits for reserv-
ists and Guard members who serve for
longer periods. For every consecutive
year of service and for Federal status, the age at which they receive their retirement annuity
would be decreased by 3 months. The lowest a
member could collect retirement pay as a
result of this provision would be 50 percent of the amount they would have
qualify for health care benefits would not
decrease.

Any Guard or Reserve member who is
called or ordered to active duty, or vol-
unteers for active duty, would qualify.
This will greatly help us with recruit-
ment and especially retention. We have
a problem in our Reserve component
which has been under great stress over
the last several years.

Last year, thanks to the leadership of
Senator GRAHAM, we made great
progress in expanding access to
TRICARE. All members of the Selective
Reserve are eligible to enroll in
TRICARE, and we created a separate
category based on whether a Guard
member or reservist had been deployed.
Category one, for members of the Se-
lective Reserves who have been acti-
vated: Members would accumulate 1
year of TRICARE coverage for every
year of service and would only have to
pay 28 percent of the cost. Category
two established a 50-50 cost share for
those without health insurance owing
to unemployment or lack of employer-
provided coverage. And category three
was for the remainder of members of
the Selective Reserve who did not fit in
the other categories, allowing them
to buy into coverage at an 85 percent
cost share.

Our improvements this year will
allow small businesses with fewer than
100 employees to qualify for the 50-50
cost share. And it reduces the amount
paid, by those who qualify for category
two, to 75 percent.

This is not only a win-win for Guard
members and reservists. This is a
win-win for our military services and for
our country. We are sending a clear
message—not just rhetoric, not just
rah-rah—but a very clear, solemn mes-
 sage to those who volunteer to be our
citizen soldiers. Perhaps in the past
they thought they would have a weekend a month, 2 weeks in
the summer. Well, now they know they
are part of the war against terrorism.
They are on call literally at any
moment.

What we found is that when we began
to activate those Guard and Reserve
members, 20 to 25 percent of them were
found to be medically unready. They
had physical problems. They had den-
tal problems. They were not ready
because they did not have health insur-
ance. They fell into the category of
Americans who go without health care
because they cannot afford it or their
employer does not provide it.
So in addition to the work I have been privileged to do with Senator Graham on health care benefits, and under the leadership of Senator Chambliss with respect to retirement, we have really sent a great message to our men and women in the Guard and Reserve that we care about you. We care about your families. We value your service. And we want you to know that when it comes to retirement and health care, your country is grateful.

Thank you very much, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4370

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 370 be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. Coburn] proposes an amendment numbered S370.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require notice to Congress and the public on earmarks of funds available to the Department of Defense)

At the end of subtitile A of title X, add the following:

SEC. 1006. REPORTS TO CONGRESS AND NOTICE TO PUBLIC ON EARMARKS IN FUNDS AVAILABLE TO THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT AND NOTICE REQUIRED.—The Secretary of Defense shall submit to Congress, and post on the Internet website of the Department of Defense available to the public, each year information as follows:

(1) A description of each earmark of funds made available to the Department of Defense for the previous fiscal year, including the location (by city, State, country, and congressional districts) in which the earmarked funds are to be utilized, the purpose of such earmark (if known), and the recipient of such earmark.

(2) The total cost of administering each such earmark including the amount of such earmark, staff time, administrative expenses, and other costs.

(3) An assessment of the utility of each such earmark in meeting the goals of the Department, set forth using a rating system as follows:

(A) A for an earmark that directly advances the primary goals of the Department or an agency, element, or component of the Department.

(B) B for an earmark that advances many of the primary goals of the Department or an agency, element, or component of the Department.

(C) C for an earmark that may advance some of the primary goals of the Department or an agency, element, or component of the Department.

(D) D for an earmark that cannot be demonstrated as being cost-effective in advancing the primary goals of the Department or any agency, element, or component of the Department.

(E) F for an earmark that distracts from or otherwise impedes that capacity of the Department to meet the primary goals of the Department.

(b) EARMARK DEFINED.—In this section, the term "earmark" means a provision of law, or a directive contained within a joint explanatory statement or report accompanying a bill or continuing resolution (as applicable), that specifies the identity of an entity, program, project, or service, including a defense system, to receive assistance not requested by the President, and the amount of the assistance to be so received.

Mr. COBURN. Mr. President, this is an amendment that is going to have some emotion with it. I want to talk about it first. There is no question when it comes to the wisdom of many of the Members of our body that directing the Pentagon to do certain things is valuable. We know that from anecdotal experience. But what we don't know is how many times we have told them to do something that has been a complete waste. What I am talking about are earmarks in the Defense authorization bill as well as in the Defense appropriations bill.

There is a wonderful body of knowledge, plus an institutional knowledge, in this room to direct the Armed Services. I believe we ought to be in that position. What this amendment does is ask for a report. I want to explain, for a second—and I want the American public to see—what has happened to earmarks.

In 1994, there were $4.2 billion worth of earmarks in the Defense appropriations bill. Last year, there were $9.4 billion. The question we should be asking is not whether or not there should be earmarks, but what is the result of those earmarks? What is the consequence of the earmarks? Not only were the numbers up, the dollars up, but the numbers have skyrocketed.

So the question which I think would be prudent for, No. 1; Earmarks are consuming a larger percentage of defense dollars. They also, according to Pentagon reports and some Members of this body, are taking money away from other priorities that are deemed to be a higher a lot of the time. They also account for some of the problems we are having in the emergency supplementals and adding to the rising cost of our debt. Many times they are not needed, but, in fact, they are associated with benefiting a region or area that is not necessarily in the highest priority.

So this is not about eliminating earmarks. This is about looking at earmarks and saying: What are we getting for them? Where are they working great for us? Where are they not working? Are they beneficial to the defense of this country? Is it something that gives us a benefit?

The other thing I would remind us of, is, in the most recent history we have seen an ethical lapse in association with the cost of those earmarks. We have actually seen some criminal behavior in association with earmarks. That ought to be a part of the report as well. So the whole idea is to add transparency and accountability to earmarks. Let's look at them. What are we getting for them? What are we losing? What are the opportunity costs that are lost because we have them there. Then the total amount of earmarks in Defense appropriations bills would be put in this report.

We can determine the actual numbers of earmarks and the actual price tag. But we don't know the hidden costs of those earmarks. What do we put in something else of maybe a lesser priority?

The annual report will provide Congress and the public a more complete understanding of the total cost of the earmarks to the Department of Defense, the purpose and location of each earmark, and an analysis of the usefulness of each earmark in advancing the goals of the Department of Defense. This will provide Members of Congress a more complete view of the effectiveness of each project and whether those projects warrant continued funding.

The last amendment we were on started as an earmark. I remind the Members of this body, it started at $200 million, and now will have grown to over $500 million in initiatives and earmarks, but we did not have the benefit of a report such as this to see if we were getting value for this money.

This is a simple amendment. It is not going after earmarks. It is not saying they are bad. It is not saying they are good. What it is saying is: Shouldn't this body know? Shouldn't we know the impact, positively and negatively? Shouldn't we know the lost opportunity cost?

I hope both the ranking member and the chairman of this committee will give this amendment consideration. And I ask for their response.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the managers are working to try to resolve a number of issues in the hopes we can complete this bill. I will eventually reply to the Senator from Georgia. I wonder if at this time, without losing the floor, he will yield to his colleague to speak on another matter.

Mr. COBURN. I say to the Senator, I will be happy to.

Mr. WARNER. I thank the Senator. The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I thank the chairman and thank my good friend from Oklahoma for yielding for just a minute.

AMENDMENT NO. 4365

Mr. President, I would like to address amendment No. 4365, cosponsored by Senators Graham, Senator Clinton, and Senator Burns.

This amendment, which I am speaking on today, makes what I believe is a
relatively minor but very important adjustment to the Reserve retirement system. My amendment would lower the age at which a reservist can receive their retirement annuity by 3 months—counting down from age 60—for every 90 days they spend on active duty during a fiscal year.

This amendment specifically rewards the members of the Guard and Reserve who have been called or ordered for active duty, interrupted their civilian lives for an extended period of time, and in many cases placed themselves in harm’s way in defense of their country.

Currently, the average reservist, if they collect any retirement pay at all, receives a small fraction of the annuity that an Active Duty member receives. If this amendment becomes law, that percentage will rise slightly. But in no way will this amendment result in a major change with large financial implications.

I do not have a formal CBO estimate for the current version. However, based on CBO scoring for an earlier version, I suggest the cost of this amendment will be approximately $300 million over 5 years. There have been several other bills and amendments related to Reserve retirement introduced in Congress, and for the sake of comparison, I believe my amendment provides the right incentives and rewards. It is also the least costly alternative which has been offered so far.

I believe this amendment is significant and important because it recognizes the increased contributions our reservists are making, rewards them for their service in the global war on terrorism, and provides reservists in the middle of their careers with an incentive to stay on board. I have received great feedback from the Department of Defense on this amendment because it provides incentives for volunteers, provides motivation for retention, and it is very low cost.

The Reserve Officers Association of America, the National Guard Association of the United States, the Naval Reserve Association, the Reserve Enlisted Association, and several other military associations also support the amendment and see it as an important, responsible step forward in support of our reservists.

With the coauthorship of my good friends Senator GRAHAM of South Carolina and Senator CLINTON of New York, this amendment also makes two important changes to the current laws related to TRICARE by allowing small businesses under 20 to participate in the 50–50 cost share in the TRICARE program and changing third tier beneficiaries from paying 85 percent to 75 percent. These are important changes, which benefit our men and women in the Guard and Reserve and further provide for the health care benefits of our servicemembers in a way that is affordable and enhances their service.

I commend its inclusion in the bill. It has been a pleasure to work with Senators GRAHAM and CLINTON, as well as Senator BURNS, on this matter. We have had great cooperation from both the chairman and ranking member. I can’t tell them how much we appreciate this.

This is the No. 1 issue of the Guard and Reserve this year. It is going to be a great package. I commend Senator GRAHAM for his hard work, Senator CLINTON for her hard work, as well as Senator BURNS for his hard work on this issue. I appreciate very much the cooperation of the staff, as well as the chairman and ranking member, in making sure that we continue to look after our men and women in the Guard and Reserve who are being called up all the more often than we have ever anticipated and all the more often than what they anticipated.

The chairman and ranking member have accepted the amendment, and I am appreciative of that.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 471, AS MODIFIED

Mr. FRIST. Mr. President, I know in a few moments we will be voting. I did want to come to the floor and speak strongly in support of the Sessions missile defense amendment.

More than 23 years have passed since President Reagan announced his Strategic Defense Initiative—the idea that our Nation should develop the ability to protect itself against the threat of missile attack by being able to shoot down incoming missiles.

President Reagan’s idea has been very controversial ever since it was announced.

For some reason there has always been a very substantial school of thought, especially on the other side of the aisle, that we are better off being defenseless against missile attack; that instead of being able to shoot down incoming missiles, we should rely instead exclusively on the threat that we will strike back after someone else attacks us first.

This policy of intentional vulnerability—of intentionally exposing our cities and our people to the threat of a missile attack—makes none of the sense to me or to the American people.

But that hasn’t stopped repeated efforts over the years by opponents of missile defense to reduce or even eliminate funding for research, development, and deployment of missile defenses.

Fortunately, Republican administrations and Republican Congresses over the last 23 years have fought to continue our national investment in missile defense.

Thanks to our efforts, our Nation today has a number of missile defense systems and components in place, including a total of 11 ground-based midcourse interceptors fielded in Alaska and California, and more are on the way.

This system is working today to defend the American people.

As Assistant Secretary of Defense Peter Flory testified 3 months ago before a House committee:

The United States today has all of the pieces in place needed to intercept an incoming long-range ballistic missile: ground-based interceptors in Alaska and California; a network of ground, sea, and space-based sensors; a command and control network; and most importantly, trained servicemen and women ready to operate the system. Our missile defense effort today is primarily oriented toward continued development and testing. But we are confident that it could intercept a long-range ballistic missile if called upon to do so.

The existence of this system, rudimentary though it may be, is a great source of comfort to the American people, especially as we confront the threat that North Korea may test fire an ICBM eastward across the Pacific Ocean any day now.

No less an expert than Dr. William J. Perry, President Clinton’s Secretary of Defense, has seen the risk of such a test launch by North Korea as sufficiently threatening to America to justify a preemptive U.S. attack on the North Korean ICBM while it is still sitting on its launch pad.

Secretary Perry, in his op-ed in today’s Washington Post, acknowledges that attack on the North Korean ICBM in North Korea would be a high-risk action that could lead to war between the United States and North Korea.

I certainly want to avoid a war with North Korea if at all possible. At the same time, I cannot disagree with Secretary Perry that North Korea’s missile program poses a great threat to our Nation that we cannot ignore.

It was precisely to avoid having to choose between preemptive war and defenselessness that our Nation has been pursuing missile defense for the last 23 years.

Senator Sessions’ amendment underscores and increases our Nation’s commitment to missile defense by increasing the funding for it in this bill by $45 million.

It is a worthy amendment that builds on the commitment that many of us have demonstrated over the years to missile defense.

I understand that the distinguished ranking member, Senator LEVIN, has expressed his support for the amendment, which I welcome—not only because I value his support, but also because it renews my faith in the power of redemption.

I know we will be voting shortly, but I urge strong support of the Sessions amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.
Mr. COBURN. Mr. President, I would like to call up amendment No. 4491 again. The PRESIDING OFFICER. Without objection, the amendment is pending. 

Mr. COBURN. I ask for its consideration for the purpose of a vote. The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 4491, as modified. 

The amendment (No. 4491), as modified, was agreed to.

AMENDMENT NO. 4570 

Mr. COBURN. I call up amendment No. 4370. The PRESIDING OFFICER. The amendment is pending. 

Mr. COBURN. I ask for its consideration. The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 4370. The amendment (No. 4370) was agreed to.

Mr. WARNER. Mr. President, as a courtesy to the Senator, I move to reconsider the votes and to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. WARNER. I thank the Senator from Oklahoma. I believe we will shortly have a UC request to present, but I am looking for the Senator from Alabama, Mr. Sessions. If I could have his attention, my understanding is that the Senator desires a rolcall vote on his amendment. Mr. SESSIONS. I do think that is appropriate.

Mr. WARNER. Fine, the amendment has been debated on both sides. 

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we support the amendment. Obviously, if there is a desire for a rolcall, that is their right. We will be recommending a “yea” vote.

Mr. WARNER. Mr. President, we want to schedule that vote. So it is agreed that will be the subject of a rolcall vote.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that at 3:45 p.m. today, the Senate proceed to stacked votes in relation to the following amendments to the Defense authorization bill: Chambliss No. 4261, Sessions No. 4471, as modified. I further ask that there be no amendments to the amendments in order prior to the votes and that after the first vote, all rolcall votes be 10 minutes in length; further that there be 2 minutes equally divided between each vote after the first.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR 

Mr. FRIST. I ask unanimous consent that following the stacked votes that begin shortly in relation to the Defense authorization bill, the Senate proceed to executive session and to immediate votes on the following nominations: No. 704, Andrew Guilford, U.S. District Judge for the Central District of California; No. 714, Frank D. Whitney, U.S. District Judge for the Western District of North Carolina. I ask unanimous consent that prior to each vote it be in order for the Senators from California and the Senators from North Carolina to speak for up to 3 minutes each or to submit statements for the record prior to the votes; provided further, that following those votes, the Senate proceed to the consideration of No. 715, the nomination be confirmed, the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

Mr. LEVIN. Reserving the right to object, we understand that District Judge Frank Whitney would probably be a voice vote; is that correct?

Mr. FRIST. That is correct. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I turn to the chairman and the ranking member to comment on what they expect over the course of the afternoon, but the two unanimous-consent requests that we just did means that we will have a series of two or three rolcall votes and one by voice. And then after that, I will turn to the chairman and ranking member as to what we might expect in terms of completion of the bill. 

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, could the majority leader authorize the chairman to seek final passage when we are ready to go?

Mr. FRIST. Yes.

AMENDMENT NO. 4261 

The PRESIDING OFFICER. Under the previous order, the hour of 3:45 having arrived, the question is on agreeing to the Chambliss amendment No. 4261.

The yeas and nays have been ordered, and the clerk will call the roll. The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).
passage and have the colloquy inserted in the RECORD prior to. The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. I thank the Presiding Officer, and I thank my colleagues.

AMENDMENT NO. 471, AS MODIFIED

The PRESIDING OFFICER. There are now 2 minutes equally divided for debate before a vote in relation to the Sessions amendment No. 471. Who yields time? Is all time yielded back?

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I think there is strong support on both sides of the aisle for this amendment. This is money which goes to testing of the missile defense system mainly; it surely needs testing. That has always been the question. So I support this amendment, and I believe we could have a voice vote, but there has been a request for a rollcall vote. We support the amendment.

Mr. WARNER. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. WARNER. Mr. President, this is an amendment by the distinguished Senator from Alabama, Mr. SESSIONS, and the distinguished Senator from Tennessee, Mr. FRIST, and it has been carefully worked and debated. I ask that the vote begin.

The PRESIDING OFFICER. The Senator from Alabama still has 1 minute remaining.

Mr. SESSIONS. Mr. President, I would just say that the projected launch from North Korea has caused us to focus intensely on the missile defense system. To celebrate what we have accomplished, we have nine missiles now in place in Alaska and two in California that are capable of knocking down such an attacking missile. This amendment would allow the capability for continued testing and, at the same time, be on 24/7 readiness to knock down an incoming missile.

We think it is a good amendment, and it is offset. I urge my colleagues to support it. In effect, we would also be sending a message to North Korea and Iran and other rogue nations that we would be ready to defend this Nation.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 471, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from West Virginia (Mr. ROB FERELL) is necessary absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS

Alabama—Alexander, Domenici, McCain
Arkansas—Delay, Dorgan, Baucus
California—Bachus, Ensign, Boxer
Colorado—Bailey, Feingold, Bennett
Connecticut—Biden, Grasso, Boxer
Delaware—Brown, Hagel, Burns
Florida—Burr, Hutchison, Bonner
Georgia—Byrd, Inman, Burns
Hawaii—Cantwell, Inouye, Burns
Idaho—Cassidy, Jones, Bonner
Illinois—Carper, Isakson, Chambliss
Indiana—Clinton, Kennedy, Collins
Iowa—Chafee, Jeffords, Collins
Kansas—Coats, Roemer, Coburn
Kentucky—Conrad, Kyl, Coleman
Louisiana—Landrieu, Specter
Maine—Collins, Snowe, Lincoln
Maryland—Clemens, Kohl, Colmey
Massachusetts—Connell, Lieberman, Lieu
Michigan—Collins, Leahy, DeMint
Minnesota—Cromyn, Leahy, Durbin
Mississippi—Cochran, Tester, McConnell
Missouri—Craig, Lieberman, DeWine
Montana—Crabtree, Lieberman, Nelson
Nebraska—Dodd, Feingold, Johanns
Nevada—Durbin, Gandhi, Nelson (NV)
New Hampshire—Hutchison, G惟onovich, Ayotte
New Jersey—Menendez, Menendez, Menendez
New Mexico—Hagel, Sanchez, Sanchez
New York—Menendez, Schumer, Schumer
North Carolina—Dole, Sessions, Sessions
North Dakota—Baucus, Begich, Hoeven
Ohio—Battle, Byrd, Brown
Oklahoma—Bingaman, Coburn, Coburn
Oregon—Baucus, Wyden, Wyden
Pennsylvania—Bennett, Specter, Specter
Rhode Island—Reid, Hollings, Hollings
South Carolina—Baucus, Graham, Graham
South Dakota—Baucus, Byrd, Feingold
Tennessee—Baucus, Bays, Bays
Texas—Enzi, DeMint, DeMint
Utah—Baldwin, Bennett, Bennett
Vermont—Vermont, Patti, Patti
Virginia—Warren, DeMint, DeMint
Washington—Murray, Feingold, Feingold
West Virginia—Rockefeller, Rockefeller, Rockefeller
Wisconsin—Kerry, Feingold, Feingold
Wyoming—Lott, Barrasso, Barrasso

NAYS

Alaska—Southwell
Arizona—Salazar, DeMint
Arkansas—Baucus, Bowles
California—Boxer, Reid, Boxer
Colorado—Babineaux
Connecticut—Levin
Delaware—Bennett
Florida—Burr, Boxer
Georgia—Campbell
Hawaii—Baucus, Boxer
Idaho—Baucus, Boxer
Illinois—Collins
Indiana—Chambliss
Iowa—Risch
Kentucky—Conrad
Louisiana—Landrieu
Maine—Collins
Maryland—Clemens
Massachusetts—Collins
Michigan—Collins
Minnesota—Collins
Mississippi—Cochran
Missouri—Collins
Montana—Johnson
Nebraska—Collins
New Hampshire—Lautenberg
New Jersey—Cory Booker
New Mexico—Hagel
New York—Menendez
North Carolina—Baucus
North Dakota—Baucus
Ohio—Baldwin
Oregon—Baucus
Pennsylvania—Bennett
Rhode Island—Reid
South Carolina—Baucus
South Dakota—Baucus
Tennessee—Baucus
Texas—Enzi
Utah—Baucus
Vermont—Vermont
Virginia—Warren
Washington—Murray
West Virginia—Rockefeller
Wyoming—Lott

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, for those Senators who may not have heard that vote, if I am correct it was 98 yeas, 0 nays. That is a strong voice and strong vote to move to final passage.

Mr. LEVIN. Mr. President, if the Senator will yield, it is also a very strong voice for testing a missile system as well as supporting the men and women in the Armed Forces.

I wonder if we could get the attention of the Senate. It is our understanding now that we are going to proceed to a package which has been cleared and then move to final passage. Mr. WARNER. That is correct.

Mr. LEVIN. And then immediately move to consideration of a judge.

Mr. WARNER. That is correct. The prior vote being on the missile defense. Mr. LEVIN. I thank my colleague.

AMENDMENTS NO. 4520, AS MODIFIED

The amendment (No. 471), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, for those Senators who may not have heard that vote, if I am correct it was 98 yeas, 0 nays. That is a strong voice and strong vote to move to final passage. Mr. WARNER. That is correct.

Mr. LEVIN. Mr. President, if the Senator will yield, it is also a very strong voice for testing a missile system as well as supporting the men and women in the Armed Forces.

I wonder if we could get the attention of the Senate. It is our understanding now that we are going to proceed to a package which has been cleared and then move to final passage. Mr. WARNER. That is correct.

Mr. LEVIN. And then immediately move to consideration of a judge.

Mr. WARNER. That is correct. The prior vote being on the missile defense. Mr. LEVIN. I thank my colleague.

The amendment (No. 471), as modified, was agreed to.

Mr. WARNER. I send a series of amendments with the desk which have been cleared by myself and the ranking member. I ask unanimous consent the Senate consider these amendments en bloc, the amendments be agreed to, and the motions to reconsider be laid upon the table. Finally, I ask that any statements pertaining to any of these individual amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4520

(Purpose: Relating to the Minuteman III Intercontinental Ballistic Missile)

At end of subtitle D of title 1, add the following:

SEC. 147. MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILES.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Joint Explanatory Statement of the Committee on Conference on H.R. 1815, the National Defense Authorization Act for Fiscal Year 2006, the conference state that the policy of the United States is to deploy a force of 500 ICBMs. The conference further note “that unanticipated strategic developments may compel the United States to make changes to this force structure in the future.”

(2) The Quadrennial Defense Review (QDR) conducted under section 118 of title 10, United States Code, in 2005 finds that maintaining a robust nuclear deterrent “remains a keystone of United States national power.” However, notwithstanding that finding and without providing any specific justification for the recommendation, the Quadrennial Defense Review recommends reducing the number of deployed Minuteman III Intercontinental Ballistic Missiles (ICBMs) from 500 to 450 beginning in fiscal year 2007. The Quadrennial Defense Review also fails to identify what unanticipated strategic developments compelled the United States to reduce the Intercontinental Ballistic Missile force structure.

(3) The commander of the Strategic Command General James Thurman testified before the Committee on Armed Services of the Senate that the reduction in deployment of Minuteman III Intercontinental Ballistic Missiles is required so that the 50 missiles withdrawn from the deployed force could be used for test assets and spares to extend the life of the Minuteman III Intercontinental Ballistic Missile well into the future. If spares are not modernized, the Air Force may not have sufficient replacement missiles to sustain the force size.

(b) MODERNIZATION OF INTERCONTINENTAL BALLISTIC MISSILES REQUIRED.—The Air Force shall modernize Minuteman III Intercontinental Ballistic Missiles in the United States inventory as required to maintain a sufficient supply of launch test assets and spares to sustain the deployed force of such missiles through 2030.

(c) LIMITATION ON TERMINATION OF MODERNIZATION PROGRAM PENDING REPORT.—No funds authorized for appropriation for the Department of Defense may be obligated or expended for the termination of the Minuteman III ICBM modernization program, or for the withdrawal of any Minuteman III Intercontinental Ballistic Missile from the active force until 30 days after the Secretary of Defense submits to the congressional defense committees a report setting forth the following:

(1) A detailed strategic justification for the proposal to reduce the Minuteman III Intercontinental Ballistic Missile force from 500
to 450 missiles, including an analysis of the effects of the reduction on the ability of the United States to assure allies and dissuade potential competitors.

(2) A detailed analysis of the strategic ramifications of continuing to equip a portion of the Minuteman III Intercontinental Ballistic Missile force with multiple independent warheads rather than single warheads as recommended by past reviews of the United States nuclear posture.

(3) An assessment of the test assets and spares required to maintain a force of 500 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(4) An assessment of the test assets and spares required to maintain a force of 450 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(5) An inventory of currently available Minuteman III Intercontinental Ballistic Missile test assets and spares.

(6) A plan to sustain and complete the modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles, a test plan, and an analysis of the funding required to carry out modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles.

(7) An assessment of whether halting upgrades to the Minuteman III Intercontinental Ballistic Missiles withdrawn from the deployed force or extending the service life of those missiles to serve as test assets.

(8) A description of the plan of the Department of Defense for extending the life of the Minuteman III Intercontinental Ballistic Missile force beyond fiscal year 2030.

(d) REMOTE VISUAL ASSESSMENT.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $5,000,000.

(2) AVAILABILITY OF AMOUNT.—(a) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $5,000,000.

(3) OFFSET.—The amount authorized to be appropriated by section 101(2) for procurement of missiles for the Air Force is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to amounts available for the Evolved Expendable Launch Vehicle.

(e) ICBM MODERNIZATION PROGRAM DEFINED.—In this section, the term ‘ICBM Modernization program’ means each of the following for the Minuteman III Intercontinental Ballistic Missile:

(1) The Guidance Replacement Program (GRP).

(2) The Propulsion Replacement Program (PRP).

(3) The Propulsion System Rocket Engine (PSR).”

(4) The Safety Enhanced Reentry Vehicle (SERV) program.

AMENDMENT NO. 4821

(Purpose: To provide, with an offset, $10,000,000 for the Joint Advertising, Market Research and Studies program)

At the end of title XIV, add the following:

SEC. 1141. JOINT ADVERTISING, MARKET RESEARCH AND STUDIES PROGRAM.

(a) INCORPORATION.—(1) DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, is hereby increased by $10,000,000.

(b) AVAILABILITY OF AMOUNT.—(a) The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, as increased by subsection (a), $10,000,000, may be available for the Joint Advertising, Market Research and Studies (JAMRS) program.

(c) OFFSET.—The amount authorized to be appropriated by section 421(a) for military personnel not to exceed $10,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4822

(Purpose: To require a report on security measures to ensure that data contained in the Joint Advertising, Market Research and Studies (JAMRS) program is maintained and protected)

At the appropriate place, add the following:

REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the data, including social security numbers, contained in the Joint Advertising, Market Research and Studies (JAMRS) program is maintained and protected, including the security measures in place to prevent unauthorized access or inadvertent disclosure of the data that could lead to identity theft.

AMENDMENT NO. 4823

(Purpose: To extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers)

At the end of subtitle I of title X, add the following:

SEC. 1084. EXTENSION OF RETURNING WORKER EXEMPTION.


AMENDMENT NO. 4824

(Purpose: To provide for Military Deputies to the Assistant Secretaries of the military departments for acquisition, logistics, and technology matters)

At the end of subtitle A of title IX, add following:

SEC. 901. MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY MATTERS.—

(a) DEPARTMENT OF THE ARMY.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Army the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

(2) VICE ADMIRAL.—(A) There is hereby established within the Department of the Navy the position of Military Deputy to the Assistant Secretary of the Navy for Acquisition, Logistics, and Technology.

(b) DEPARTMENT OF THE NAVY.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Navy the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(2) VICE ADMIRAL.—(A) There is hereby established within the Department of the Navy the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(c) DEPARTMENT OF THE AIR FORCE.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Air Force the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition.

(2) LIEUTENANT GENERAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition shall be a lieutenant general of the Air Force.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall be a lieutenant general of the Army on active duty.

(4) DEPARTMENT OF THE AIR FORCE—

(a) there is hereby established within the Department of the Air Force the position of Military Deputy to the Assistant Secretary of the Air Force for Research, Development, and Acquisition.

(b) VICE ADMIRAL.—(A) The individual serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Research, Development, and Acquisition shall be a vice admiral on active duty.

(c) DEPARTMENT OF THE NAVY—

(1) there is hereby established within the Department of the Navy the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(2) VICE ADMIRAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition shall be a vice admiral on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition shall be a vice admiral on active duty.

(4) DEPARTMENT OF THE AIR FORCE—

(a) VICE ADMIRAL.—(A) There is hereby established within the Department of the Air Force the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition.

(b) LIEUTENANT GENERAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition shall be a lieutenant general of the Air Force.

(c) DEPARTMENT OF THE NAVY—

(1) VICE ADMIRAL.—(A) There is hereby established within the Department of the Navy the position of Military Deputy to the Assistant Secretary of the Navy for Acquisition.

(b) LIEUTENANT GENERAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Navy for Acquisition shall be a lieutenant general of the Navy.

(c) DEPARTMENT OF THE AIR FORCE—

(1) there is hereby established within the Department of the Air Force the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition.

(2) VICE ADMIRAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition shall be a vice admiral on active duty.
the Assistant Secretary of the Air Force for Acquisition shall be a lieutenant general of the Air Force on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATION.—The Secretary for Services may, in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition, shall not be counted against the numbers and percentages of officers of the Air Force of the grade of lieutenant general.

AMENDMENT NO. 484, AS MODIFIED
At the end of title VI, add the following:

Subtitle F—Transition Assistance for Members of the National Guard and Reserve Returning From Deployment in Operation Iraqi Freedom or Operation Enduring Freedom

SEC. 681. SHORT TITLE.
This subtitle may be cited as the “Heroes at Home Act of 2006.”

SEC. 682. SPECIAL WORKING GROUP ON TRANSITION TO CIVILIAN EMPLOYMENT OF MEMBERS OF THE NATIONAL GUARD AND RESERVE RETURNING FROM DEPLOYMENT IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

(a) WORKING GROUP REQUIRED.—The Secretary of Defense shall establish within the Department of Defense a working group to identify and assess the needs of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom in transitioning to civilian employment on their return from such deployment.

(b) MEMBERS.—The working group established under subsection (a) shall include a balance of individuals appointed by the Secretary of Defense from among the following:

(1) Personnel of the Department of Defense.

(2) With the concurrence of the Secretary of Veterans Affairs, personnel of the Department of Veterans Affairs.

(3) With the concurrence of the Secretary of Labor, personnel of the Department of Labor.

(c) RESPONSIBILITIES.—The working group established under subsection (a) shall—

(1) identify and assess the needs of members of the National Guard and Reserve described in subsection (a) upon their return from deployment in Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) develop recommendations on means of improving assistance to members of the National Guard and Reserve described in subsection (a) in transitioning to civilian employment on their return from deployment described in that subsection, including the needs of—

(A) members who have been self-employed before deployment and seek to return to such employment after deployment;

(B) members who were students before deployment and seek to return to school or commence employment after deployment;

(C) members who have experienced multiple recent deployments; and

(D) members who have been wounded or injured during deployment; and

(3) INTERIM DUTIES.—The working group established under subsection (a) shall terminate on the date that is two years after the date of the enactment of this Act.

(d) PERSONNEL AND OTHER RESOURCES.

(1) IN GENERAL.—The Secretary shall designate an individual to act as the head of the Office for Employers and Employment Assistance Organizations under section 683.

(2) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful transition to civilian employment of members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection.

(2) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful transition of family members of the National Guard and Reserve to the deployment and return from deployment of members of the National Guard and Reserve as described in that subsection.

(e) RESOURCES TO BE PROVIDED.—

(1) The Office and the working group established under subsection (a) shall serve as an advisory board to the Office for Employers and Employment Assistance Organizations under section 683.

(f) TERMINATION.—

(1) IN GENERAL.—The working group established under subsection (a) shall terminate on the date that is two years after the date of the enactment of this Act.

(2) INTERIM DUTIES.—During the period beginning on the date of the submittal of the report required by subsection (c) and the termination of the working group under paragraph (1), the working group shall serve as an advisory board to the Secretary of the Department of Labor.

(g) EMPLOYMENT ASSISTANCE ORGANIZATION DEFINITION.—In this section, the term “employment assistance organization” means an organization or entity, whether public or private, that provides services to individuals in finding or retaining employment, including organizations and entities under military career support programs.

SEC. 683. OFFICE FOR EMPLOYERS AND EMPLOYMENT ASSISTANCE ORGANIZATIONS

(a) DESIGNATION OF OFFICE.—

(1) IN GENERAL.—The Secretary of Defense shall designate an office within the Department of Defense to assist employers, employment assistance organizations, and associations of employers in facilitating the successful transition to civilian employment of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom; and

(2) NAME.—The office designated under this subsection shall be known as the “Office for Employers and Employment Assistance Organizations” (in this section referred to as the “Office”).

(b) HEAD.—The Secretary shall designate an individual to act as the head of the Office.

(c) DUTIES.—(1) The Office shall ensure close communication between the Office and the military departments, including the commands of the reserve components of the Armed Forces.

(2) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful transition to civilian employment of members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection.

(2) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful transition of family members of the National Guard and Reserve to the deployment and return from deployment of members of the National Guard and Reserve as described in that subsection.

(e) RESOURCES TO BE PROVIDED.—

(1) The Office shall have the following functions:

(a) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful transition to civilian employment of members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection.

(2) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful transition of family members of the National Guard and Reserve to the deployment and return from deployment of members of the National Guard and Reserve as described in that subsection.

(f) PROVISION OF RESOURCES.—The Office shall make resources, services, and assistance available under this subsection to employers, employment assistance organizations, and associations of employers to provide services described in clause (d) and for other medical and mental health screening and care when appropriate.

(g) EDUCATION AND MENTAL HEALTH SERVICES.—The Office shall provide education and technical assistance to employers, employment assistance organizations, and associations of employers to provide services described in clause (d) and for other medical and mental health screening and care when appropriate.

(h) EDUCATION AND MENTAL HEALTH SERVICES.—The Office shall provide education and technical assistance to employers, employment assistance organizations, and associations of employers to provide services described in clause (d) and for other medical and mental health screening and care when appropriate.

(i) MINIMUM CRITERIA.—The Secretary shall consider the minimum criteria for services described in clause (d) and for other medical and mental health screening and care when appropriate.

(j) MINIMUM CRITERIA.—The Secretary shall consider the minimum criteria for services described in clause (d) and for other medical and mental health screening and care when appropriate.

(k) MINIMUM CRITERIA.—The Secretary shall consider the minimum criteria for services described in clause (d) and for other medical and mental health screening and care when appropriate.
Office such personnel, funding, and other resources as are required to ensure the effective discharge of the Office of the functions under subsection (b).}

(e) Reporting Activities.—

(1) ANNUAL REPORT BY OFFICE.—Not later than one year after the designation of the Office, and annually thereafter, the head of the Office, in consultation with the working group established pursuant to section 622 (while in effect), shall submit to the Secretary of Defense a written report on the progress and outcomes of the Office during the one-year period ending on the date of such report.

(2) TRANSMITTAL TO CONGRESS.—Not later than 60 days following receipt of a report under paragraph (1), the Secretary shall transmit such report to the Committees on Armed Services of the Senate and the House of Representatives, together with:

(A) such comments on such report, and such assessment of the effectiveness of the Office, as the Secretary considers appropriate; and

(B) such recommendations on means of improving the effectiveness of the Office as the Secretary considers appropriate.

(f) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make each report under paragraph (2) available to the public, including through the Internet website of the Office.

(g) EMPLOYMENT ASSISTANCE ORGANIZATION DEFINED.—In this section, the term ‘employment assistance organization’ means an organization or entity, whether public or private, that provides assistance to individuals in finding or retaining employment, including organizations and entities under military care.

SEC. 684. ADDITIONAL RESPONSIBILITIES OF DEPARTMENT OF DEFENSE TASK FORCE PERTAINING TO MENTAL HEALTH OF MEMBERS OF THE NATIONAL GUARD AND RESERVE DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) ADDITIONAL RESPONSIBILITIES.—Section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–183; 119 Stat. 3348) is amended—

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

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

‘‘(d) ASSESSMENT OF MENTAL HEALTH NEEDS OF MEMBERS OF NATIONAL GUARD AND RESERVE DEPLOYED IN OIF OR OEF.—‘‘

(1) In general.—The Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy shall, in consultation with the Secretary of Veterans Affairs, conduct a longitudinal study on the effects of traumatic brain injury incurred by members of the Armed Forces during Operation Iraqi Freedom or Operation Enduring Freedom, as the case may be, including—

(1) services to improve the reuniting of such members of the National Guard and Reserve and their families;

(2) education to increase awareness of the physical and mental health conditions that members of the National Guard and Reserve can and may experience on their return from such deployment, including education on—

(A) Post Traumatic Stress Disorder (PTSD) and traumatic brain injury (TBI); and

(B) mechanisms for the referral of such members from the National Guard and Reserve for medical and mental health screening and care when warranted;

(3) education to increase awareness of the physical and mental health conditions that family members of such members of the National Guard and Reserve can and may experience on the return of such members from such deployment, including education on—

(A) mechanisms for the referral of such family members from the National Guard and Reserve for medical and mental health screening and care when warranted;

(B) mechanisms for medical and mental health screening and care when appropriate.

(2) ANNUAL REPORTS BY GRANT RECIPIENTS.—An entity awarded a grant under this section shall submit to the Secretary of Defense an application therefor in such manner, and containing such information, as the Secretary may require for purposes of this section, including a description of how such entity will work with the Department of Defense, the Department of Veterans Affairs, State health agencies, other appropriate Federal, State, and local agencies, family support organizations, and other community organization in undertaking activities described in subsection (a).

(d) ANNUAL REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to Congress a report on activities undertaken under the grants awarded under this section, which shall include recommendations for legislative, programmatic, or administrative action to improve or enhance activities under the grants awarded under this section.

(2) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make each report under this subsection available to the public.

SEC. 686. LONGITUDINAL STUDY ON TRAUMATIC BRAIN INJURY INCURRED BY MEMBERS OF THE NATIONAL GUARD AND RESERVE DEPLOYED IN OPERATION IRAQI FREEDOM AND OPER- EATION ENDURING FREEDOM.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, conduct a longitudinal study on the effects of traumatic brain injury incurred by members of the Armed Forces during Operation Iraqi Freedom or Operation Enduring Freedom. The duration of the longitudinal study shall be 15 years.

(b) ELEMENTS.—The study required under subsection (a) shall address the following:

(1) The long-term physical and mental health effects of traumatic brain injuries incurred by members of the Armed Forces during service in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) The health care, mental health care, and rehabilitation needs of such members for such injuries after the completion of inpatient treatment through the Department of Defense, the Department of Veterans Affairs, or other appropriate Federal agencies.

(3) The type and availability of long-term care rehabilitation programs and services within and outside the Department of Defense, the Department of Veterans Affairs for such members for such injuries, including community-based programs and services and in-home programs and services.

(c) REPORTS.—(1) PERIODIC AND FINAL REPORTS.—After the third, seventh, eleventh, and fifteenth years...
of the study required by subsection (a), the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, submit to Congress a comprehensive report on the results of the study, including recommendations for legislative, programmatic, or administrative action to improve long-term care and rehabilitation programs and mechanisms for the Armed Forces with traumatic brain injuries.

(2) AVAILABILITY TO PUBLIC.—The Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate recommendations for legislative, programmatic, or administrative action to improve long-term care and rehabilitation programs and mechanisms for the Armed Forces with traumatic brain injuries.

(3) MEMBERS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, establish within the Department of Veterans Affairs the Traumatic Brain Injury Family Caregiver Panel.

(b) shall provide training to family members referred to in paragraph (2) who are trained by $5,000,000, with the amount of the reduction to be allocated to amounts for the Trident II conventional modification program.

SEC. 687. TRAINING CURRICULA FOR FAMILY CAREGIVERS ON CARE AND ASSISTANCE FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY IN CURE, REHABILITATION REHABILITATION OR DEPARTMENT OF DOD AND OPERATION ENDURING FREEDOM.

(a) TRAUMATIC BRAIN INJURY FAMILY CAREGIVER PANEL.—

(1) ESTABLISHMENT.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, establish within the Department of Defense a panel to develop coordinated, uniform, and consistent training curricula to be used in training family members in the provision of care and assistance to members and former members of the Armed Forces, training curricula for the Armed Forces with traumatic brain injuries incurred during service in the Armed Forces, and training curricula for the Armed Forces undergoing treatment at a facility of the Department of Defense or Department of Veterans Affairs as the Secretary considers appropriate.

(2) DESIGNATION OF PANEL.—The panel established under paragraph (1) shall be known as the “Traumatic Brain Injury Family Caregiver Panel”.

(b) Members.—(1) The Secretary of Defense shall appoint to the panel 15 members appointed by the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, equally represented from among such family members, health care professionals, faith-based, and other individuals with expertise in caring for and assisting individuals with traumatic brain injury, including those who specialize in caring for and assisting individuals with traumatic brain injury incurred in war;

(b) personnel at the polytrauma centers of the Department of Defense, in consultation with the Secretary of Veterans Affairs, considers appropriate.

(c) Provision of training to family caregivers.—(A) In general.—Health care professionals referred to in paragraph (2) who are trained in the curricula developed under subsection (b) shall provide training to family members of the Armed Forces with traumatic brain injuries incurred in Operation Iraqi Freedom, Department of Defense, and Operation Enduring Freedom, in the care and assistance to be provided for such injuries.

(c) Provision of training to family caregivers.—(A) In general.—Health care professionals referred to in paragraph (2) who are trained in the curricula developed under subsection (b) shall provide training to family members of the Armed Forces with traumatic brain injuries incurred in Operation Iraqi Freedom, Department of Defense, and Operation Enduring Freedom, in the care and assistance to be provided for such injuries.

(c) Provision of training to family caregivers.—(A) In general.—Health care professionals referred to in paragraph (2) who are trained in the curricula developed under subsection (b) shall provide training to family members of the Armed Forces with traumatic brain injuries incurred in Operation Iraqi Freedom, Department of Defense, and Operation Enduring Freedom, in the care and assistance to be provided for such injuries.

(c) Provision of training to family caregivers.—(A) In general.—Health care professionals referred to in paragraph (2) who are trained in the curricula developed under subsection (b) shall provide training to family members of the Armed Forces with traumatic brain injuries incurred in Operation Iraqi Freedom, Department of Defense, and Operation Enduring Freedom, in the care and assistance to be provided for such injuries.

(c) Provision of training to family caregivers.—(A) In general.—Health care professionals referred to in paragraph (2) who are trained in the curricula developed under subsection (b) shall provide training to family members of the Armed Forces with traumatic brain injuries incurred in Operation Iraqi Freedom, Department of Defense, and Operation Enduring Freedom, in the care and assistance to be provided for such injuries.
(2) The Quadrennial Defense Review is critical to identifying the correct mix of military planning assumptions, defense capabilities, and strategic focuses for the Armed Forces of the United States.

(b) Sense of Congress.—It is the sense of Congress that the Quadrennial Defense Review is intended to provide more than an overview of global threats and the general strategic orientation of the Department of Defense.

(c) Improvements to Quadrennial Defense Review.—

Purpose: To require a report on Air Force flight training operations at Pueblo Memorial Airport, Colorado.

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON AIR FORCE SAFETY REQUIREMENTS FOR AIR FORCE FLIGHT TRAINING OPERATIONS AT PUEBLO MEMORIAL AIRPORT, COLORADO.

(a) Report Required.—Not later than February 15, 2007, the Secretary of the Air Force shall submit to the congressional defense committees a report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) A description of the Air Force flying operations at Pueblo Memorial Airport.

(2) An assessment of the impact of Air Force operations at Pueblo Memorial Airport on non-Air Force activities at the airport.

(3) A description of the requirements necessary at Pueblo Memorial Airport to ensure safe Air Force flying operations, including continuous availability of flight protection, crash rescue, and other emergency response capabilities.

(4) An assessment of the necessity of providing for a continuous fire-fighting capability at Pueblo Memorial Airport.

(5) A description and analysis of alternatives for Air Force flying operations at Pueblo Memorial Airport, including the cost and availability of such alternatives.

(6) An assessment of whether Air Force funding is required to assist the City of Pueblo, Colorado, in meeting Air Force requirements for safe Air Force flight operations at Pueblo Memorial Airport, and if required, the Air Force plan to provide the funds to the City.

(d) Amendment No. 4327, as Modified.

Purpose: To require the President to develop a comprehensive strategy toward Somalia.

At the end of subtitle A of title XII, add the following:

SEC. 1209. COMPREHENSIVE STRATEGY FOR SOMALIA.

(a) Sense of Congress.—It is the sense of the Senate that the United States should:

(1) support the development of the Transitional Federal Government of Somalia into a unified national government, support humanitarian assistance to the people of Somalia, support efforts to prevent Somalia from becoming a safe haven for terrorists and terrorist activities, and support regional stability;

(2) broaden and integrate its strategic approach toward Somalia within the context of United States activities in countries of the Horn of Africa, including Djibouti, Ethiopia, Kenya, Eritrea, and in Yemen on the Arabian Peninsula;

(3) carry out all diplomatic, humanitarian, counter-terrorism, and security-related activities within the context of a comprehensive strategy developed through an interagency process.

(b) Development of a Comprehensive Strategy for Somalia.—

(1) Requirement for Strategy.—Not later than 90 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress a comprehensive strategy toward Somalia within the context of United States activities in the countries of the Horn of Africa.

(2) Content of Strategy.—The strategy should include the following:

(A) A clearly stated policy towards Somalia that will help establish a functional, legitimate, unified national government in Somalia that is capable of maintaining the rule of law and preventing Somalia from becoming a safe haven for terrorists.

(B) An integrated political, humanitarian, intelligence, and military approach to counter transnational terrorist threats in Somalia within the context of United States activities in the countries of the Horn of Africa.

(C) An interagency framework to plan, coordinate, and execute United States activities in Somalia within the context of other activities in the countries of the Horn of Africa.

(D) An annual budget request to the President for the fiscal year and the two following fiscal years to carry out the strategy.

(E) A description of the type of diplomatic engagement to coordinate the implementation of the United States policy in Somalia.

(F) A description of bilateral, regional, and multilateral efforts to strengthen and promote diplomatic engagement in Somalia.

(G) A description of the manner in which the strategy will be implemented.

(c) Amendment No. 4525, as Modified.

Purpose: To require the President to submit a report to Congress on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado.

At the end of subtitle E of title VI, add the following:

SEC. 662. IMPROVEMENT OF MANAGEMENT OF ARMED FORCES RETIREMENT SYSTEM.

(a) Redesignation of Chief Operating Officer as Chief Executive Officer.—

(1) In General.—Section 1515 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415) is amended—

(A) by striking “Chief Operating Officer” each place it appears and inserting “Chief Executive Officer”; and

(B) in subsection (e), by striking “Chief Operating Officer’s” and inserting “Chief Executive Officer’s.”

(2) Conforming Amendments.—Such Act is further amended by striking “Chief Operating Officer” each place it appears in a provision as follows and inserting “Chief Executive Officer”:

(A) Section 1511 (24 U.S.C. 411).

(B) Section 1512 (24 U.S.C. 412).

(C) Section 1513 (24 U.S.C. 413).

(D) Section 1514 (24 U.S.C. 414).

(E) Section 1515 (24 U.S.C. 415).

(F) Section 1516 (24 U.S.C. 416).

(G) Section 1517 (24 U.S.C. 417).

(H) Section 1518 (24 U.S.C. 418).

(I) Section 1519 (24 U.S.C. 419).


(K) Section 1521 (24 U.S.C. 421).

(2) In General.—Section 1515 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415) is amended—

(A) by striking “Chief Operating Officer” each place it appears and inserting “Chief Executive Officer”; and

(B) in subsection (e), by striking “Chief Operating Officer’s” and inserting “Chief Executive Officer’s.”

(2) Conforming Amendments.—Such Act is further amended by striking “Chief Operating Officer” each place it appears in a provision as follows and inserting “Chief Executive Officer”:

(A) Section 1511 (24 U.S.C. 411).

(B) Section 1512 (24 U.S.C. 412).

(C) Section 1513 (24 U.S.C. 413).

(D) Section 1514 (24 U.S.C. 414).

(E) Section 1515 (24 U.S.C. 415).

(F) Section 1516 (24 U.S.C. 416).

(G) Section 1517 (24 U.S.C. 417).

(H) Section 1518 (24 U.S.C. 418).

(I) Section 1519 (24 U.S.C. 419).


(K) Section 1521 (24 U.S.C. 421).

L
SEC. 730. EDUCATION, TRAINING, AND SUPERVISION OF PERSONNEL PROVIDING SPECIAL EDUCATION SERVICES UNDER TRICARE.

(3) In the case of a school referred to in subsection (a)(3), the Secretary of Defense shall provide for the supervision of any special education services provided to students with disabilities who are receiving services under an individualized education program. These services shall be provided by qualified personnel who meet the requirements of subsection (a)(3) of section 1079 of title 10, United States Code.

(4) The Secretary shall ensure that the Special Education Services Program is consistent with the requirements of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and that the services provided under this section are provided in accordance with the provisions of the Act.

(5) The Secretary shall ensure that the Special Education Services Program is consistent with the requirements of Executive Order 13503, entitled "Improving Access to Public Records for Disabled Individuals" (77 Fed. Reg. 21911, April 4, 2012), and that the services provided under this section are provided in accordance with the provisions of the Executive Order.

SEC. 750. MEDICAL FOLLOW-UP AGENCY.

(a) The Secretary of the Air Force shall notify the Congress of the establishment of the Medical Follow-up Agency.

(b) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency.

(c) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(d) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(e) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(f) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(g) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(h) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(i) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(j) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(k) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(l) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(m) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(n) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(o) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(p) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(q) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(r) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(s) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(t) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(u) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(v) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(w) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(x) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(y) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.

(z) The Secretary of the Air Force shall notify the Congress of the transfer of assets to the Medical Follow-up Agency for the purpose of conducting studies on the health of military personnel.
to a member of the Army in a retired status is in addition to any compensation to such member is entitled under title 10, 38, United States Code, or under any other provision of law.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to bonuses payable under section 645 of the National Defense Authorization Act for Fiscal Year 2006, as amended by this section, on or after that date.

AMENDMENT NO. 497

(Purpose: To modify certain requirements related to counterdrug activities)

On page 387, line 7, strike “and aircraft” and insert “(air) and insert “and, subject to section 404(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2201(a)), aircraft”.

On page 387, line 25, after “congressional defense committees” the following; “and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives”.

On page 387, strike “paragraphs (10)” and insert “paragraphs (1)”.

AMENDMENT NO. 416

(Purpose: To direct the Secretary of the Army to assume responsibility for the annual operation and maintenance of the Fox Point Hurricane Barrier, Providence, Rhode Island)

At the appropriate place, insert the following:

SEC. 1. — FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

(a) DEFINITIONS.—In this section:

(1) The term “Barrier” means the Fox Point Hurricane Barrier, Providence, Rhode Island.

(2) The term “City” means the city of Providence, Rhode Island.

(3) The term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

(b) RESPONSIBILITY FOR BARRIER.—Not later than 2 years after the date of enactment of this Act, the Secretary shall assume responsibility for the annual operation and maintenance of the Barrier.

(c) REQUIRED STRUCTURES.—

(1) IN GENERAL.—The City, in coordination with the Secretary, shall identify any land and structures for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Barrier.

(2) CONVEYANCE.—The City shall convey to the Secretary, by quitclaim deed and without consideration, all rights, title, and interest of the City in and to the land and structures identified under paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as are necessary for each fiscal year to operate and maintain the Barrier (including repair, replacement, and rehabilitation).

AMENDMENT NO. 484, AS MODIFIED

At the end of subtitle B of title XXVIII, add the following:

SEC. 2828. NAMING OF NAVY AND MARINE CORPS RESERVE CENTER AT ROCK ISLAND, ILLINOIS, IN HONOR OF LANE EVANS, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

DESIGNATION.—The Navy and Marine Corps Reserve Center at Rock Island Arsenal, Illinois, shall be known and designated as the “Lane Evans Navy and Marine Corps Reserve Center at Rock Island Arsenal, Illinois, in honor of Lane Evans, a member of the House of Representatives.”

AMENDMENT NO. 4222

(Purpose: To name the new administration building at the Joint Systems Manufacturing Center in Lima, Ohio, after Michael G. Oxley, a member of the House of Representatives)

At the end of subtitle A of title XXVIII, add the following:

SEC. 2814. NAMING OF ADMINISTRATION BUILDING AT JOINT SYSTEMS MANUFACTURING CENTER IN LIMA, OHIO, AFTER MICHAEL G. OXLEY, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The administration building under construction at the Joint Systems Manufacturing Center in Lima, Ohio, shall, upon completion, be named the “Michael G. Oxley Administration and Technology Center.” Any reference in a law, map, regulation, document, paper, or other record of the United States to such administration building shall be deemed to be a reference to the Michael G. Oxley Administration and Technology Center.

AMENDMENT NO. 4238

(Purpose: To name a military family housing facility at Fort Carson, Colorado, after Representative Joel Hefley)

On page 535, between lines 12 and 13, insert the following:

SEC. 2816. NAMING OF MILITARY FAMILY HOUSING FACILITY AT FORT CARSON, COLORADO, IN HONOR OF JOEL HEFLY, REPRESENTATIVE OF THE HOUSE OF REPRESENTATIVES.

The Secretary of the Army shall designate one of the military family housing areas or facilities constructed at Fort Carson, Colorado, using the authority provided by subchapter IV of chapter 169 of title 10, United States Code, as the “Joel Hefley Village.” Any reference in any law, regulation, map, document, record, or other paper of the United States to the military housing area or facility designated under this section shall be considered to be a reference to Joel Hefley Village.

AMENDMENT NO. 4229

(Purpose: To require the submittal to Congress of the Department of Defense Supplemental and Cost of War Execution reports)

At the end of title XIV, insert the following:

SEC. 1414. SUBMITTAL TO CONGRESS OF DEPARTMENT OF DEFENSE SUPPLEMENTAL AND COST OF WAR EXECUTION REPORTS.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–166; 119 Stat. 3462; 10 U.S.C. 113 note) is amended—

(1) in the subsection caption by inserting “CONGRESS AND” after “SUBMISSION TO” and 

(2) by inserting “in the congressional defense committees and” before “the Comptroller General”.

AMENDMENT NO. 611

(Purpose: To provide that acceptance by a military officer of appointment to the position of Director of National Intelligence or Director of the Central Intelligence Agency shall be conditional upon retirement of the officer under any provision of this title of the officer under any provision of this title)

At the end of subtitle A of title V, add the following:

SEC. 509. CONDITION ON APPOINTMENT OF COMMISSIONED OFFICERS TO POSITION OF DIRECTOR OF NATIONAL INTELLIGENCE OR DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) CONDITION.—

(1) IN GENERAL.—Chapter 32 of title 10, United States Code, is amended by adding at the end the following new section:

“529. Condition on appointment to certain positions; Director of National Intelligence; Director of the Central Intelligence Agency—

‘‘(1) The position of—

(A) Director of National Intelligence; or

(B) Director of the Central Intelligence Agency,

shall be deemed to be a reference to Joel G. Oxley, a member of the House of Representatives.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of such title is amended by adding at the end the following new item:

“529. Condition on appointment to certain positions; Director of National Intelligence; Director of the Central Intelligence Agency.”

(b) RETIREMENT.—

(1) IN GENERAL.—Chapter 63 of title 10, United States Code, is amended by adding at the end the following new section:

“1253. Mandatory retirement; Director of National Intelligence; Director of the Central Intelligence Agency—

‘‘(1) The position of—

(A) Director of National Intelligence; or

(B) Director of the Central Intelligence Agency,

shall be deemed to be a reference to Joel G. Oxley, a member of the House of Representatives.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of such title is amended by adding at the end the following new item:

“1253. Mandatory retirement; Director of National Intelligence; Director of the Central Intelligence Agency.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to appointments of commissioned officers of the Armed Forces to the position of Director of National Intelligence or Director of the Central Intelligence Agency on or after that date.

—CONGRESSIONAL RECORD—SATE

June 22, 2006

S6384
At the end of subtitile B of title XII, add the following:

SEC. 1235. REPORTS ON THE DARFUR PEACE AGREEMENT.

Not later than 60 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a detailed report on the Department of Defense’s role in assisting the parties to the Darfur Peace Agreement of May 5, 2006 with implementing that Agreement. Each such report shall include a description of—

(1) the assets that the United States military, in concert with the United States North Atlantic Treaty Organization (NATO) allies, are able to offer the African Union Mission in Sudan (AMIS) and any United Nations peacekeeping mission authorized for Darfur;

(2) the plans of the Secretary of Defense to support the AMIS by providing information regarding the location of belligerents and potential violations of the Darfur Peace Agreement and by improving the AMIS use of intelligence and tactical mobility;

(3) the resources that will be used during the current fiscal year to provide the support described in paragraph (2) and the resources that will be needed during the next fiscal year to provide such support;

(4) the efforts of the Secretary of Defense and Secretary of State to leverage troop contributions from other countries to serve in the proposed United Nation peacekeeping mission for Darfur;

(5) any plans of the Secretary of Defense to participate in the deployment of any NATO mentoring or technical assistance teams to Darfur to assist the AMIS; and

(6) any actions carried out by the Secretary of Defense to address deficiencies in the AMIS communications systems, particularly the interoperability of communications equipment.

AMENDMENT NO. 438, AS MODIFIED

The term of a certain design patent numbered 54,296 (for the badge of the American Legion) is renumbered to 92,187 (for the badge of the Sons of the American Legion).

AMENDMENT NO. 439, AS MODIFIED

If the Director of National Intelligence determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall submit to Congress a report setting forth—

(A) the reasons why the National Intelligence Estimate cannot be submitted by such date; and

(B) an estimated date for the submittal of the National Intelligence Estimate.

AMENDMENT NO. 442, AS MODIFIED

The National Intelligence Estimate submitted under paragraph (1) shall address the following:

(A) The objectives of United States policy on Iran;

(B) The strategy for achieving such objectives;

(C) the role of diplomacy, incentives, sanctions, other punitive measures and incentives, and other programs and activities and the relative influence of key judgment makers in the national security decision-making process; and

(D) the prospects for support from the international community for various potential courses of action with respect to Iran, including diplomacy, sanctions, and military action.

AMENDMENT NO. 443, AS MODIFIED

The level of popular and elite support within Iran for the Iran regime, and for its nuclear program and other regime interests of Iran.

AMENDMENT NO. 444, AS MODIFIED

The views among the populace and elites of Iran with respect to other key countries involved in nuclear diplomacy with Iran.

AMENDMENT NO. 445, AS MODIFIED

The likely effects and consequences of any military action against the nuclear programs or other regime interests of Iran.

AMENDMENT NO. 448, AS MODIFIED

The anticipated reaction of Iran to the courses of action set forth under paragraph (E), including an identification of the course or courses of action most likely to successfully influence Iran in terminating or moderating its policies of concern.

AMENDMENT NO. 449, AS MODIFIED

The level of popular and elite support with respect to the United States, including views on direct discussions with or normalization of relations with the United States.

(1) the views among the populace and elites of Iran with respect to other key countries involved in nuclear diplomacy with Iran;

(2) the likely effects and consequences of any military action against the nuclear programs or other regime interests of Iran; and

(3) The confidence levels in the National Intelligence Estimate, the quality of the sources of intelligence on Iran, the nature and scope of any gaps in intelligence on Iran, and significant alternative views on the matters contained in the National Intelligence Estimate.

(b) PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING IRAN.

(1) REPORT REQUIRED.—As soon as practicable, but not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report on the following:

(A) The objectives of United States policy on Iran;

(B) The strategy for achieving such objectives;

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form with a classified annex, as appropriate.

(3) ELEMENTS.—The report submitted under paragraph (1) shall address—

(A) the role of diplomacy, incentives, sanctions, other punitive measures and incentives, and other programs and activities and the relative influence of key judgment makers in the national security decision-making process; and

(B) summarize United States contingency planning regarding the range of possible United States military actions in support of United States policy objectives with respect to Iran.

SECTION 1226. REPORT TO CONGRESS ON PROCESS FOR VETTING AND CLEARING ADMINISTRATION OFFICIALS’ STATEMENTS DRAWN FROM INTELLIGENCE.

As soon as practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the process for vetting and clearing statements of Administration officials that are drawn from or rely upon intelligence.
brought to the attention of any such officials, and corrected;

(B) assess the sufficiency and adequacy of such policies and practices; and

(C) incorporate in the report the recommendations that the Director considers appropriate to improve such policies and practices.

AMENDMENT NO. 431

(Purpose: To make available $2,900,000 from Operation Noble Eagle, Army, for the Virginia Military Institute for military training infrastructure improvements)

At the end of subtitle B of title III, add the following:

SEC. 315. MILITARY TRAINING INFRASTRUCTURE IMPROVEMENTS AT VIRGINIA MILITARY INSTITUTE.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $2,900,000 may be available to the Virginia Military Institute for military training infrastructure improvements to provide adequate field training of all Armed Forces Reserve Officer Training Corps.

AMENDMENT NO. 318

(Purpose: To authorize $3,600,000 for military construction for the Air National Guard of the United States to construct an engine inspection and maintenance facility at Little Rock Air Force Base, Arkansas)

On page 519, line 21, strike "$242,143,000" and insert "$245,743,000".

AMENDMENT NO. 398

(Purpose: To require a report on the feasibility of omitting Social Security Numbers from military identification cards)

At the end of subtitle F of title V, add the following:

SEC. 587. REPORT ON OMISSION OF SOCIAL SECURITY NUMBERS ON MILITARY IDENTIFICATION CARDS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the assessment of the Secretary of the feasibility of utilizing military identification cards that do not contain, display or exhibit the Social Security Number of the individual identified by such military identification card.

(b) MILITARY IDENTIFICATION CARD DEFINED.—In this section, the term "military identification card" has the meaning given the term "military ID card" in section 1060b(b)(1) of title 10, United States Code.

AMENDMENT NO. 461

(Purpose: To require that Congress be apprised of the implementation of the Darfur Peace Agreement)

At the end of subtitle A of title XII, add the following:

SEC. 1209. REPORTS ON IMPLEMENTATION OF THE DARFUR PEACE AGREEMENT.

(a) REQUIREMENT FOR REPORTS.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter until the date that the President submits the certification described in subsection (b), the President shall submit to Congress a report on the implementation of the Darfur Peace Agreement of May 5, 2006, and the situation in Darfur, Sudan. Each such report shall include—

(1) a description of the steps being taken by the Government of Sudan, the Sudan Liberation Movement/Amy (SLM/A), and other parties to the Agreement to uphold their commitments to the Agreement;

(2) a description of any obstruction to such monitoring by or for the Department carried out to the prepositioning of the Department of Defense assets to improve the military preparedness of the United States.

(b) ELEMENTS.—The study shall address each matter set forth in paragraphs (1) through (7) of section 357(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3320) with respect to alternative fuels (rather than to the fuels specified in such paragraphs).

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study conducted under this subsection.

(2) MANNER OF SUBMITTAL.—The report required by this subsection may be incorporated into, or provided as an annex to, the report required to be submitted to the National Defense Authorization Act for Fiscal Year 2006.

(3) ALTERNATIVE FUEL DEFINED.—In this section, the term "alternative fuel" means a fuel that contains less than 85 percent ethyl alcohol, and cellulosic ethanol.

(4) REPORT TO CIVILIAN AUTHORITIES.

(Purpose: To require a report on the use of alternative fuels by the Department of Defense)

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON USE OF ALTERNATIVE FUEL BY THE DEPARTMENT OF DEFENSE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of alternative fuels by the Armed Forces and the Defense Agencies, including measures that can be taken to increase the use of such fuels by the Department of Defense and the Defense Agencies.

(b) ELEMENTS.—The study shall address each matter set forth in paragraphs (1) through (7) of section 357(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3320) with respect to alternative fuels (rather than to the fuels specified in such paragraphs).

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the study conducted under this subsection.

(2) MANNER OF SUBMITTAL.—The report required by this subsection may be incorporated into, or provided as an annex to, the report required to be submitted to the National Defense Authorization Act for Fiscal Year 2006.

(3) ALTERNATIVE FUEL DEFINED.—In this section, the term "alternative fuel" means a fuel that contains less than 85 percent ethyl alcohol, and cellulosic ethanol.

(4) REPORT TO CIVILIAN AUTHORITIES.

(Purpose: To make available an additional $450,000,000 for Research, Development, Test, and Evaluation, Defense-wide) The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $450,000,000.

(b) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby decreased by $450,000,000, with the amount of the reduction to be allocated to amounts available for a classified program as described on page 34 of Volume VII (Compartmenrt Annex) of the Fiscal Year 2007 Military Intelligence Program justification book.

AMENDMENT NO. 431

(Purpose: To authorize the prepositioning of Department of Defense forces to improve support to civilian authorities)

At the end of subtitle F of title III, add the following:

SEC. 375. PREPOSITIONING OF DEPARTMENT OF DEFENSE ASSETS TO IMPROVE SUPPORT TO CIVILIAN AUTHORITIES.

(a) PREPOSITIONING AUTHORIZED.—The Secretary of Defense may provide for the prepositioning of prepackaged or preidentified basic response assets, such as medical supplies, food, communication equipment, in order to improve Department of Defense support to civilian authorities.

(b) REIMBURSEMENT.—To the extent required by section 1535 of title 31, United States Code (popularly known as the "Economy Act"), or other applicable law, the Secretary shall require reimbursement of the Department of Defense for costs incurred in the prepositioning of basic response assets under subsection (a).

(c) LIMITATION.—Basic response assets may not be prepositioned under subsection (a) if the prepositioning of such assets will adversely affect the military preparedness of the United States.

(d) PROCEDURES AND GUIDELINES.—The Secretary may develop procedures and guidelines applicable to the prepositioning of basic response assets under this section.

AMENDMENT NO. 435

(Purpose: To provide for energy efficiency in new construction)

On page 531, strike lines 7 through 13 and insert the following:

(3) in subsection (b)(2)(A), by striking "installations of the Department of Defense as may be designated and inserting "installations of the Department of Defense and related to such vehicles and military support equipment of the Department of Defense as may be designated"; and

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

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

"(e) ENERGY EFFICIENCY IN NEW CONSTRUCTION.—

(1) The Secretary of Defense shall ensure, to the maximum extent practicable, that energy efficient products meeting the Department's requirements, if cost effective over the life cycle of the product and readily available, be used in new facility construction by or for the Department carried out under this chapter."
“(2) In determining the energy efficiency of products, the Secretary shall consider products that—
  (A) meet or exceed Energy Star specifications;
  (B) are listed on the Department of Energy’s Federal Energy Management Program Product Energy Efficiency Recommendations (as modified).

AMENDMENT NO. 481, AS MODIFIED

On page 178, between lines 10 and 11, insert the following:

(c) Transition of military dependents from military to civilian schools.—
  (1) IN GENERAL.—The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transition of dependents of members of the Armed Forces from attendance in Department of Defense dependent schools to civilian schools in systems operated by local educational agencies.

(2) Utilization of existing resources.—In working with the Secretary of Education under paragraph (1), the Secretary of Defense may utilize funds authorized to be appropriated for operation and maintenance for Defense-wide activities to share expertise and experience of the Department of Defense Education Activity with local educational agencies as dependents of members of the Armed Forces make the transition from attendance at Department of Defense dependent schools to civilian schools in systems operated by such local educational agencies, including such transitions resulting from defense base closure and realignment, global rebasing, and force restructuring.

(3) Definitions.—In this subsection:
  (A) The term ‘‘expertise and experience’’, with respect to the Department of Defense Education Activity, means resources of such activity relating to—
  (i) academic strategies which result in increased academic achievement;
  (ii) curriculum development consultation and materials;
  (iii) teacher training resources and materials;
  (iv) access to virtual and distance learning technology capabilities and related applications for teachers; and
  (B) any other services as the Secretary of Defense considers appropriate to improve the academic achievement of such students.

(b) Transition of military dependents to inventions.—
  (1) LOCAL EDUCATIONAL AGENCIES.—The term ‘‘local educational agency’’, has the same meaning given that term in section 612 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2712).

(2) EXPIRATION.—The authority of the Secretary of the Defense under this subsection shall expire on September 30, 2011.

AMENDMENT NO. 4938

(Purpose: To require a report on the incorporation of elements of the reserve components into the Special Forces in the expansion of the Special Forces)

SEC. 924. REPORT ON INCORPORATION OF ELEMENTS OF THE RESERVE COMPONENTS INTO THE SPECIAL FORCES.

(a) FINDINGS.—The Senate makes the following findings:
  (1) The Quadrennial Defense Review recommends an increase in the size of the Special Operations Command and the Special Forces as a fundamental part of our efforts to fight the war on terror.
  (2) The Special Forces play a crucial role in the war on terror, and the expansion of the force structure as outlined in the Quadrennial Defense Review should be fully funded.
  (3) Expansion of the Special Forces should be consistent with the Total Force Policy.
  (4) The Secretary of Defense should assess whether the establishment of additional reserve component Special Forces units and associated units is consistent with the Total Force Policy.
  (5) Training areas in high-altitude and mountainous areas represent a national asset preparing future officers and personnel for duty in similar regions of Central Asia.

(b) REPORT ON INCORPORATION OF ELEMENTS OF THE RESERVE FORCES.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submitt to the congressional defense committees a report to address whether units and capabilities should be incorporated into the reserve components of the Armed Forces as part of the expansion of the Special Forces as outlined in the Quadrennial Defense Review, and consistent with the Total Force Policy.

AMENDMENT NO. 4537

(Purpose: To require a report on the Transformational Medical Technology (as defined in the Department of Defense))

SEC. 1013. AUTHORITY TO DONATE SS ARTHUR M. HUDDELL TO THE GOVERNMENT OF GREECE.

(a) FINDINGS.—Congress makes the following findings:
  (1) It is in the economic and environmental interest of the United States to pursue the disposal of vessels in the National Defense Reserve Fleet that are of insufficient value to warrant further preservation.
  (2) The Maritime Administration of the Department of Transportation has been authorized to make such disposals, including the sale and recycling of such vessels and the donation to any State, commonwealth, or possession of the United States, and to nonprofit organizations.

(b) DONATION OF SS ARTHUR M. HUDDELL TO THE GOVERNMENT OF GREECE.—
  (1) The Secretary of Defense shall donate SS ARTHUR M. HUDDELL to the Government of Greece, in accordance with laws and terms and conditions determined by the Secretary.
  (2) It is in the interest of the United States to promote the increased safe use of unmanned aerial vehicles in the National Airspace System.

AMENDMENT NO. 4536

(Purpose: To require a report on the transformational medical technology (as defined in the Department of Defense))

SEC. 1066. ANNUAL REPORTS ON EXPANDED USE OF UNMANNED AERIAL VEHICLES IN THE NATIONAL AIRSPACE SYSTEM.

(a) FINDINGS.—The Senate makes the following findings:
  (1) Unmanned aerial vehicles (UAVs) serve Department of Defense intelligence, surveillance, reconnaissance, and combat missions.
  (2) Operational reliability of unmanned systems continues to improve and avoid technology development and fielding must continue in an effort to provide unmanned aerial systems with an equivalent level of safety to manned aircraft.
  (3) Unmanned aerial vehicles have the potential to support the Nation’s homeland defense mission, border security mission, and natural disaster recovery efforts.
  (4) Accelerated development and testing of standards for the integration of unmanned aerial vehicles in the National Airspace System would further the increased safe use of such vehicles for border security, homeland defense, and natural disaster recovery efforts.

(b) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act and annually thereafter until the Federal Aviation Administration promulgates such policy, the Secretary of Defense shall submit to the Committees on Appropriations, Commerce, Science and Transportation, and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations, Energy and Commerce, and Government Reform of the House of Representatives a report of the Department of Defense support the development by the Federal Aviation Administration of a policy on the testing and operation of unmanned aerial vehicles in the National Airspace System.
(b) USE OF EXCESS M-1 RIFLES FOR CEREMONY AND OTHER PURPOSES.—Section 4683 of such title is amended—
(1) in subsection (a), by adding at the end the following subsection:

"(3) Rifles loaned or donated under paragraph (1) may be used by an eligible designee for funeral ceremonies of a member or former member of the armed forces for and other ceremonial purposes.";

(2) in subsection (b), by inserting after "accountability" the following: "provided that such conditions do not unduly hamper eligible designees from participating in funeral ceremonies of a member or former member of the armed forces or other ceremonies";

(3) in subsection (c), by inserting at the end the following new paragraph:

"(4) any other member in good standing of an organization described in paragraphs (1), (2), or (3); and"

(4) by adding at the end the following new subsection:

"(5) ELIGIBLE DESIGNEE DEFINED.—In this section, the term "eligible designee" means a designee of an eligible organization who—

(1) is a current member, spouse, brother, sister, grandson, granddaughter, niece, or other family relation of a member or former member of the armed forces;

(2) is at least 18 years of age; and

(3) has successfully completed a formal firearm training program or a hunting safety program.".

AMENDMENT NO. 4318
(Purpose: To provide for the enhancement of funeral ceremonies for veterans) At the end of subtitle F of title V, add the following:

SEC. 357. FUNERAL CEREMONIES FOR VETERANS.

(a) SUPPORT FOR CEREMONIES BY DETAILS CONSISTING SOLELY OF MEMBERS OF VETERANS OR OTHER UNIFORMED OR ORGANIZATIONS.—

(1) SUPPORT OF CEREMONIES.—Section 1491 of title 10, United States Code, is amended—

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

(B) by inserting after subsection (d) the following new subsection (e):

"(e) SUPPORT FOR FUNERAL HONORS DETAIL COMPOSED OF MEMBERS OF VETERANS OR ORGANIZATIONS.—In this section, "veterans organization" means any organization subject to such regulations and procedures as the Secretary of Defense may prescribe, the Secretary of the military department of which a veteran was a member may support the conduct of funeral honors for such veteran that are provided solely by members of veterans organizations or other organizations referred to in subsection (b)(2).

(2) The provision of support under this subsection is subject to the availability of appropriations for that purpose.

(3) The relief provided under this subsection may include the following:

(A) Reimbursement for costs incurred by organizations referred to in paragraph (1) in providing funeral honors, including costs of transportation, meals, and similar costs.

(B) Payment to members of such organizations providing such funeral honors of the daily stipend prescribed under subsection (d)(2).

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b)(2), by inserting "and subsection (e)" after "paragraph (1)(A)"; and

(B) in paragraph (1) of section 1491, as redesignated by subsection (a)(1) of this section, by inserting after "details under a requirement in subsection (e) after "pursuant to this section".

SEC. 2844. LAND CONVEYANCE, HOPKINTON, NEW HAMPSHIRE.

AMENDMENT NO. 4316
(Purpose: To provide for the conveyance of land located in Hopkinton, New Hampshire) At the end of title XIV, add the following:

SEC. 2844. LAND CONVEYANCE, HOPKINTON, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Town of Hopkinton, New Hampshire (in this section referred to as the "Town") any such rifles, ammunition, repair parts, or supplies that are excess to the needs of such country.

(2) C LERICAL AMENDMENT.

SEC. 1414. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds authorized to be appropriated by this Act may be obligated or expended for a purpose as follows:

(1) To establish a permanent United States military installation or base in Iraq.

(2) To exercise United States control over the oil resources of Iraq.

AMENDMENT NO. 4315
(Purpose: To provide for the conveyance of land located in Hopkinton, New Hampshire) At the end of title XIV, add the following:

SEC. 2844. LAND CONVEYANCE, HOPKINTON, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Town of Hopkinton, New Hampshire (in this section referred to as the "Town") any such rifles, ammunition, repair parts, or supplies that are excess to the needs of such country.

(b) CONSIDERATION.—(1) IN GENERAL.—In consideration for the conveyance under subsection (a), the Town shall, subject to paragraph (2), provide to the United States, whether by cash payment, in-kind consideration, or the assumption thereof, an amount that is not less than the fair market value of the conveyed property,
determined pursuant to an appraisal acceptable to the Secretary.

(2) WAIVER OF PAYMENT OF CONSIDERATION.—The Secretary may waive the requirement for consideration under paragraph (1) if the Secretary determines that the Town will not use the existing sand and gravel resources to generate revenue.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that a right of immediate entry onto the property, any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PROHIBITION ON RECONVEYANCE OF LAND.—The Town may not reconvey any of the land acquired from the United States under subsection (a) without the prior approval of the Secretary.

(e) PAYMENT OF COSTS OF CONVEYANCE.—(1) PAYMENT REQUIRED.—The Secretary shall require the Town to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary in connection with the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Town in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary, the Secretary shall refund the excess amount to the Town.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of property under subsection (a) as the Secretary consider appropriate to protect the interests of the United States.

AMENDMENT NO. 407

(Purpose: To provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space)

At the end of subtitle B of title IX, add the following:

SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

(2) CONDUCT OF REVIEW.—The review and assessment shall be conducted by an appropriate entity outside the Department of Defense selected by the Secretary for purposes of this section.

(3) ELEMENTS.—The review and assessment shall address the following:

(A) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.

(B) The future space missions of the Department, and the plans of the Department to meet the future space missions.

(C) The actions that could be taken by the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to strengthen United States national security in space. The Secretary, and the plans of the Department to implement its requirements and carry out the future space missions, including the following:

(i) Actions to exploit existing and planned military space assets to provide support for United States military operations.

(ii) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets, including improvements or enhancements in interoperability and communications.

(iii) Actions to improve or enhance the relationship between the intelligence aspects of national security space (so-called “black space”) and the non-intelligence aspects of national security space (so-called “white space”).

(iv) Actions to improve or enhance the manner in which military space issues are addressed by professional military education institutions.

(D) LIAISON.—The Secretary shall designate at least one senior civilian employee of the Department of Defense, and at least one general or flag officer of an Armed Force, to serve as liaison between the Department, the Armed Forces, and the entity conducting the review and assessment.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment shall submit to the Secretary and the congressional defense committees a report on the review and assessment.

(2) ELEMENTS.—The report shall include—

(A) the results of the review and assessment;

(B) recommendations on the best means by which the Department may improve its organization and management for national security in space.
Mr. REID. Mr. President, I appreciate very much that there has been consent to agree to my amendment No. 4337 on Congressional oversight of Iran policy. I would like to explain why I believe it is important that the Senate pass this amendment and sustain it in conference with the House.

Mr. President, we live in a dangerous time. The threats to our freedom are many.

As the administration embarks on serious diplomacy with Iran, the Senate must be engaged and consulted. We Senators must take seriously our responsibility to insist on a thorough review of the facts, a full debate of the threat, and full consultation as events move forward.

The amendment I propose today would help put in place the rigorous oversight necessary to hold the administration accountable for its rhetoric and its policy decisions.

Yesterday, the leadership met with State Department officials to get briefed on the details of the “offer” the administration laid on the table for Iran a few weeks ago. The meeting was welcome. I respect the hard work of Secretary Rice and Ambassador Burns in moving diplomacy forward. However, I am surprised the meeting happened several weeks after the deal was already offered. To the best of my knowledge, Congress had not been briefed on the key details of the deal offered to Iran a few weeks ago. The Iranians had been briefed. The Europeans had been briefed. The Russians and Chinese had been briefed. But not the United States.

This reminds me of how the administration handled the proposed Indian nuclear deal, which Members first found out about from the Indian prime minister and the press, not from the Administration.

I am also reminded of the sales campaign that the administration engaged in, in the runup to war in Iraq. A sales campaign—rather than a serious effort to consult and treat Congress as a partner in figuring out how to protect America.

It makes the executive branch’s job a lot tougher when Congress is consulted last, rather than first. Congress should be in the take off, not asked to join for the crash landing.

This amendment requires the administration to give Congress and the American people three things: an updated intelligence assessment of the threat of Iran, a clear statement of the President’s policy and strategy, and a confirmation that administration officials’ public statements about the threat of Iran are being reviewed for accuracy.

These are reasonable requests to ensure a rigorous debate about the way forward. The amendment’s adoption would increase the administration’s information flow to Congress on Iran issues and improve the Senate’s oversight in this important area of national security policy.

I would note that the House Armed Services Committee included parallel reporting requirements on the threat of Iran and the U.S. strategy for responding to it in its report on the House version of this bill. I trust that the conference of the two bodies will, in striving to reconcile these parallel reporting requirements, put the United States Congress on record in law about the importance of rigorous Congressional oversight in regard to Iran and the importance of the administration working in close consultation with Congress in this area.

Mr. ALLARD. Mr. President, I rise today to discuss amendment No. 4528. This amendment honors Representative JOEL HFELEY, Congressman of Colorado’s 5th district, for his outstanding service to the people of Colorado and to our Nation.

As you may know, Mr. President, Representative HFELEY made the decision earlier this year to retire after 2 decades of service in Congress. This was a very difficult decision for him. He was the 3rd ranking Republican on the House Armed Services Committee and had garnered considerable influence because of his integrity and his respect of the legislative branch as an institution. He worked diligently over his 2 decades in Congress for the people of Colorado’s 5th District well.

Representative HFELEY was first elected to represent Colorado’s 5th Congressional district in 1986 and has served in the House of Representatives for all that time with distinction, class, integrity, and honor. As his current and former colleagues will attest, Representative HFELEY is a fair and effective lawmaker who works for the national interest while never forgetting his Western roots.

For most of his two decades in the House, Representative HFELEY poured his time and energy into the Committee on Armed Services of the House of Representatives. He served as chairman of the Subcommittee on Military Installations and Facilities from 1995 through 2000 and, since 2001, as chairman of the Subcommittee on Readiness.

Representative HFELEY’s efforts on the Committee on Armed Services have instrumental to the military value of, and quality of life at, installations in the State of Colorado, Cheyenne Mountain, Peterson Air Force Base, Schriever Air Force Base, Buckley Air Force Base, and the United States Air Force Academy.

Representative HFELEY was a leader in efforts to retain and expand Fort Carson as an essential part of the national defense system during the Defense Base Closure and Realignment process.

Representative HFELEY has also consistently advocated for providing members of the Armed Forces and their families with quality, safe and affordable housing and supportive communities.

Representative HFELEY’s leadership on the Military Housing Policy Initiative has allowed for the privatization of more than 121,000 units of military family housing, which brought meaningful improvements to living conditions for thousands of members of the Armed Forces and their spouses and children at installations throughout the United States.

In honor of Representative HFELEY’s achievements and his work on military housing privatization, this amendment designates the military family housing areas at Fort Carson, Colorado in his name.

I served with Representative HFELEY in the House of Representatives for 6 years before I was elected to the Senate. I consider him one of my closest colleagues in Congress and a dear friend. I have tremendous respect for his character and for his ability to get things done. He has been a champion over two decades for the Colorado Springs community and for conservative values. I know that he will be sorely missed in the House of Representatives.
I believe Representative Hefley deserves the honor and recognition that this amendment provides. I am pleased my colleagues agreed to join me in adopting this amendment.

Amendment No. 4246

Mr. BIDEN. Mr. President, I appreciate the support of Chairman Warner and Senator Levin in agreeing to accept amendment No. 4424 to S. 2766, which I have sponsored.

Section 1023 relates to a counter-narcotics authority granted to the Department of Defense in the fiscal year 1998 Defense Authorization Act. P.L. 105–85, specifically section 1033 of that Act. The original provision, enacted in 1997, gave the Department authority to provide counterdrug support to the Governments of Peru and Colombia, including authority to transfer riverine patrol boats to those Governments, and to maintain and repair equipment used for counter-drug activities by those Governments. In recent years, the so-called 'war on drugs' has been expanded to cover the other countries in the Andes, and to Afghanistan and many of its neighboring states.

The bill now before the Senate would expand the list of eligible governments to include all countries in Asia, the Americas, and Africa. It also provides the Department the authority to transfer aircraft to eligible governments.

The amendment I have proposed to section 1023 would ensure that the transfer of aircraft is subject to section 484(a) of the Foreign Assistance Act of 1961, which requires that the United States retain title to aircraft made available to a foreign country primarily for narcotics-related purposes, unless the President makes a national interest determination and so notifies Congress. The requirement that such aircraft be made available only on a loan or lease basis has been the law for 20 years. The enactment of the Anti-Drug Abuse Act of 1986, P.L. 99–570, and no good argument has been offered as to why it should not apply to Department of Defense programs. Simply put, the requirement strengthens the ability of the United States to make sure that the aircraft provided is made available to a foreign country primarily for narcotics-related purposes under the Foreign Assistance Act of 1961 or ‘under any other provision of law.’ This expansive statutory language makes clear that any U.S. Government agency providing aircraft to a foreign government for counterdrug purposes must retain title to that aircraft. Yet inquiries to the Department of Defense officials about whether the authority provided in section 1023 of S. 2766 has ever been used have been met by sectio

Mr. DURBIN. Mr. President, I rise today to offer an amendment that would rename the Navy and Marine Corps Reserve Center at Rock Island, IL, in honor of Representative Lane Evans.

Representative Evans has been a tireless advocate of our men and women in uniform during his 24 years in Congress. Co-Chairman of the Defense Appropriations Subcommittee, he will lose a great man when he retires at the end of this year, and we can honor him and his accomplishments by renaming the Navy and Marine Corps Reserve Center at Rock Island after him.

Lane Evans came to Congress as a Marine Corps veteran, and military personnel and veterans were always on the forefront of his mind during his service on the House Committee on Armed Services and Committee on Veterans’ Affairs. Throughout his career, Representative Evans has fought to ensure that veterans receive the medical care they need. His unyielding out-spoken support for individuals suffering from post-traumatic stress disorder and Gulf war syndrome. Additionally, Representative Evans is credited with bringing new services to veterans living in his congressional district. In particular, he was responsible for the development of outpatient clinics in theQuad Cities and Quincy, IL, as well as the establishment of the Quad-Cities Vet Center.

Representative Evans has also worked to ensure that military personnel experience a smooth transition from active military service into the care of the Department of Veterans Affairs. Generations of veterans will continue to benefit from his hard work long after he has retired.

Representative Evans has worked in conjunction with local leaders to promote the Rock Island Arsenal, and the Arsenal has received new jobs and new missions. It is fitting and proper that the Navy and Marine Corps Reserve Center at Rock Island Arsenal be named in honor of Representative Evans in order to commemorate his service to America’s military personnel, its veterans, and his 17th Congressional district.

I urge my colleagues to join me in supporting this amendment.

Mrs. HUTCHISON. Mr. President, Social Security numbers are included on all military identification cards including the service member, military spouse, and all dependents over the age of ten. In light of the recent theft of millions of Social Security numbers of Veterans Affairs, all federal agencies must take measures to protect crucial information. To this end, I have introduced an amendment that would require the Department to conduct a feasibility study on prohibiting the use of Social Security numbers on all military identification cards.

When the Department of Defense began using Social Security numbers on identification cards in 1967, identity theft was not a problem most Americans worried about. Electronic transactions were, for the most part, non-existent, and we did not have the kind of advanced personal records that we have today. By simply gaining access to someone’s Social Security number, a malicious person could attempt to open a line of credit, obtain a false driver’s license or passport, or completely steal another person’s identity. Our military men and women should not have to worry about these problems while defending our country.

We cannot wait until an incident occurs within the Department of Defense that compromises the security of our military members. The federal government must be proactive. The feasibility study I have proposed has a reasonable finish date of six months from enactment and would give the Department the time to study this issue and find a self-imposed solution.

Social Security numbers are not included on driver’s licenses or passports. Colleges and universities are using generic numbers for student identification rather than Social Security numbers. It is time the Department of Defense provides this important safeguard for our troops.

Amendment No. 4398

Mr. KENNEDY. Mr. President, I urge my colleagues to join me in supporting this amendment to ensure that the Defense Department invests in critical basic research and maintains the workforce it needs to stay globally competitive.

Our military is first in the world because of the quality and training of our personnel and the technological sophistication of our equipment and weaponry. But many of our Nation’s best civilian scientific minds in the Defense Department are nearing retirement and our uncertain commitment to basic research funding makes it harder to attract a new corps of scientists to do this research.

Our amendment that the Senator from Maine and I are offering includes an additional $5 million for the Department’s SMART Scholars Program which is essentially an ROTC program for its civilian scientists. The amendment will more than double the funding level provided last year and provide more than 100 full scholarships and graduate fellowships in science, technology, engineering, and math.

Our amendment also adds $40 million to the Department’s funding of basic research in science and technology to ensure that its investment in the field is maintained and our military technology remains the best in the world. The amendment is supported by more than 60 of the most prestigious institutions of higher education in the Nation.

Advances in military technology often have their source in the work of civilian scientists in Department of Commerce, National Science Foundation, and other agencies.
Mr. CONRAD. Mr. President, I thank Mr. Levin for agreeing to join me in this discussion of the legislative intent of the Senate in approving several provisions related to the Department of Defense. We can’t forget that this type of research leads to the kinds of innovations that can generate millions of jobs and major new economic activity. Our global competitiveness deserves high priority, and our amendment provides it. The goal is to see that American innovation grows and that we continue to attract and retain the best and the brightest men and women to these critical fields in math and science.

I urge my colleagues to join us in supporting this needed amendment to provide more scholarships to math and science students and to increase our Federal commitment to basic research at the Department of Defense.

Legislative Intent with Respect to Expanded National Guard Authorities

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Guard to provide a security forces squadron to augment the Active-Duty security forces in the ICBM field at Minot Air Force Base, assuming that the Secretary requests that they perform such a mission. Air Force Space Command is eager to begin this initiative and has secured funding for it in the Air Force Program Objective Memorandum. This unit would include both traditional guardsmen and AGRs and would augment, not replace, the Active-Duty forces group currently assigned to the mission. I would encourage Secretary Rumsfeld to give serious consideration to requesting that the North Dakota Air National Guard augment the Active-Duty Air Force in carrying out this important operational mission, and I thank my colleagues for their time and their support.

KILLING OF U.S. SOLDIERS BY IRAQI SECURITY FORCES

Mrs. BOXER. This week, the military informed two California families that their sons were shot and killed by the very same Iraqi troops they were training.

SGT Patrick McCaffrey and 1LT Andre Tyson were killed near Balad in 2004. At first, the Army told the families that these two National Guardsmen were killed by Iraqi insurgents.

An investigation by the U.S. Army Criminal Investigation Command determined in September 2005 that both soldiers were shot and killed by members of the Iraqi security forces.

In addition to the fact that Iraqi security forces are killing U.S. soldiers, this situation raises several troubling questions.

First, according to his parents, there were two prior incidents in which Sergeant McCaffrey was fired upon by Iraqi security forces and the chain of command took no action. Why was nothing done? Are there other incidents where American troops are being shot at by the Iraqi forces they are training?

Second, why did the Army close its investigation in September 2005 but fail to inform the family until June 2006? Was there a coverup of this incident? What other explanation could there be?

Third, why were the families denied official government reports on the events that led to the deaths of these two soldiers? One of the families needed the help of my office to make any progress in learning the truth. How could we allow that the families of dead soldiers in such a callous and dismissive way? Where are the military case officers who are supposed to help the families of slain U.S. soldiers?

And, fourth, a Defense Department spokesperson spoke of this incident as "extremely rare." How can the Department of Defense conclude that the incident is rare when such incidents are evidently not being reported up the chain of command? Members of Sergeant McCaffrey’s unit told his father that insurgents were offering Iraqi soldiers about $100 apiece for each American they could kill.

I ask the Senator from Michigan, is he willing to work with me to get answers to these troubling questions?

Mr. LEVIN. I share the Senator’s concern and will work with her to address these important questions.

Mr. COBURN. Mr. President, the Senate today accepted three amendments that I offered to S. 2766, the National Defense Authorization Act for Fiscal Year 2007, intended to improve transparency and accountability of taxpayer funds provided to the Department of Defense.

Amendment No. 4370 addresses the practice of the earmarking of Federal funds by members of Congress. "Earmarks, more commonly known as ‘pork projects,’ are provisions inserted into bills or directives contained within a joint explanatory statement or reports accompanying bills specifying the identity of an entity, program, project or service to receive assistance.

Many Congressional earmarks inserted within Defense appropriations bills are not needed, or even wanted, by the Pentagon. Just this week, the Washington Post published an article titled, ‘The Project That Wouldn’t Die: Using earmarks, Congress kept money flowing to a local company that got $37 million for technology the military couldn’t use.’

Earmarks contained within Defense appropriations bills have been linked to a major corruption and ethics probe. Convicted super-lobbyist Jack Abramoff openly boasted that earmarks were his political currency and he called the Appropriations Committee that doles out a ‘favor factory’ for lobbyists.

The $80 billion emergency supplemental passed last year was riddled with add-ons. It included $10 million to expand wastewater facilities in Swiftwater, PA. The University of Texas Southwestern Medical Center got $3 million. A wastewater treatment plant in Desoto County, MS, got $35 million, and $4 million went to the Fire Sciences Academy in Elk, NV. While these many have been local priorities for these communities, it is difficult to argue that they are needed for our national defense.

In its report on its fiscal 2001 Defense appropriations bill, the Senate Appropriations Committee states that medical studies indicate the potential benefits of cranberry juice and other cranberry products in maintaining health. The committee urges the Secretary of Defense to take steps to increase the department’s use of cranberry products in the diet of on-base personnel and troops in the field. Such purchases should prioritize cranberry products with high cranberry content such as fresh cranberries, cranberry sauces and jellies and concentrate and juice with over 25 percent cranberry content.”

Most Americans do not support earmarking Federal funds, especially for such dubious purposes that serve parochial interests at the expense of our national defense. A recent Wall Street Journal/NBC News poll, in fact, found that of all the issues facing our nation, curtailing earmarks was identified as the single most important thing for Congress to accomplish.

The number of earmarks in Defense appropriations laws has grown from about 587 in fiscal year 1994 to about 2,847 in fiscal year 2006, according to a recent report by the Congressional Research Service. CBS. The amount of money earmarked has increased over the same period, from about $4.2 billion to $9.4 billion. The amount earmarked as a percentage of the total in the Defense appropriations bill has correspondingly increased from about 1.8 percent in 1994 to approximately 2.4 percent in 2006.

While we can determine the total number of earmarks and the actual pricetag of each, we have no way of calculating the hidden cost of earmarking, which includes staff time and administration expenses.

Specifically the amendment accepted today requires the Department of Defense to report annually: The total number of earmarks contained within Defense appropriations bills; the purpose and location of each earmark; an analysis of the usefulness of each earmark in advancing the goals of the Department of Defense. This will provide Members of Congress, the Pentagon, Congress, the American people, and the American taxpayer a more complete view of the cost effectiveness of each project and if such projects warranted continued funding.

This annual report will provide Congress and the public a more complete understanding of the total cost of “pork” to the Department of Defense.

The earmark grading system will, likewise, provide needed information to lawmakers and the public about projects inserted into bills that have not been properly vetted, debate or discussion. This added transparency will ensure that every Member of Congress can cast a truly informed vote and ensure greater accountability for how Federal funds are allocated and hopefully return some integrity to the appropriations process that has been undermined by recent investigations into earmarking.

My second amendment, No 4371, accepted by the Senate today seeks to eradicate the practice of contractors being rewarded for poor performance.

The Department of Defense has been improperly paying awards and incentives to contractors that do not fulfill the terms and conditions of their contracts. These are intended to be paid only for outstanding performances on contracts but are routinely paid out without regard to performance.

In a recent study conducted by the Government Accountability Office, GAO, DOD paid out at least $8 billion in over payments over 4 years, the vast majority of which were not earned and were improperly awarded. This of course, was just a small fraction of the overall
total of award fees given out to contractors every year.

My amendment seeks to end this process and require performance as a prerequisite for award fee bonuses. My amendment specifically requires that a contractor cannot receive an award fee unless the contractor has met the basic requirements of the contract.

This amendment has the potential to save the Federal Government billions of dollars every year and improve contractor performance.

The third amendment, No. 491, as modified, will require DOD’s Defense Travel System, DTS, to transform its “cost plus” contract to a fee-for-use-of-service system similar to the private sector travel reservation systems currently available in the marketplace.

DTS was initiated in 1998 DTS and intended to make travel arrangements for the military service branches and departments. It was supposed to be fully deployed by 2002. However, that date has been pushed back to September 2006—a delay of over 4 years—and has cost the American taxpayer $474 million—a staggering $200 million more than it was originally projected to cost.

DTS has a long record of failure. In July 2002, the DOD inspector general released a report on DTS which highlighted numerous concerns with the program and stated that DTS was being “substantially developed without the requisite requirements, cost, performance, and schedule documents and analyses needed as the foundation for assurance of its success.”

Following on that IG report, DOD’s office for Program Assessment and Evaluation prepared a report recommending termination of the program.

In January 2006, DOD reported that “DTS’s development and implementation have been problematic...thus it is not surprising that critical flaws have been identified, resulting in significant slippages between the planned and actual deployment dates of the system” and that selected requirements for display of flights and airfares found that system testing was “ineffective in ensuring that the promised capability was delivered as intended.”

This means that not only is DTS not performing, the current system is incapable of testing properly in order to determine what is required in order to meet DOD’s plan.

Funding DTS could not prove that DOD travelers even had access to the flights that were available for travel. There is no doubt such a flaw would have produced higher travel costs.

Compounding this problem is the fact that DOD continues to use the existing legacy travel systems at locations where DTS is already deployed. This means that all of the proclaimed savings that DTS was supposed to reap are nowhere to be found—because DOD continues to use legacy systems to do the same thing.

As originally envisioned, DTS was supposed to be a pay-for-use-of-service system in which the DTS was paid by the government based only on the extent to which the system was used—thereby creating an incentive for DTS to be a cost effective travel reservation system for the Department of Defense.

This amendment would require the Department of Defense to honor the original intentions of the DTS contract. Within a year of enactment of this bill, DTS will be required to utilize a fee-for-use-of-service system. The funds raised through fees charged will be used by DTS to pay for operational and maintenance costs as the system is slated to be fully developed and deployed by September 2006. DTS will be required to: (1) levy a one-time, fixed price service fee per DOD consumer using the system, and (2) charge an additional fixed fee for each transaction.

Together these three amendments ensure greater transparency and accountability of Federal funds and ensure taxpayers and our men and women in service know that the additional fixed service fee we are spending on the defense of our Nation are better spent.

I would like to thank Chairman Warner and his staff and look forward to continuing to work with them on these issues as they come before the Senate.”

Mrs. LINCOLN. Mr. President, today I offered an amendment on behalf of the brave men and women of our National Guard and Reserve who have sacrificed so greatly for our freedom.

This amendment requires the Department of Defense to provide the Select Reserve who have been activated for extended durations to utilize some of the educational benefits they have earned once they separate from service.

Since World War II, providing educational benefits to returning service members has served an invaluable role in stimulating recruitment and reten tion for our armed services. In assisting veterans readjusting to civilian life, these educational benefits have also enhanced our Nation’s competitiveness through the development of a more highly educated and productive workforce.

When the Montgomery GI bill was signed into law in 1984, members of the Selected Reserve—members of the National Guard and Reserve who have sacrificed so greatly for our freedom—were one of the first groups of beneficiaries. Through the strong advocacy of Congress, the SELECT Reserve educational benefits, which were seldom mobilized. Congress took action by enacting chapter 1606 who have earned during their mobilization to attend the University of Arkansas. Under current law, they would forfeit all of these benefits once they leave the Guard. I believe our young men and women who have fulfilled their service obligations deserve better than that.

Specifically, my amendment would allow members of the Selected Reserve to have portability of their chapter 1607 Montgomery GI bill benefits for up to 120 days from their last date of service. To clarify, this amendment applies only to their chapter 1607 benefits—those they have earned through activated service—and not their standard Selected Reserve educational benefits, chapter 1606’s decision to serve. Military analysts have consistently noted that reenlistment bonuses in lump-sum cash payments have been effective in
meeting or exceeding reenlistment goals in the Active and Reserve Forces, not the educational benefits that are deferred over time.

Further, there is a built-in incentive to continue serving in the Selected Reserve because reenlistment or extension in the Guard and Reserve enables the servicemember to retain their standard Selected Reserve Montgomery GI bill benefits under chapter 1606 with the purchase more chapter 1607 benefits through successive activations. If they reenlist, they would also remain eligible for any other educational “kickers” such as Federal tuition assistance and state Guard or Reserve educational benefits.

Young high school graduates thinking about furthering their educations and whether to join the Guard or Reserve should know that they will earn Montgomery GI bill benefits by joining the Reserves and even more if they are called up. When it is time to reenlist, they can keep all earned educational benefits by staying in or can take with them into civilian life the benefits they lost, when they were called up to defend our Nation.

As the daughter of a Korean war veteran, I was taught from an early age about the sacrifices our troops have to make to keep our Nation free and have been grateful for the sacrifice of many of our brave men and women from the State of Arkansas and across the Nation. On behalf of them and their families, I will continue to fight to ensure they are provided with the benefits, pay, and additional benefits that they have earned. I urge my colleagues to support this amendment. It is the least we can do for those whom we owe so much and to reassure future generations that a grateful nation will not forget them when their military service is complete.

Mr. NELSON of Florida. Mr. President, the National Defense Authorization Act for Fiscal Year 2007 includes a provision which would repeal the 12-carrier minimum requirement, the Armed Services Committee was clear that we should not allow our carrier fleet to fall dangerously lower than 11 ships. I believe strongly that the size and dispersion of our carrier force is a matter of highest national concern. Once mothballed, scrapped, or a combat loss, a carrier is extremely difficult and expensive to replace. The Nation needs 12 carriers for worldwide presence and mission success. Congress should support a funding program to ensure that we achieve and sustain that level as soon as practical.

As concerned as I am about reducing the size of our carrier fleet, I am equally concerned about the risk of failing to adequately disperse them. Stationing all our Atlantic coast carriers in a single port only compounds the challenge as we will face with a smaller fleet. I am not alone in that assessment. The former Chief of Naval Operations, ADM Vernon Clark, told the Armed Services Committee in February 2005 that in his view, "overcentralization of the port structure is not a good strategic move . . . the Navy should have two carrier-capable home ports on each coast." Admiral Clark went on to say, "... it is my belief that it would be a serious strategic mistake to have all of those key assets of our Navy tied up in one port." As recently as March this year, Deputy Secretary of Defense and former Secretary of the Navy, Gordon England, testified to this committee that the Navy needed to disperse its Atlantic coast carriers saying, "My judgment is that [dispersion] is still the situation . . . a nuclear carrier should be in Florida to replace the [USS John F.] Kennedy when we need it. Secretary England explained that, "the concern there was always weapons of mass destruction. Even though carriers were at sea, the maintenance facilities, et. cetera, are all still there and the crews . . . so having some dispersion would be of value to the Department of the Navy."

At the same hearing, Vice Chairman of the Joint Chiefs of Staff, ADM Ed Gaither, and Giambastiani, shared his own judgment that we should disperse our carriers. He illustrated his sense of risk to the Nation's east coast carriers when he recalled his own visit to Norfolk one Christmas, "where we had five carriers and the crews . . . so having some dispersion would be of value to the Department of the Navy."

Mr. AKAKA. Mr. President, at the outset, I have and I will continue to support our military personnel in Iraq and Afghanistan. They deserve no less than our complete backing.

I recently returned from visiting Iraq, where I had the honor of meeting with our troops and visiting with Iraqi officials. I left with a deep admiration for the spirit of our fighting men and women who continue to give their all to support our difficult mission. I was also impressed by the willingness of many Iraqis to put themselves in harm’s way as they dedicate their lives to the future of their Nation. However, I continue to harbor grave concerns over the current situation in Iraq and the President’s strategy for fighting the Iraq conflict.

So far, more than 2,500 Americans have died and 18,000 have been wounded. We owe it to both our honored dead and wounded to ensure that their sacrifices were not in vain and that we successfully accomplish our mission in Iraq and Afghanistan. However, as I have said from the beginning of this conflict, we need a full accounting of what the mission is, what is needed to accomplish the mission, and the true accounting of the cost of the mission.

It is time for the President to tell Congress, the American public, and most importantly, the families of our fallen heroes and the men and women in the Armed Forces what is his exit plan. Instead, we only get vague assertions such as in the President’s address to the Nation last week, in which he said: “...our strategy can be summed up this way: As the Iraqi’s stand up, we will stand down.” What this country needs now is a detailed exit strategy that puts the Iraqi Government and its people on the path to controlling their own destiny.

It is not clear why we went to war, what we are trying to achieve, and how we will measure success. There are many of us who believe that we went into Iraq for the wrong reason: because the President and his advisers misjudged or misrepresented the threat. And now that we are there, the President continues to come up with new reasons for staying. Before the war, President Bush said we needed to remove Saddam Hussein’s weapons of mass destruction. It turned out there were none. Faced with the absence of weapons of mass destruction, the administration has argued that presence in Iraq is necessary to protect the United States from acts of global terrorism and to ensure that Iraq successfully transforms into a stable democracy.

Brian Jenkins of the RAND Corporation, one of the country’s most noted terrorism experts, has written, “Taking the fight to terrorists abroad—as America did by invading Afghanistan and by continuing efforts against terrorism at home—makes sense. But Iraq is a separate and special case, because many of the combatants killed or captured by American
and allied forces in Iraq are insurgents created by opposition to the U.S. invasion itself.” It is my understanding that terrorist cells have become even more decentralized since the war in Iraq, spreading to many corners of the globe. Islamic extremists in Iraq are reportedly training Taliban and al-Qaida fighters. Furthermore, Brigadier General Robert Caslen says that 30 new terrorist groups have been created since 9/11, and “we are not killing them faster than they are being created. Even they recognize that the United States is not winning the battle of ideas over the terrorists.

A week ago, President Bush justified our presence in Iraq by stating that our mission now “is to develop a country that can govern itself, sustain itself, and defend itself, and a country that is an ally in the war on terror. While I support building a strong democracy in Iraq, I am still very concerned that the number of troops stationed there stands in the way of the Iraqi people developing their own nation.

If we remain in Iraq without a clear exit strategy, I believe that the situation there in Iraq is a country that is becoming more polarized along ethnic and sectarian lines. The December elections for a new National Assembly were dominated by the religious parties.

Furthermore, the Iraqi public’s perception of the economy is becoming increasingly pessimistic. The social situation in Iraq is just as disheartening. As a recent Pentagon report notes, we have spent almost $1 billion in electricity projects and are planning an additional $1.1 billion, but the gap between demand and supply is growing.

The price for not having a clear exit strategy is being borne by the American taxpayer and future generations of Americans who will truly pay the cost of this war. So far, the United States has spent about $40 billion for Iraqi reconstruction and much of that has been wasted. For example, instead of building 142 health centers in Iraq, only 20 clinics have been completed at a cost of $200 million. In addition, former Deputy Secretary of Defense Paul Wolfowitz confidently promised the Congress a week after the war had started that “...we’re dealing with a country that can really finance its own reconstruction, and relatively soon.” His economic projections were exceptionally faulty. Americans are paying inflated prices for Iraqi reconstruction projects that are only partially complete, instead of Iraqi oil revenues paying for Iraqi reconstruction.

The President’s policy gives the Iraqis no clear exit exception. Whether American troops remain there, should not be subject to an Iraqi veto. Making the departure of U.S. troops dependent on the Iraqis places the health and welfare of our brave men and women at the mercy of Iraqi decisions.

When I spoke with Iraq’s National Security Adviser, Dr. Mowaffak Rubaie, he shared his view that the removal of foreign troops will legitimize Iraq’s Government in the eyes of its people. In my view, a phased withdrawal of American troops will encourage the Iraqi Government and military to take responsibility for their future. The additional U.S. support needed to train and equip sufficient security forces to protect the continued American civilian presence, and sufficient security forces to attack al-Qaida and other terrorist centers will be a strengthened, not weakened, Iraqi Government and military.

I agree with the President when he said that “success in Iraq depends upon the Iraqis. If the Iraqis don’t have the will to succeed, they’re not going to succeed. We can have all the will we want, I can have all the confidence in the ability for us to bring people to justice, but if they choose not to ... make the hard decisions and to implement a plan, they’re not going to make it.”

We must empower the Iraqis to defend and govern themselves. For that reason, phased withdrawal is the only road to success.

Mr. President, some say that asking this administration to provide a plan detailing the eventual withdrawal of our troops from Iraq demonstrates a lack of courage. To me, it takes courage to do what is right for our Nation and for Iraq. And for our Nation to establish an exit strategy to bring our troops home to their families. What is right for Iraq is to empower them to control their own destiny.

Mr. PRYOR. Mr. President, I wish to speak about an amendment I offered to the 2007 Defense authorization bill that would be very beneficial to the members of our Reserve Component. The amendment would award them 15 days of paid leave for those on their deployment, provided they have been deployed more than 6 months and have been deployed in a combat zone. The members of the Reserves and National Guard face a different situation and different challenges when they return from combat than those on active duty because they return to civilian life and civilian jobs almost immediately. In many cases I believe it happens too soon, primarily for financial reasons.

The need to return to their jobs as soon as possible means Reservists and Guardsmen have little or no time to adjust and is ready to become a productive worker again. So the benefits would not go solely to the soldiers and their families.

This is an important amendment, one that would help soldiers, their families, and their communities around the nation. I believe it deserves to be included in the Defense authorization bill, and I ask my colleagues for their support.

Mr. BIDEN. Mr. President, last Thursday, we passed by a 99-to-1 vote an emergency supplemental to support our troops in Iraq and Afghanistan and provide relief to the victims of Hurricane Katrina. Unfortunately, behind closed conference doors, a key provision of both the House and Senate versions was stripped out—a amendment, introduced by Representative BARBARA LEE and myself, that would bar any funds from being used to establish permanent U.S. military bases in Iraq or to control Iraq’s oil.

I supported our troops, though I was surprised that my amendment was removed in conference after not a single Senator spoke against it during the floor debate. By removing the permanent bases amendment, we make it more difficult to distinguish men and women in uniform and undercuts our Nation’s broader effort against terrorism. So I am happy that my amendment has now been accepted as part of the Defense authorization bill.

This amendment is straightforward and simple: It affirms that the United States will not seek to establish permanent military bases in Iraq and has no intention of controlling Iraqi oil, I will repeat what I said 5 weeks ago. While it may be obvious to Americans that we don’t intend to stay in Iraq indefinitely, such conspiracy theories are accepted as fact by most Iraqis. In an opinion poll conducted by the University of Maryland and in January, 80 percent of Iraqis—and 92 percent of the Sunni Arabs—believe we have plans to establish permanent military bases. The same poll found that an astounding 88 percent of Sunni Arabs approve of attacking Americans—something we do not intend to do.

Why do Iraqis believe we want permanent bases? Why do they think we would subject ourselves to the enormous ongoing costs of Iraq in blood and treasure? Do they think we want their land, their treasure? Do they think we want their oil. To my mind, the connection between these two public opinion findings is incontrovertible.
Before you dismiss these as simple conspiracy theories, remember what Iraqis have been through in the past three decades: three wars and a tyrannical regime that turned brother against brother and made paranoia a way of life. And there is a longer historical trajectory, too: 400 years of British and Ottoman occupation have led to a deeply ingrained suspicion of a foreign military presence.

These views extend well beyond Iraq. In a 2004 Pew Charitable Trust survey, majorities in all four Muslim states surveyed—Turkey, Pakistan, Jordan, and Morocco—believed that control of Mideast oil was an important factor in our invasion of Iraq. Our enemies understand the booby trap these misconceptions provide to their recruiting efforts and use them as a rallying cry in their calls-to-arms. Last year, in a letter intercepted by the U.S. military, Ayman al-Zawahiri, the deputy leader of al-Qaida, wrote to the recently killed terrorist Abu Musab al-Zarqawi: "The Muslim masses... do not rally except against an outside occupier's enemy."

Our military and diplomatic leaders understand that countering this vicious propaganda requires clear signals about our intentions in Iraq. And they have done just this: GEN George Casey, the ground force commander in Iraq, told the Committee on Armed Services last September: "Increased coalition presence feeds the notion of occupation." At the same hearing, GEN John Abizaid, the commander of all U.S. troops in the Middle East, told Congress: "We must make clear to the people of the region we have no designs on their territory or resources." In March, the American Ambassador to Iraq, Zalmay Khalilzad, told an Iraqi television station that the United States has "no goal in establishing permanent bases in Iraq."

Unfortunately, this clarity has been clouded by mixed messages from the senior-most decision-makers in the Bush administration: To my knowledge, President Bush has never explicitly stated that we will not establish permanent bases in Iraq. And both the Secretary of Defense and the Secretary of State have left the door open to do just that. On February 17, 2005, Secretary Rumsfeld told the Committee on Armed Services: "We have no intention, of the time, of making permanent bases in Iraq." At the present time is not exactly an unequivocal statement.

On February 15, 2006, at the Senate Foreign Relations Committee hearing, Senator KERRY asked Secretary Rice: "Is it, in fact, the policy of the administration not to have permanent bases in Iraq?" Rather than answering the simple one word, "Yes," Secretary Rice said during a 409-word exchange on the question: "I don't want to, in this forum, to venture everything that might happen way into the future." Just last Thursday, columnist Helen Thomas asked the White House Press Secretary to unambiguously declare that the United States will not seek permanent bases in Iraq. Again, the Press Secretary could not unequivocally declare this to be the case.

These mixed messages are confusing the Iraqis and the people alike. They feed conspiracy theories and cede rhetorical space to our enemies. They make it that much more difficult to win the battle for the hearts and minds of 1.2 billion Muslims in the world. Our success in this battle will determine our success in the struggle between freedom and radical fundamentalism. Against this backdrop, I believe that it is incumbent upon us to speak where the administration has not.

My amendment will have no detrimental effect on the military operations of our Armed Forces in Iraq or their ability to provide security for Iraq oil infrastructure. United Nations Council Resolution 1546 recognizes that foreign forces are present in Iraq. Our enemies present in Iraq at the invitation of the Iraqi Government and that their operations are essential to Iraq's political, economic, and social well-being. In his first speech to the Iraqi Parliament last month, Prime Minister Nuri al-Maliki endorsed that resolution. We are anxious for the day when Iraqis can take control of their own destiny, but the Iraqis are suspicious of our intentions and are growing increasingly impatient.

This amendment may not in itself change a lot of minds on the ground or in the region, but it can mark the beginning of a sustained effort to demonstrate through words and deeds that we have no intention of controlling Iraq's oil or staying there forever. I believe it is our duty to do so.

Mr. REID. Mr. President, I thank the chairman and the ranking member of the Armed Services Committee for their help. I also thank Senator ENSEND's office on scaling back the new exceptions to the Berry amendment— the Buy American rules—that were ultimately included in this legislation. The changes to narrow the language as originally proposed go a long way toward addressing the concerns of the U.S. specialty metals industry, including titanium production in Nevada. So again I thank the chairman and ranking member for working with us on these changes.

Still, I have concerns about provisions in this bill that were adopted as part of amendment 4286 on June 15 that weaken the Buy American provisions of the Berry amendment. I know this is not the intention of the Senate or the Administration and has led to a buildup in foreign interests to weaken the Buy American rules in and outside the Administration. I think the legitimate concerns can and should be addressed with some minor tweaking and appropriately limited waivers. If material of the right quality or grade is not available in the United States, the Pentagon could exercise its existing waiver authority. We could pass legislation that would improve that authority. If lax enforcement has led to a buildup in foreign inventories, we could create a temporary "get well period." If a few off-the-shelf items should not be included under the Berry amendment, we could figure out what they are and exempt them.

But I worry we have gone much further than that. The Senate's bill introduces a number of new concepts that I am not sure we fully understand individually, much less together. I worry we do not understand how all of these different concepts will interact together.

Let me be clear about one thing. Outside of the U.S. companies, there is only one other worldwide producer of aerospace-quality titanium. In other words, one titanium company in the whole world will get the new U.S. defense business from weakening the Buy American provisions of the Berry amendment. That company is a Russian company called VSMPO. It was built by the Government of the Soviet Union, later privatized, and recently the Government of Russia has indicated that it intends to take a controlling share of the company. That is right, the Kremlin intends to take a large ownership position in this company. This is the same Kremlin that used access to energy supplies to try to bully the Ukraine as an intimidation tactic. I have a series of newspaper articles on VSMPO and its relationship to the Russian Government and I will ask unanimous consent that they be printed in the RECORD.

The administration has talked about needing to change the Berry amendment and has said that it wants greater "commercial and military integration." But, I am concerned that if it is not appropriately narrow, changes to the Berry amendment will create greater "Kremlin-Defense integration." So if this new language would not stop the result of U.S. dependence on Russian titanium producers, I think it would be terrible military and defense policy.
I hope that as the bill moves forward, we will have an opportunity to take a closer look at these provisions and narrow them even further. Perhaps some concepts we will determine deserve to be dropped altogether.

I ask unanimous consent that the article to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**KREMLIN CAPITALISM**

**RUSSIAN CAR MAKER COMES UNDER SWAY OF OLD PAL OF PUTIN**

**A TIGHT CIRCLE IN GOVERNMENT IS DRAWING KEY INDUSTRIES INTO THE STATE’S GRIP**

**FRICTIONS WITH PARTNER GM**

(45x66) By Guy Chazan

MOSCOW.—Last December, the head of Russia’s state arms-trading agency emerged from the shadows as one of the country’s most powerful businessmen. Aided by 300 heavy armed police, he took control of Russia’s largest defense company.

His agency had no experience running a car company, nor did it own any shares of this one, a producer of those ubiquitous Lada. But the chief arms trader, Sergei Chemezov, had one invaluable asset: He is an old friend of Russia’s president, Vladimir Putin.

Mr. Chemezov says he has known Mr. Putin since the two were KGB agents in the 1980s. He acknowledges that his ties give him a leg up in business. “If we can get a lot of issues resolved fast,” he says.

Since being tapped in 2004 to run the arms-export business, Mr. Chemezov has been using his influence to turn the agency, called Rosoboronexport, into a conglomerate with interests ranging from oil-drilling gear to cars. Its newest target is one of the world’s largest titanium producers, a critical supplier for Airbus and Boeing Co.

Rosoboronexport is one of several fast-growing companies headed by friends of Mr. Putin who embody his particular brand of state capitalism. Across Russian industry, private capital is in retreat as state-controlled entities ride a wave of consolidation and lucrative sales of state oil, gas drilling, engineering and other sectors. Mr. Putin deems strategic.

It’s a process with strange echoes of the past. In the 1990s, a generation of aggressive young businessmen used connections to snap up assets at rigged privatization auctions. Now, some of Mr. Putin’s closest associates are taking advantage of their proximity to the Kremlin to build up similarly huge, although nominally state-owned business empires.

Their growth worries the few outspoken advocates of market-oriented policies left in the top ranks of the Putin government. We do not have the power and means to track state-controlled firms, many of them monopolies, as they grab market assets,” said Economics Minister German Gref at a conference in April.

Long noted for graft and inefficiency, Russian state-owned behemoths increasingly have become tools of government policy. In January, gas monopoly OAO Gazprom briefly shut off the fuel to neighboring Ukraine in a price dispute that was widely denounced as a move to punish the pro-West government in Kiev. Vaccinated in those accusations and says big state-owned companies will be subject to the discipline of the market, often with some shares available to foreign investors. Rosoboronexport is planning an initial public offering of state oil company OAO Rosneft this summer.)

But at Avtovaz, Rosoboronexport’s takeover wasn’t good news for General Motors Corp.’s $340 million joint venture with the Russian auto giant. The change in management brought to a head simmering tensions over costs at the operation. Now there are signs the entire deal, the largest foreign investment in Russia’s auto sector, could unravel.

Until recently, Avtovaz was barely known, an operation with a few hundred employees headquartered on a quiet Moscow boulevard. It was, and remains, one of Russia’s most profitable companies. Its lucrative sales operations are largely a state secret. With Mr. Chemezov at the helm, however its profile began to grow.

According to Mr. Chemezov, he and Mr. Putin met when both were KGB intelligence officers in Dresden, East Germany—a claim the Kremlin won’t comment on but one published in a government-controlled magazine.

Mr. Chemezov says the two lived in the same apartment block and their families socialized. They kept in touch after their return to Russia. In 1996, when Mr. Putin got a job as a mid-level Kremlin bureaucrat, he made Mr. Chemezov his deputy.

In 1998, Chemezov moved to the arms industry. It was a time of corruption and chaos. The advent of capitalism had left defense factories starved for cash. Desperate to survive, some companies competed with one another for foreign contracts, often with the help of dubious middlemen.

After Mr. Putin became Russian president the following year, he took control of the trade. He formed Rosoboronexport as a state monopoly to squeeze out freelance arms salesmen and root out graft, staffing it with old comrades. In essence, he elevated his deputy head and then, in 2004, its chief.

Russian weapons exports boomed. They totaled $8 billion last year, up 70% since 1999. Rosoboronexport’s market share grew to a 3.8% commission on all sales, prospered.

The agency expanded its horizons. Last year, it merged all of Russia’s helicopter makers, some of them privately owned, into one of its subsidiaries. Now it is involved in a similar effort to consolidate Russia’s struggling airplane manufacturers under state control.

Chemezov’s influence grew as the Kremlin picked him to represent the state on the boards of a string of large defense firms. But it is most evident yet involved with Avtovaz. The auto story developed fast last fall, initiated by a meeting in the Kremlin between President Putin and the long-serving CEO of the company.

**DOWN ON ITS LUCK**

Avtovaz was built in the late 1960s in Togliatti, a drab Volga River city named after an Italian Communist. In the 1990s the city was torn apart by Cher. Mafia wars, as rival gangs vying for control of the auto works staged shootouts at the factory gates. The company was broke. Big profits, however, were still being reported—and linked to Avtovaz management—that supplied auto parts and sold the company’s finished cars.

More recently, Avtovaz has struggled to hold market share as some in Russia’s growing middle class switch from clunky Ladas to foreign-brand cars. By mid-2005, corporate raiders, alleged to have criminal connections, were tightening their grip on the big auto maker. They bought up parts suppliers and dealerships, installing loyal managers, at a cost of billions, according to Mr. Kadannikov.

Mr. Chemezov says that when President Putin met last fall with Avtovaz’s chief, 64-year-old Vladimir Kadannikov, the veteran autoworker made it clear to him that Avtovaz was a private company without having to buy any shares. The Kremlin seemed to have lost the battle to keep the Avtovaz’s American joint-venture partner, General Motors. GM had seen relations cool over the next few months, we had to replace virtually the entire police force, both in Togliatti and in the factory itself!” Soon, three of Avtovaz’s senior ac- 

Clayton Garwood, head of GM in Russia. “They took that decision unilaterally.”

Avtovaz had long grumbled that the joint venture wasn’t paying enough for the parts

**A SPAT WITH GM**

Rosoboronexport soon was in a spat with Avtovaz’s American joint-venture partner, General Motors. GM had seen relations cool over the joint venture, closing down its production line for 10 days. “There was no discussion at all about a shutdown,” says Warren Brownie, GM’s Russia manager.

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Avtovaz had long grumbled that the joint venture wasn’t paying enough for the parts
AvtoVaz supplied. After tough negotiations, the sides worked out a compromise that raised the price, though not by the 60% that AvtoVaz had demanded. But that deal expired at the end of June and beyond that, Mr. Brecht’s venture’s prospects look murky. “There’s still a lot of distrust on both sides,” says a banker familiar with the project. “I think one or the other won’t want to do it.”

That would be a big blow for a pioneering project that in its time put GM way ahead of competitors in one of the world’s fastest-growing car markets. GM took the risky step of putting its Chevrolet logo on a Russian-designed car, a strategy that initially paid off as Chevrolet became Russia’s top-selling foreign brand in 2004. After this year’s trip, GM says it remains committed to the joint venture. “It’s debt-free, it’s got cash flow and it achieved a profit a year before we expected it to,” says Mr. Brecht.

AvtoVaz’s new bosses are less effusive. “When it started, the venture was a breakthrough, a positive change,” says Vladimir Artyyakov, AvtoVaz’s new chairman. “It got stuck in its original format . . . and began to limp. It no longer really fits into Avtovaz’s strategy.

It supplies around 30,000 tons in 2005, also supplies titanium for aircraft.

KREMLIN MOVES TO TAKE CONTROL OF KEY MINERAL TITANIUM

YEKATERINBURG, RUSSIA—The huge new Airbus A380 cannot take off without it, nor can Boeing’s 787 Dreamliner—titania has become an essential component in modern aircraft. The Urals contain much of the world’s resource and the Russian company VSMPO-Avisma, as the world’s largest producer, has closed lucrative contracts with aerospace sector in the West. The fact has not gone unnoticed in Moscow. After recouping control of oil and gas, the Kremlin is now looking at retaking control of the metal industry.

Aircraft manufacturers in Europe and North America are concerned. They fear the Russian state could exert influence in the way it has recently in energy politics. But at VSMPO-Avisma the concern is that circles around President Vladimir Putin are less concerned about national strategy than personal gain.

With several billion dollars that flows into the Russian state coffers as a result of the continuing high energy prices, the Kremlin’s confidence in its economic policy grows. A few months ago Putin announced the formation of a state holding company for the decaying Russian aircraft construction sector. It is to fall under the arms exporter Rosoboronexport.

Mr. Bresht said yesterday: “I am ready to sell my shares to the state.” He declined to comment on the reasons for his decision. Mr. Tetyukhin, said: “The state will definitely become a shareholder in VSMPO-Avisma.” He said it was a question of time, the size of the stake, and the price.

Observers said the shareholders’ decision to give control away was the latest illustration of the Kremlin squeezing out private owners from what it deemed to be strategic industries.

It was also a sign of the growing power of Rosoboronexport, which was set up to trade arms but has a licence for a wide range of commercial activities.

Last year it seized control of Avtovaz, the country’s largest carmaker, which it is now trying to revive. It has also consolidated control over Russia’s helicopter makers and is believed to be interested in buying large shipbuilding companies. It emerged this week that Rosoboronexport, which has the status of a state department, wants to transform itself into a state-owned corporation, which would give its managers more freedom.

VSMPO-Avisma struck a $1.4bn deal to supply between 60 and 70 percent of all titanium consumed by Airbus. Russia recently consolidated civil and military aircraft manufacturers into a single holding company, which could become a customer of VSMPO.

Rosoboronexport wants at least 25 percent of VSMPO, but a source close to the talks said the agency was interested in gaining control.

RUSSIAN STATE TO BUY STAKE IN VSMPO

BY Arkady Ostrovsky, Moscow

The owners of VSMPO-Avisma, the world’s largest titania maker, have submitted an offer to buy equity, which could become a customer of VSMPO.

Mr. Chemezov is increasingly seen as one of the most powerful players in the Russian economy. With every billion dollars that flows into the Russian state coffers as a result of the continuing high energy prices, the Kremlin’s confidence in its economic policy grows. A few months ago Putin announced the formation of a state holding company for the decaying Russian aircraft construction sector. It is to fall under the arms exporter Rosoboronexport.

- The huge new Airbus A380 cannot take off without it, nor can Boeing’s 787 Dreamliner—titania has become an essential component in modern aircraft. The Urals contain much of the world’s resource and the Russian company VSMPO-Avisma, as the world’s largest producer, has closed lucrative contracts with aerospace sector in the West. The fact has not gone unnoticed in Moscow. After recouping control of oil and gas, the Kremlin is now looking at retaking control of the metal industry.

- A colleague who works in public relations for the state-owned corporation, which would give its managers more freedom.

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natural resources as tools to regain its influence in the world.

Its renewed assertiveness could scarcely have been imagined eight years ago when, still in its post-Soviet form, the country defaulted on $40bn ($22bn, €32bn) of debt and plunged into financial crisis.

But the forum also displayed the new economic order in Russia. Pride of place was given to the state-controlled giants: Gazprom, Russia's gas producer, with a market worth of $225bn—bigger than Walmart or Royal Dutch Shell; Rosneft, the oil company about to launch a $10bn initial public offering on Moscow's HoRex, also planning IPOs of some of its units.

Directors of these companies are intimately linked to the president. Alexei Miller, the head of Gazprom, has been linked to the president since the mid-1990s, when he was deputy prime minister with chairing Gazprom, and Igor Sechin, who is the president’s deputy chief of staff as well as Rosneft chairman. Dmitry Yakunkin, chief executive of Russian Railways, also forged a bond with Mr. Putin in the same period.

All are part of a network of Putin associates, whose influence in Russia’s second city or former fellow officers in the KGB secret police, who have quietly come to dominate state companies—too often double up as government ministers or senior Kremlin officials. Together, they form the quasibureaucracy of which was called Russia’s ‘executive branch’ of state corporate assets for obvious political power. Add in the economic and political power. Mr. Putin succeeded Mr. Yeltsin in 1999, when businessmen paid courts to make $60bn—$70bn in dividends, and now the state control. There is the specter of well-connected state operators—see Vnesheconombank, the state-controlled giant, which also has a market worth of $225bn—bigger than Walmart or Royal Dutch Shell; Rosneft, the oil company about to launch a $10bn initial public offering on Moscow’s HoRex, also planning IPOs of some of its units.

Mr. Putin succeeded Mr. Yeltsin in 1999, when businessmen paid courts to make $60bn—$70bn in dividends, and now the state control. There is the specter of well-connected state operators—see Vnesheconombank, the state-controlled giant, which also has a market worth of $225bn—bigger than Walmart or Royal Dutch Shell; Rosneft, the oil company about to launch a $10bn initial public offering on Moscow’s HoRex, also planning IPOs of some of its units.

The president has not “liquidated the oligarchs as a class”, as he once pledged—one of the big seven from the 1990s are still in business. The oligarchs are beginning to re-establish state power. He packed the presidential administration and government with them—and increasingly in his second term has given the same people supervisory roles in business.

The second is the state-controlled companies to be run by people who happen to be extraordinarily intertwined. Of its presidential administration, 11 members chaired six state companies.

The state has also become a big player in major state companies' transactions—its move to increase its stake in Gazprom from 38 to 51 per cent and Gazprom's purchase of Sibur—from $60bn to the half the $50bn+ value of Russian M&A deals last year, according to KPMG. Figures from the European Bank for Reconstruction and Development show that the state-controlled companies' share of state-owned assets has risen from 30 per cent to 35 per cent last year. While the like of the 1990s-era oligarchs, the increasing role of state business and its directors has important implications. It does not represent a return to 1990s era central planning. The Kremlin has embraced the market—as demonstrated by the planned Rosneft IPO and its move to lift restrictions on foreign investors buying the 49 per cent of Gazprom shares not owned by the state. But the new model is a much more directed capitalism.

Take aviation. As Chris Weafer, chief strategist at Alfa Bank (owned by Mikhail Khodorkovsky), another 1990s oligarch, points out, in order to recreate a national carrier, Aeroflot is being reunited with several regional airlines carved out of it in the 1990s. Instead of replacing it with Boeing or Airbus, it may buy aircraft from United Aircraft Corporation, the national aviation giant now being formed. UAC, in turn, will buy VSMPO-Aviamotors, a privately owned world leader in titanium that also seems set to fall under state control. There is the specter of the windfall oil revenues sitting in Russia’s $60bn “stabilisation fund” could rebuild crumbling airports and the vision of state control that takes flight.

There are risks in such an approach. Around the world, public ownership has generally been less effective than private. Instead of focusing on areas where Russia has real global advantages, the state might focus on propping up ailing dinosaurs. The leading Russian businessman warns that the state’s growing role “kills initiative.”

“A businessman who can’t rely on state orders comes up with something the market likes. This requires not only political skills but lobbying skills.”

State companies may simply attempt to cherry-pick attractive state company assets. One example is the pursuit of VSMPO-Aviamotors, the privately held titanium company, by Rosoboronexport, a state arms export agency run by former Sergei Chemezov, the long-time Putin friend. The same group last year took control of Avtozavod, the Lada car maker, and is emerging as a prime mover in the sphere of state capital. The Russian Union of Industrialists and Entrepreneurs, a lobby group, has raised the
alarm about the government’s failure to protect property rights. In April it published research that concluded Russia’s economic model had been most favourable for investment in 2002 and 2003, before state capitalism started to emerge. Had the climate been maintained, it added, a real investment boom would have boosted industrial output and the economy generally at twice last year’s 6.4 per cent. Even ministers have weighed in. German Gref, the liberal economy minister, recently warned that the sheer number of deals meant the government could not ‘keep track of state-controlled firms . . . as they grab market assets.’

But is this asset grab the result of ideology, or is state control best—traps by officials to line their pockets? Mr. Putin himself has denied that senior officials running state businesses are enriching themselves. Supporters say he put trusted allies into state companies partly to clamp down on corruption—notably Mr. Miller, who has reclaimed $1bn of Gazprom assets spirited out of the company’s control by Yeltsin-era management.

Yegor Gaidar, the former prime minister who made Russia’s post-communist economic reforms, says state control tends to breed corruption. “When you are the owner, you don’t cheat the company,” he says. “But when it isn’t your money but the state’s money, being a manager you suddenly find you have a lot of good friends and relatives who could benefit from this money.”

Some observers say the process could go further: state managers could become owners through flotations or partial privatisations that would give them the chance to buy shares.

Most analysts agree Mr. Putin was right to break the influence of the 1990s-era oligarchies, which was distorting competition and deforming the development of Russian capitalism. Yet rather than separating political and economic interests in a stable system governed by the rule of law, he has created a new class of politically connected business people.

Russia risks becoming locked in a vicious circle of property redistribution and mutating oligarchies. To ensure they do not lose control of property redistribution and mutations, to ensure they do not lose control of business interests in a stable system, state managers could become owners through flotations or partial privatisations that would give them the chance to buy shares.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The question occurs on passage of the bill as amended.

Mr. LEVIN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from New Hampshire (Mr. SUNUNU).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber designating to vote?

The result was announced—yeas 96, nays 0, as follows:

(Roll Call Vote No. 186 Leg.)

YEAS—96

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Baucus
Bingaman
Bond
Boxer
Brownback
Bunning
Burton
Byrd
Cantwell
Carper
Chafee
Chambliss
Clintond'
Cochran
Coleman
Collins
Conrad
Curnyn
Craig
Crapo
Dayton
DeMint
DeWine
Denham
Enzi
Rockefeller
Lieberman
Sununu

The bill (S. 2766), as amended, was passed.

The bill will be printed in a future edition of the Record.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, once again I thank colleagues for the unanimous vote, 96 to 0, sending a strong message to the men and women of the Armed Forces.

Mr. LEVIN. We will have more to say on this after the next vote. While every member is here, I thank our chairman.

Mr. WARNER. We will have more to say on this after the next vote. While everyone is here, I thank our chairman. This is the sixth bill he has brought to the Senate of the United States as chairman. It is better every time. It gets smoother every time. That is owed to this great Senator from Virginia. We will have more to say about that when we bring the conference report back. A lot of Members need to leave. I want everyone to know before they leave, this Senator is entitled to their thanks.

Mr. WARNER. I thank my distinguished colleague.

Mr. KERRY. First of all, I join in congratulating the managers of this bill.

Very quickly, Senator HAGEL and I had an amendment with respect to the pay raise of the troops. The House has raised the pay level by 2.7 percent. In this bill, there is a 2.2-percent raise. Senator HAGEL and I sought to equal what the House did and raise it across the board, but it is our understanding that the committee has made the decision in consultation with people in the services, the needs of the services, that there is a particular program with respect to retention of noncommissioned officers. Instead of taking that .5 percent differential and spreading it throughout the services, it is the intention of the committee on the Senate side to try to address the retention issue and put that money into noncommissioned officers.

If that is the understanding, I think Senator HAGEL and I, for that reason, will pull back our amendment, and we agree to support the position of the Senate.

Mr. WARNER. Mr. President, the Senator from Massachusetts is correct. The group that has consulted with the committee staff was the senior enlisted ranks. The program rests in the senior enlisted ranks, the warrant officer ranks. That is where the targeted money was applied. We will look at it further in conference.

I thank the Senator.

Mr. KERRY. I thank the Senator.

EXECUTIVE SESSION

ANDREW J. GUILFORD TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider the following nomination, which the clerk will report.

The Assistant Secretary of the Senate read the nomination of Andrew J. Guilford, of California, to be United States District Judge for the Central District of California.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, today the Senate will confirm two more lifetime appointments to our Federal courts. I am glad that we are voting on Andrew Guilford, who has been nominated to the District Court for the Central District of California and who has the support of his Democratic home State Senators. Mrs. BOXER and Mrs. FEINSTEIN. Frank Whitney, a nominee for the District Court for the Western District of North Carolina, has the support of his Republican home State Senators. Both nominations were reported unanimously by the Judiciary Committee.

I am pleased that the Republican leadership has scheduled debate and consideration of these nominations and am glad that the Republican leadership
is this month taking notice of the fact that we can cooperate on swift consid-
eration and confirmation of consensus nominations. Working together, we
confirmed five judges in 1 week earlier this month. We have confirmed three more
this week. Often these judges could have been confirmed last month if
the Republican leadership had chosen to make progress instead of picking a
fight on a controversial nomination. I look forward to working with the Re-
publican leadership to schedule debate and consideration of other non-
controversial nominees.

I, again, commend the Republican Senate leadership for wisely passing
over the controversial nominations of William Gerry Myers III, Terrence W. Boyle, and Norman Randy Smith. The Republican leadership is right to have
avoided an unnecessarily divisive de-
bate over these nominations that were
reported on a party-line vote.

The Senate Republican leadership have too often, though, chosen to pick fights over judicial nomi-
\n
nations rather than focus on filling va-
cancies. Judicial vacancies have now
grown to well over 40 from the lowest vacancy rate in decades. More than half of the vacancies are with 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 slow-
est to confirm. I 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 several mile-
stones. When the Senate today con-
firms Andrew Guilford and Frank Whitney as district court judges, the
Senate will have confirmed 251 of this
President’s judicial nominees, crossing
the 250 threshold. This milestone is an
indicator of how cooperative Senate
Democrats have been in confirming
this President’s nominees. Despite the
slow pace of the President and the Re-
publican leadership in filling the needs
of the judiciary, the Senate has con-
firmed more of this President’s nomi-
nees in the 66 months of his Presidency
than the Republican-controlled Senate
did in the last 66 months of the Clinton
Presidency. During that time, many
good nominees were never even given
a vote by the Republican committee, and only 230 judges were
confirmed. That dubious total was
the result of their pocket-fulibuster strategy to stall and maintain vacan-
cies so that a Republican President
could pack the courts and tilt them de-
cidedly to the right. It is a strategy
which has been working.

Also with these two nominations, the
Republican-controlled Senate will have
this year confirmed 24 judicial nomi-
\n
nations. That surpasses the number of
judges confirmed last year. 22. During
the 12 months I was chairman of the
Judiciary Committee and the Senate
was under Democratic control, we con-
firmed 100 of President Bush’s nomi-
nees. After today, in the last 17 months
under Republican control, the Senate
will have confirmed 46. So the fact that
the Senate has confirmed more nomi-
nees in the past 5½ years than in the
last 5½ years of the Clinton adminis-
tration is due in no small part to the
fewer fast-track confirmations of this
President’s nominees when Demo-
crats controlled the Senate.

Working together, we could do bet-
ter. I urge the White House to work with us to select nominees with bipar-
tisan support. Andrew Guilford, rather than explosive partisan nomi-
nees like Terrence Boyle. I hope that the Republican-controlled Senate will
stop using controversial judicial nomi-
nations to score partisan political
points. Our courts are too important.

Mr. CRAIG. Mr. President, I regret
that I will not be able to vote on the
nomination of Andrew Guilford. I have
been called back to Idaho because of a
family emergency. Had I been present
to vote, I would have voted in his
favor. It is my understanding that
there are no known votes against this
nominee, so his certain confirmation
will not be affected by my absence.

The PRESIDING OFFICER. The ques-
tion is, Will the Senate advise and
consent to the nomination of Andrew
J. Guilford, of California, to be United
States District Judge for the Central
District of California? On this ques-
tion, the yeas and nays have been or-
ered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Sen-
ators were necessarily absent: the Sen-
nator from Idaho (Mr. CRAIG), the Sen-
nator from Wyoming (Mr. ENzi), the
Senator from New Hampshire (Mr. GRIEG), and the Senator from New
Hampshire (Mr. SUNUNU).

Mr. DURBIN. I announce that the
Senator from Connecticut (Mr. LIEBERMAN), the Senator from West
Virginia (Mr. ROCKEFELLER), and the
Senator from Maryland (Mr. SARBANES)
are necessarily absent.

The PRESIDING OFFICER. Are there
any other Senators in the Chamber de-
siring to vote?

The result was announced—yeas 93,
nays 0, as follows:

[Rollcall Vote No. 187 Leg.]

June 22, 2006

Akaska
Alaska
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boren
Boxer
Brownback
Brownning
Burns
Burr
Budlong
Cantwell
Carper
Chambliss
Coburn
Coehran
Coleman
Collins
Conrad
Conyers
Cox
Crandall
Cubin
Cochran
Colton
Connor
Corsley
Reynolds
Stabenow
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Sarbanes
Santorum
Stabenow
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

VOTES—93

Alaska: Akaska
Arkansas: Coleman
Arizona: Collins
California: Allard
Idaho: Allen
Montana: Baucus
Indiana: Bayh
Georgia: Bennett
Delaware: Biden
Colorado: Bingaman
Oregon: Boren
Massachusetts: Boxer
Kansas: Brownback
Missouri: Brownning
West Virginia: Burns
Texas: Burr
Tennessee: Budlong
Oregon: Cantwell
Delaware: Carper
Alaska: Chambliss
Arkansas: Coburn
Indiana: Coehran
North Carolina: Colton
West Virginia: Connor
Georgia: Corsley
Missouri: Crandall
Georgia: Crandall
Delaware: Connor
Arkansas: Connor

The nomination was confirmed.

Mr. WARNER. I move to reconsider
the vote, and I move to lay that
motion on the table.

The motion to lay on the table was
greened to.

NOMINATION OF FRANK D. WHIT-
NEY TO BE UNITED STATES DIS-
TRICT JUDGE FOR THE WEST-
ERN DISTRICT OF NORTH CARO-
LINA

The PRESIDING OFFICER. The
clerk will report the next nomination.

The legislative clerk read the nomi-
nation of Frank D. Whitney, of North
Carolina, to be United States District
Judge for the Western District of North
Carolina.

Mr. DOLE. Mr. President, I am
speaking today to offer my uncondi-
tional support for the nomination of
Frank DeArmon Whitney to serve as a
U.S. district judge in the Western Dis-
trict of North Carolina. Mr. Whitney
has an impressive record of accom-
plishment and achievement, and he
will make an outstanding judge.

Frank Whitney has deep roots in
North Carolina and in public service.
He attended Wake Forest University
and the business and law schools at
the University of North Carolina at
Chapel Hill. After receiving his law
degree with honors, Frank clerked on
the prestigious U.S. Court of Appeals
for the District of Columbia Circuit for
the Honorable David Sontelle.

Upon completing his clerkship and a
year in private legal practice, Frank
returned to North Carolina and dedi-
cated himself to public service. For
nearly 11 years, he served as an assist-
ant U.S. attorney for the Western Di-
strict of North Carolina, where he ac-
quired substantial trial experience—
both criminal and civil—and earned the
abiding respect of his colleagues and
peers.

In 2002, Frank was elevated to the
position of U.S. attorney for the Eastern
District of North Carolina. As a result
of his leadership, energy, and enthu-
siasm, the Eastern District has experi-
ced a period of robust and resounding
success. Among his many accomplish-
ments, Frank Whitney has supervised
what has been called the most success-
ful public corruption prosecution in
North Carolina history. He also has
helped prepare Iraqis for the process
of drafting a constitution and estab-
lishing a judicial system. He has even
received a certificate of the original
COPY OF THE U.S. BILL OF RIGHTS, WHICH WAS STOLEN FROM THE STATE CAPITOL IN 1865.
His performance as U.S. attorney has elicited high praise. The Raleigh News & Observer credited Frank Whitney for awakening elected officials to the “importance of ethics in government,” and the newspaper attributed his incredible success to “his ability to blend physical energy” and “Boy Scout idealism.” Others who have had the opportunity to observe Frank’s work have described him as determined, yet fair.

The President best describes those who have worked for him in the U.S. Attorney’s Office—are effusive in their support for his nomination. One of Frank’s colleagues made the following assessment: “Frank is personable and decisive, yet knows the law and seeks justice. He has an abiding love for our country and is deeply committed to the principles that have made it great. He appreciates the historic separation of powers and understands judicial restraint. Frank possesses vast legal knowledge and demonstrates admirable judicial temperament.” This description is consistent with everything that I know about Frank Whitney, and I submit to my colleagues that this is precisely the type of person we need on our Federal courts.

There is another component of Frank’s career that I must commend. That is his impressive record of military service, which began during his collegiate days at Wake Forest, where he participated in ROTC. Frank is presently a lieutenant colonel in the U.S. Army Reserves, and has worked as an intelligence officer and as a judge advocate. He has been awarded numerous military honors, including a Parachutist’s Badge and three Meritorious Service Medals. Frank Whitney truly has dedicated his life to serving his country—as a civilian and as a soldier.

Frank was sent to the Senate floor with impeccable credentials and with the unanimous approval of the Senate Judiciary Committee. I am confident that he will serve with great distinction as a federal judge, and it is my great privilege to give him my strongest endorsement. I implore my colleagues to confirm him.

Mr. BURR. Mr. President, today, I rise in support of a highly qualified individual to be confirmed to the Federal bench—Frank Whitney to be a U.S. district court judge in the Western District of North Carolina.

President Bush nominated Frank Whitney on February 14, 2006. Frank has impressive academic and professional credentials: He is currently a U.S. attorney in my home State of North Carolina; he has practiced in two very distinguished law firms; he was an assistant district attorney in North Carolina for several years; he clerked for the DC Circuit Court of Appeals; he graduated with honors from law school at the University of North Carolina where he also received his MBA; and he graduated Phi Beta Kappa from my alma mater of Wake Forest University.

But perhaps one of the most honorable characteristics of Frank Whitney is that he has done all of this while serving his country in the military. Frank continues his service in the Army Reserve both as an intelligence officer and as a judge advocate. He is a former paratrooper, has received three Meritorious Service Medals, and recently was selected for promotion to lieutenant colonel.

As I mentioned in my testimony to the Judiciary Committee and what I want to mention about Frank here today is that Frank is a good man. I have had the privilege of meeting Frank’s family—his wife Catherine, and one of his daughters.

Personally, as a husband and as a father, I want to feel confident that the individuals we confirm to a lifetime appointment on the Federal bench understand the seriousness and significance of the job for which they are being considered.

I am confident that Frank does understand the importance of being a Federal judge. I know Frank is qualified to serve on the bench, and I am confident that Frank will continue to serve his Nation with honor and dignity. I believe Frank will continue to make his family proud, and I am confident that he will distinguish himself as the Executive Director of the U.S. Sentencing Commission.

Mr. LEAHY. Mr. President, today we confirm Thomas D. Anderson as U.S. attorney for the District of Vermont. I am pleased that we acted promptly in the Judiciary Committee to report Tom’s nomination to the floor and that the Senate is acting promptly to confirm him. As an assistant U.S. attorney in Burlington for 14 of the last 19 years, the managing partner of a respected Burlington law firm, and as deputy state’s attorney in New York, Vermont’s state’s attorney, I believe his work on Vermont have prepared him well to be Vermont’s top Federal law enforcement official.

We have a strong tradition of good law enforcement in Vermont. Our most recent U.S. attorneys are part of that tradition. Charlie Tetzlaff served an extended term and has gone on to distinguish himself as the Executive Director of the U.S. Sentencing Commission. Peter Hall served ably and now fills the Vermont seat on the U.S. Court of Appeals for the Second Circuit.

Tom is the kind of well-qualified consensus nominee who can be easily confirmed by the Senate. In fact, I joined with Republican Gov. Jim Douglas in recommending Tom to President Bush. As a former prosecutor, I have been particular impressed with his work since returning to the U.S. Attorney’s Office in 2001 as head of the narcotics unit and as the lead attorney of the Department of Justice’s Organized Crime Drug Enforcement Task Force. He has worked closely with both Federal and State drug investigators to identify and target the highest level drug traffickers in Vermont and to coordinate major drug investigations covering many districts. I believe his work on drug crime is especially important preparation as we continue to target those crimes, which are one of Vermont’s most difficult law enforcement challenges.

In addition to his work combating drug crimes, Tom has gained a wide variety of experience in private practice and as a prosecutor. He spent 3 years at the U.S. Attorney’s Office in the civil division, prosecuting civil enforcement actions in Federal court brought under the False Claims Act and other statutes. In 1994, he was assigned as a special assistant attorney general for the
State of Vermont to prosecute police officers charged with obstruction of justice. While a partner at Sheehey Furlong Rendall & Behm, Tom’s firm represented the State of Vermont in its litigation against the tobacco industry. And of course I must discuss one of Tom’s many achievements; his 1979 graduation from St. Michael’s College in Colchester, VT, my alma mater.

Tom has a keen legal and will bring a great deal of experience and enthusiasm to this important law enforcement post. Congratulations to Tom, his wife Wendy, and his entire family on his confirmation today.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Thomas D. Anderson, of Vermont, to be United States Attorney for the District of Vermont for the term of four years?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate’s actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from Michigan.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007—Continued

Mr. LEVIN. Mr. President, as a result of the extraordinarily hard work, dedication, and cooperation, on a bipartisan basis, of every one of our committee members, and our extraordinary staff, as well as the assistance of really superb floor staffs on both sides of the aisle, we have just seen a unanimous passage of the Defense authorization bill.

As I mentioned before, this is a real tribute to our chairman. I am going to save all the accolades, however, for still a later time. When the chairman brings back a conference report, we will then, hopefully, have enough people here on the floor who can both join in the kudos and hear the applause for our chairman.

Our staff loses a great deal of sleep to get this bill passed. And there is never enough attention that is paid to staff. No matter how many times we take a moment to just say thanks to our staff, it never comes close to paying the tribute which is really owed to them.

Charlie Abell, who is the majority staff director, is just a wonderful human being as well as a gifted professional. He and all the other members of your staff, I say to Senator WARNER, are really, really terrific. And I cannot say enough about Rick DeBobes, Peter Levine, and all of the members of my staff. Rick, our minority staff director, leads our extraordinary staff.

Mr. President, I guess the best way I can express my gratitude is to ask that the names of my staff be printed in the RECORD at this time. I ask unanimous consent that a list of their names be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Jon Clark, Chris Cowart, Dan Cox, Madeleine Coridon, Rick DeBobes, Iris Eisen, Evelyn Farkas, Richard Fieldhouse, Creighton Greene, Bridget Higgin, Mike Kuken, Gary Leeling, Peter Levine, Mike McCord, Bill Monahan, Mike Noblet, Arun Seraphin.

Mr. LEVIN. Mr. President, also, talking about accolades, I want to single out Senator CANTWELL for an amendment which she authored relative to the replacement of National Guard equipment that has been left in Iraq and Afghanistan. The absence of this equipment has undermined the ability of the National Guard units to train and to meet the requirements in their home States. And the Cantwell amendment is going to require the Depart- ment to establish a comprehensive plan to recapitalize or to replace this equipment.

It is going to be an essential addition, replacement for the National Guard. There was not enough attention paid to this amendment as things kind of flew through here. I want to thank Senator CANTWELL for her leadership in making sure our National Guard is well equipped and given the support they deserve.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, if I might join my distinguished colleague from Michigan, it has been a privilege for me, as it has for these 28 years we have been together, to work as partners and in many respects equals. He has been chairman of the committee. I have been chairman of the committee. We have both occupied positions of chairman and in these many years that we have been fortunate to serve on this committee together, and we have a very outstanding group of colleagues who are members of the committee. I thank my good friend for these many years. I am very proud, as he is, of this piece of legislation, which at this critical juncture in our Nation’s history, with our forces serving in over 60 Nation across the world, and their families here at home, and with them, we have them in mind at all times, a very significant group of Civil Service employees who likewise are serving our Nation in their capacities with the Department of Defense and other departments and agencies related to our national security.

Senator LEVIN mentioned particularly our senior staff, our full staff, as a matter of fact. In many ways, some of the juniors work harder than seniors some days, but I won’t get into that. I best leave that to my able staff director, Charlie Abell, as you leave that to your staff director. But we are fortunate to have these two staff directors and these magnificent staffs. They really are professional staffs. The appointment of our staff, I don’t even recall inquiring as to the political affiliation of so many of these individuals that I have had the privilege of working with these many years in the Senate. But indeed, they do work long hours. Their reward is not the pay. Their reward is a sense of satisfaction, as it is for you and me and members of our committee and, indeed, the Members of the Senate, of what we are trying to do on behalf of the uniformed men and women of the Armed Forces and their families and their civilian counterparts.

I thank my distinguished colleague. I ask unanimous consent that S. 2766, as amended, be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I further ask unanimous consent that the Senate proceed immediately to the consideration en bloc of S. 2767 through S. 2769, Calendar Order Nos. 427, 428, and 429, that all after the enacting clause of those bills be stricken and that the appropriate portion of S. 2766, as amended, be inserted in lieu thereof, according to the schedule which I am sending to the desk; that these bills be advanced to third reading and passed, the motion to reconsider en bloc be laid upon the table, and that the above actions occur without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The bill (S. 2767) to authorize appropriations for fiscal year 2007 for the military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2007

The bill (S. 2768) to authorize appropriations for fiscal year 2007 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2007

The bill (S. 2769) to authorize appropriations for fiscal year 2007 for defense activities of the Department of Energy, and for other purposes, was considered,
Mr. WARNER. Mr. President, with respect to H.R. 5122, Calendar Order No. 431, the House-passed version of the National Defense Authorization Act for fiscal year 2007, I ask unanimous consent that the Senate turn to its immediate consideration, that all after the enacting clause be stricken and the text of S. 2766, as passed, be submitted in lieu thereof, that the bill be advanced to third reading and passed, and that the Senate insist on its amendment to the bill and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees; that the motion to reconsider the above-mentioned votes be laid upon the table; and that the foregoing occur without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

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

The PRESIDING OFFICER appointed Senators WARNER, McCAIN, INHOFE, ROBERTS, SESSIONS, COLLINS, TALENT, CHAMBLISS, GRAHAM, DOLE, CORNYN, THUNE, LEVIN, KENNEDY, BYRD, LIEBERMAN, REED of Rhode Island, AKAKA, NELSON of Florida, NELSON of Nebraska, DAYTON, BAYH, and CLINTON conferees on the part of the Senate.

Mr. WARNER. Mr. President, I ask unanimous consent, with respect to S. 2766 and 2767, 2768, and 2769, just passed by the Senate, that if the Senate receives a message with respect to any of these bills from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two Houses, that the Chair be authorized to appoint conferees; that the motion to reconsider the foregoing occur without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I again thank all of our colleagues in the Chamber, the floor staff, and so many others, indeed our new group of pages, indeed, the distinguished professional staff who are at the dais this moment, none of them looking at me or paying any attention to what I say, may I express my profound appreciation to them. They represent our country. They come silently, do their work and disappear with equal silence, unnoticed, but who provide this great body with a flawless record of accuracy. I thank each and every one.

If there is no other Senator seeking recognition, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. CANTWELL. Mr. President, I ask unanimous consent to speak for 5 minutes, followed by Senator TALENT and following that, as much time as Senator BYRD might consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I rise today to thank the distinguished Senator from Virginia, Mr. WARNER, and Senator LEVIN of Michigan for their leadership in getting this legislation passed and for accepting language from legislation that I have sponsored, the National Guard Equipment Accountability Act, and making it part of the Defense authorization bill we just passed. They have done an outstanding job managing this legislation on the floor.

I also thank the Senator from Delaware, Mr. BIDEN, the Senator from Connecticut, Mr. DODD, and the cochair of the Senate National Guard Caucus, Mr. LEAHY, who also cosponsored this important legislation.

As a nation, we have a solemn duty to honor, prepare and properly equip all the men and women in uniform. The National Guard and Reserve are an essential part of our national defense, and confronting our enemies in distant lands is one of their obligations. Responding to threats here at home is another. In Washington State, the threats of volcanos, tsunamis, and other natural disasters are never far from our minds. We are aware of our porous northern border and the threat that poses to our safety and security.

We know that the National Guard is not only the first line of response but also the first line of defense. Whether it is Mount St. Helens or floods or a variety of issues, we know the National Guard make great sacrifices.

They do more than just preserve our security at home. Thousands of National Guard members are currently deployed in Iraq and Afghanistan—in fact, there are about 500 members of the Washington National Guard deployed overseas. All of those serving in the National Guard make great sacrifices.

They accept enormous responsibilities to help us. We owe it to them to make sure their missions are successful and that National Guard members have the resources they need to execute their missions.

Right now, I want to make sure we are upholding our part of the bargain. When our Reserves and National Guard are deployed on operations overseas, they are deployed with equipment from their unit. They go to their mission with the tools that they have trained with, they have the trucks, whatever it takes to make them successful. While they serve abroad, their equipment actually becomes part of the greater mission. As a result, when these men and women return home to places like Camp Murray, their equipment often does not return with them. It is left behind, helping other Guard units complete their portion of the mission, and in the process there are gaps in supplies. The problem is that we have no plan to help the National Guard and Reserve units deal with the loss of that equipment. These returning units are left under-equipped and lacking the equipment necessary for continued training for their next deployments.

That is why I offered this language to make sure that we are taking care of this shortfall. According to the Department of Defense, the Army National Guard has lost more than 75,000 items valued at $1.7 billion overseas in ongoing operations. So that is why this language was so important to add to the Defense bill.

Last October, the Government Accountability Office found that at the time the Army, in leaving this equipment and resources behind, did not have a replacement plan. So specifically my amendment codifies language telling the Department of Defense to provide our men and women in uniform with the protection and resources they deserve. The language requires a tracking system of all this equipment and for a replacement plan to make sure that these men and women get the equipment they need in the theaters of operation, when they return home—enabling them to plan ahead for their next mission.

Finally, my amendment would also require a memorandum of understanding, specifying exactly how equipment will be tracked and when it will be returned. This will help our National Guard and Reserve units plan ahead for future obligations and missions. Given the current equipment situation and aggressive use of our National Guard, I believe it is critical that we have them fully equipped for both their missions at home and abroad.

Again, I thank the Senators for helping to get this language into the Defense authorization bill. Our soldiers, our Active Duty, our Reserve units, and the men and women of the Guard have chosen to stand and serve our country with pride and to sacrifice and accept enormous responsibility. We, too, have the responsibility of giving them the resources they need to fulfill their mission. I know this legislation will help them do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I thank the Senator from West Virginia for allowing me to go ahead of him for a moment or two. I do want to take a few minutes to talk about an amendment which I cosponsored with Senator NELSON of Florida that passed the Senate in the Defense bill and that addresses a problem which has been growing and
which is affecting the readiness of our Armed Forces.

The fact is, predatory payday lenders are targeting American troops and are trying to make a buck off of their service to our country. We rely on the military budget and we have taken a significant step to protect them from predatory lenders. The Nelson-Talent amendment limits the annual percentage rate that payday lenders can charge soldiers and their spouses to about 1% to 2% what credit cards typically charge. I recognize that payday lending can be a risky business, but a triple-digit interest rate, which is commonly charged today, is simply too much.

Some estimate that the average APR on a payday loan today is over 400 percent, and there have been reports of payday loans with more than 800 percent interest rates. This is a national problem. Predatory payday lenders set up shop near our military bases throughout the country and prey on our servicemembers. We know about this problem in Missouri. We have the unfortunate distinction of having a relatively large number and high density of payday lenders around our largest military base, Fort Leonard Wood, in Pulaski County. It is a great base with a lot of service men and women in it. As a result, there are a lot of payday lenders around. St. Robert, which is a small gateway town near the base, only has five payday lenders, but has eight payday lenders. Examples such as St. Robert led professors at the University of Florida and California State University to say that “irrefutable geographic evidence demonstrates that payday lenders are actively and aggressively targeting U.S. military personnel.” Military families pay an estimated $80 million annually in payday loan fees.

The problem not only affects military families’ financial well-being, it directly impacts troop readiness and our ability to accomplish our mission. I am concerned with the number of sailors and Marines that were revoked or denied due to financial problems have soared from 124 in FY 2000 to 1,999 in 2005. The total for the 6-year period is 5,482. And, that’s just for one of the departments.

The impact on readiness is one of the serious ramifications of this problem. Another is that some servicemembers have ruined their financial lives by taking out payday loans—that automatically rollover—at exorbitant rates they can never pay off.

Navy Petty Officer 2nd Class Jason Withrow, stationed on a nuclear submarine at Kings Bay Naval Submarine Base in Georgia, took a $300 payday loan in summer 2003. He borrowed more to service the fee, and by February 2004, he’d paid about $5,000 in interest on $1,800 in payday loans at four different lenders.

Armist Specialist Myron Hicks, stationed at Fort Stewart, GA, borrowed $1,500 for a car repair. He paid back $3,000—twice borrowed. I could give a hundred stories like that.

Cristie Worrow, a 29-year-old petty officer second class at the Naval Air Reserve in Jacksonville, FL, took out a $500 payday loan in 1998. Over 3 years she had two more loans and was paying fees that sometimes reached $200 per month. Eventually, she had paid $2,400 in fees.

Our troops deserve uniform, national protection against abusive financial practices that target them. This is clearly a step in the right direction. An impressive list of military and veteran service organizations, with over 5.5 million members, support the legislation. The Military Coalition includes the Association of the United States Army (AUSA), Military Officers Association of America (MOAA), Veterans of Foreign Wars (VFW), Navy League of the United States (NLU), Air Force Association (AFA), and Marine Corps League (MCL).

The Undersecretary of Defense for Personnel and Readiness, Dr. David Chu, has expressed his support for the legislation. He has said the legislation “provides reasonable and appropriate limits.”

Numerous consumer groups like the Center for Responsible Lending, Consumer Federation of America, and Institute of Consumer Financial Education support the bipartisan amendment.

Mr. President, I feel strongly that we can hold this amendment in conference. I thank the chairman and ranking member. They know how bad this problem is in our country. I am grateful for their help in getting this in the bill. Chairman Craig and Shelby of the Veterans’ and Banking Committees were cooperative in getting this on the bill. I trust our colleagues and friends in the House will understand the importance of holding this amendment.

This abuse of payday lending is compromising the readiness of the U.S. military. The problem has become that big. It is ruining the financial lives of thousands of our service men and women who unknowingly, because of their lack of sophistication, get into debts from these abusive lenders, far greater than they are able to pay.

We have put a stop to that with this amendment. We need to hold it in conference committee. I am confident we will be able to do that. I look forward to working with the Senate and the House to pass this provision into law on behalf of our troops.

I yield the floor.

Mr. WARNER. Mr. President, I thank our colleague from Missouri. He worked very diligently on this amendment. It is another example of how we must reach down from time to time and provide a caring hand for particularly those young men and women in uniform today who, unfortunately, can be victimized because of their individual needs and requirements at a special time. I believe this amendment will go a long way to remedy that situation. I congratulate the Senator for his hard work.

Mr. TALENT. Mr. President, I thank the chairman and appreciate his and Senator Levin’s work on this amendment.

**MORNING BUSINESS**

Mr. WARNER. Mr. President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak without regard to the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

**TRIBUTE TO SENATOR JOHN WARNER**

Mr. BYRD. Mr. President, I have come to the floor this evening to congratulate my esteemed colleague, the very distinguished and able and honorable and highly respected chairman of the Senate Armed Services Committee, on the completion of his final Defense authorization bill. He is my chairman, Mr. President. His tenure at the helm of the Armed Services Committee, on which I have the privilege to serve, has been eventful and very distinguished. But then distinguished tenure is not unusual for this Virginia gentleman. The Virginia gent for term I use lovingly and fondly and respectfully because it means something to me, having been in this Senate now for almost 48 years, having been on the Appropriations Committee for almost 48 years, having been on the Armed Services Committee for almost that long. This is a very special man—a Virginia gentleman in every sense of the term. I say this with the utmost admiration. Distinguished tenure is not unusual for this Virginia gentlemen, whose entire life has been in service to his country, to his great State, the Commonwealth of Virginia, the cradle of Presidents.
Since his enlistment in the Navy at the tender age of 17, during World War II, JOHN WILLIAM WARNER, Jr., has put his immense and very considerable talents completely—I say completely—at the disposal of his beloved country. He is in the long line of Virginia gentlemen who have put their hand at the disposal of this beloved country of theirs and ours. A Virginia gentleman. What more noble term could be used? A Virginia gentleman. Whether serving in World War II, the Korean conflict, as an officer in the Marine Corps, or on the U.S. Circuit Court of Appeals, JOHN WARNER always said, “Here am I. Send me.” Look at your Bible. Someone else said that. “Here am I. Send me.” JOHN WARNER has always said that—“send me.”

JOHN WARNER’s remarkable career spiraled ever upward, eventually taking him to the office of assistant U.S. attorney, then to the office of Under Secretary of the Navy, then to the office of the Secretary of the Navy from 1972 to 1974, and finally to his present position as senior U.S. Senator from the great State of Virginia, having now won five consecutive elections to the Senate, beginning in 1978. I was then the new member of the Senate, yes, when he came to the Senate.

This year, my friend JOHN WARNER became the second longest serving Senator from Virginia, second only to the illustrious Senator BYRD Sr., in the 218-year history of the Senate. Senator JOHN WARNER—what a man—is currently serving his 27th year in the U.S. Senate.

What a record of achievement for his country and my country and your country, Mr. President. And what a shining example of dignity, intellect, style, integrity, and talent Senator WARNER presents for the young people of his country and his State and my country. He presents, integrity and talent for the young people. Never given to harsh criticism—I have never heard him utter a word of harsh criticism—never given to rhetoric, never succumbing to the rank partisanship which has become so prevalent today in American politics on both sides of the aisle, JOHN WARNER is his own man. That is a lot to say. He is his own man. What more noble attribute? He is his own man, and I am proud to serve with him. I enjoy working with him, I shall miss his steady hand on the wheel, at the helm of the Armed Services Committee. What a great position, what an honorable position—the helm of the Armed Services Committee. But I will rekindle the opportunity to work with him for the good of our country in the years to come. Talk about class acts—JOHN WARNER is the classiest of class acts, and his comity, his courtesy, his unfailing good humor, and his refreshing bipartisan attitude are of incalculable benefit. May we be lucky in the Senate by many more like him. I salute Senator JOHN WARNER for his patriotic service—my, look at that record—his patriotic service. How many times has he put his life on the line for the good old red, white, and blue, for Old Glory? I thank him for his patriotic service and for his selfless—selfless—selfless, I say, selfless, leadership. He is my kind of Senator. May God bless him. He is my kind of Senator.

He is the best kind of man. I could say more and more and more about him, and I could say more and more and more about his colleague who works with him on the Armed Services Committee, the Senator from Michigan, Mr. CARL LEVIN. They are two of a kind.

God, give us men! A time like this demands strong minds, great hearts, true faith, and ready hands.

Men whom the lust of office does not kill;

Men whom the spoils of office cannot buy;

Men who possess opinions and a will;

Men who have honor; men who will not lie;

Men who can stand before a demagogue and brave his treacherous flattery without withering;

Tall men, sun-crowned; who live above the fog, in public duty and in private thinking.

For while the rattle with its thumbworn creeds,

Its large professions and its little deeds, minigles in selfish strife, lo! Freedom weeps!

Wrong rules the land and waiting justice sleeps.

God, give us men!

Men who serve not for selfish booty; but real men, courageous, who flinch not at duty.

Men of dependable character; men of sterling worth;

Then wrongs will be redressed and right will rule the Earth.

God, give us men!

Men like Senator JOHN WILLIAM WARNER.

Mr. WARNER. Mr. President, at the end of this long day and the conclusion of this Armed Services bill, I thank my colleague. I recognize that under the rules of our caucus I have done my 6 years, and I step down.

Mr. BYRD. And I am sorry about that.

Mr. WARNER. Anyway, I accept that, as we accept other things in life. But the rewards of this institution and service in the Senate are many fold, but none is coveted or desired more than the thoughts and indeed the praise of our fellow colleagues with whom we serve.

I calculated up the other day my record—as you say, in the 28th year—which pales in comparison to yours. Senator LEVIN and I have been here these years together, and my calculation is that we have served with 241 Senators in this period of almost 28 years. And I remember when I thought of it last night, Senator BYRD, when I was debating—I think it was close to 11 o’clock—with Senator KERRY. We had the old-fashioned debate with questions and answers, back and forth together.

But when I first came and you were the majority leader, the Halls of this Chamber were literally trembling with the thunder of the debates of Ted KEN-NEDEY, Lowell Weicker, Bob Dole. And you were not sparing in the thunder that you have expressed from time to time; not in anger or anger but with thunder as to your convictions. My good friend, Senator LEVIN, we are perhaps little more moderate than those who sat at the President’s table, and I would go on and name those individuals, back when we did a great deal more debate than we do now in the Senate.

Mr. BYRD. Yes. Mr. WARNER. But the thoughtful remarks that Senator BYRD give me on this very special day in my humble career in this institution are deeply appreciated by me, by my mother and father who are no longer with me, but they would be grateful, as will be my children when I have the privilege of showing them what the Senator has said.

I remember the trips that we have been on. Senator BYRD took the first group of Senators to meet Gorbachev when he was in the Soviet Union. But I suppose the trip I remember the most was an official trip that we took to Italy, and Senator BYRD took myself and one or two others down, and we saw the Roman forum. It was not a hot day. I remember we paused and he recounted the history of those ruins that stood there, and how so much of the origins of the Senate are derived from that particular chapter of history.

I recall that Senator BYRD—he may not remember this—but he presented each of us with a Roman coin, an old one—i still have it— and on it is printed two letters: S and C—Senatus consultum—which in those times, those coins would not be a factor unless it had “SC,” which indicated it is with the approval of the Roman Senate.

Fascinating. Senatus consultum. Advice and consent. How well I remember. He and I serve on this group that we call respectfully the Gang of 14, and the hours that we have spent in your office going over the history of the advice and consent clause in the Constitution, and how best to express the balance between the executive branch and the legislative branch in the process of advice and consent.

Mr. President, I could go on for an endless period. And, yes, I have enjoyed your friendship. I must say that I remember with the deepest of sympathy when he was elevated to the lovely wife he would go with us on those trips.

Mr. BYRD. Yes.

Mr. WARNER. And spare us from some of your wrath and your ability to drive those delegations to utter exhaustion. Perform our official duties and perhaps such other things that we did at other times, mostly related to history. How lucky we all are to have served with Senator BYRD. But above all, it is what he has taught us by way of humility and honesty, or as MacArthur said: “Duty, honor, and country.”

Mr. BYRD. Thank you.
Mr. WARNER. There you sit, Mr. BYRD, and there is not one among us who will ever be able to match you, I think, in so many ways.

Mr. BYRD. Thank you. Thank you.

Mr. WARNER. I shall always remember your presence in the classroom teacher today, and my teacher so long as the good Lord keeps us here together.

Mr. BYRD. Thank you, thank you.

Mr. WARNER. I thank you, Senator. Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, I will be very brief. I wanted to get back in time to hear Senator BYRD speak about Senator WARNER. I knew that is what you were going to do, and I missed only the opening. I was back long enough to get the full flavor of what Senator BYRD was saying. The honor that he has just bestowed upon Senator WARNER is genuinely deserved and genuinely delivered. It comes from perhaps not just a Senate man, but the Senate man to another Senate man.

This institution we occupy for different lengths of time, but all relatively brief compared to its history, is really entrusted to all of us. I know of no two Senators sitting right across the aisle from each other in whom that trust is more genuinely felt and recognized and honored than Senator BYRD and Senator WARNER. Just to be able to get back and listen to, Senator BYRD as he spoke about Senator WARNER was a genuine honor.

He captured the essence of Senator WARNER. I tried to do it a few times in the last few weeks very briefly, always saying that when we bring back that conference report, which will be Senator WARNER’s last conference report as chairman, that I hope there will be many Members on the Senate floor who can try to do what you did so beautifully today, Senator BYRD, which is to capture the essence of the great Senator. To express the gratitude of each of us and everybody in this body, and I know the men and women in the Armed Forces—but truly broader than that, the men and women of the United States—for the service that Senator WARNER is providing.

So I thank Senator BYRD for taking the time to do what each one of us would want to do in our own ways, and that is just simply to acknowledge our love and our respect for a truly great man, the man from Colorado, the Senate man, Senator BYRD.

Mr. BYRD. Thank you.

Mr. WARNER. Mr. President, I thank my colleague, CARL LEVIN. As I say, we came here to this institution together and served our entire careers on the Armed Services Committee, and we have shared back and forth the chairmanship and ranking member positions. But I do believe many of the comments that Senator BYRD made about me rest on your shoulders likewise.

He and I have developed a trust and respect. Even though we often vote and cancel one another out on some issues, I think we have managed together to carve out a place in history for the Senate Armed Services Committee, a committee where there is the highest degree of bipartisanship, because our calling is the defense of this Nation through the men and women in the Armed Forces and their families. And I have always felt that, and I say with a deep sense of humility that member after member on that committee has always put those obligations, those special trusts ahead of all other considerations. I thank both Senators very much.

Mr. President, I see another Senator seeking recognition, so at this point I yield the floor.

Mr. ALLARD. Mr. President.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I would just like to take a moment to express some accolades to my fellow colleague who is so dear to me and say that it is an honor and a pleasure to have an opportunity to serve on the Armed Services Committee under the leadership of the chairman, Senator WARNER, as well as the ranking member, Senator LEVIN. It has also been an honor and a pleasure to serve on the Appropriations Committee under the leadership of Senator BYRD, as well as the chairman, Senator COCHRAN. It is the institutional memory that they bring to the process that so many of us appreciate, the different approaches that they take to solving our legislative problems that brings some peace and understanding, I think, to this process.

I just want to take a moment before I make my official remarks honoring my Congressman from Colorado, to express to the Senators on the floor how much I appreciate their leadership and what they have done and congratulate them on a great Defense bill that we have just passed.

Mr. WARNER. Mr. President, I thank my colleague from Colorado. I must say that he is my oldest daughter’s Senator. She lives in his State with her husband and child, and therefore I have a very special affinity for the Senators from Colorado. I have known them for years.

My only regret is that the Senator once served on the Armed Services Committee, but he could not resist the temptation of joining our esteemed Appropriations Committee. I have seen many Senators succumb to that same temptation.

At any rate, the Senator from Colorado will always have a place on our committee should he wish to return someday. I thank the Senator.

Mr. ALLARD. I thank the Chairman. I still recognize him as “Mr. Chairman.” He has connections to Colorado. I want to share with him my connection I have with Virginia. I have an ancestor who served in the Civil War who came right out of Bedford, VA. We have deep roots in Virginia. It is always a pleasure for me to get to know your State. I venture to say I have probably spent a lot more time in his State than he realizes, just getting to know it because of my family roots there.

Mr. WARNER. Mr. President, I know the community of Bedford. It is a very historic community.

Mr. ALLARD. It is.

Mr. WARNER. They are very proud of the fact that they erected a magnificent memorial to the men and women of the Armed Forces who served in World War II, and particularly on D-day. The President of the United States came down to speak at the time of the dedication. The sons of Bedford are well known.

As a matter of fact, as a footnote to history, in World War II of all the communities across this great Nation that lost so many men and women—as you know, over a half million casualties in World War II—Bedford, by capita, on D-day lost more than any other community in America of its size who fell on those beaches in that historic battle, June 6, 1944.

Mr. ALLARD. That is worth noting. I thank him again for his gracious hospitality and the help he has extended to me in trying to serve the people of Colorado in the debate on this very important bill.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MCConNELL. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with. The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING BARBARA HAWKINS: A PILLAR OF JOURNALISM

Mr. BYRD. Mr. President, when I was a boy growing up in Mercer County, WV, I made it a point to read the Bluefield Daily Telegraph. That was more than a few years ago, but I have not stopped reading the Bluefield newspaper. It is a strong instrument of information and education in the southern coalfields of West Virginia.

That paper has been fortunate to publish the insights and analysis of many fine reporters. One of the best is Barbara Hawkins, who has announced her retirement after three decades of service. She is not only one of the best reporters from the Bluefield paper; she also is one of the best reporters to walk the hills of West Virginia.

Local news media, better than most, how vital a reporter’s job is. She understands that newspapers are an instrument to inform the public about
the issues and events that affect their daily lives.

Through her work, Barbara Hawkins served as a teacher and a counselor, a defender of right and a pursuer of wrong, an advocate, a champion, and a friend to all in southern West Virginia.

Now, after three decades of service, Barbara has decided to retire from daily reporting. But, as much as we would expect, she is not giving up the art of informing. Her columns and special projects will continue, allowing all of us to learn from her insights and her experiences.

Most of Barbara’s work at the newspaper was in the public eye. But, more than anything else, Barbara’s strength came from her deep devotion to her family. We have all walked the terrible journey with her after her daughter, Pam, was taken from this world, a victim of domestic violence more than 20 years ago. Barbara has never been shy about that loss nor about her efforts to prevent other families from touching other families. But what is not in the headlines is Barbara’s incredible commitment to her daughter, Kimberleigh, her granddaughter, Pami, and all of the members of her family. While her work at the paper may be a great love of Barbara’s, it pales in comparison to her love of family. Barbara’s family is her source of strength and inspiration, now and always.

On a personal level, I will miss reading Barbara’s daily reporting. I made a habit of looking for her byline. She has always shown a keen insight into not only southern West Virginia but also statewide and national issues. Her instincts, her institutional knowledge, and her commentary have always caused me, like so many others, to stop and think and to consider alternate approaches to public commitment to greater good in society is something for each of us to emulate.

I have often said that as long as there is a forum in which questions can be asked by men and women who do not stand in awe of a chief executive and one can speak as long as one’s feet will allow one to stand, the liberties of the American people will be secure. That forum is this Senate. But the same can be said of the news media—the newspapers, radio stations, television stations, and other outlets that provide information that is important to the lives of all Americans. Freedom of the press is a key of this Republic. Without it, the American people can be led to disaster without so much as a whisper. Their freedoms can be trampled; their rights can be subverted.

Barbara Hawkins defended that freedom. She exercised it every single day. And she will miss her after her retirement.

I thank Barbara for her many years of service to the people of West Virginia and wish her well in the challenges that certainly are ahead of her in her life’s journey.

NEVADA’S STATE HEALTH INSURANCE ASSISTANCE PROGRAM VOLUNTEERS

Mr. REID. Mr. President, I rise today to commend Marilyn Wills, the director of Nevada’s State Health Insurance Assistance Program, for her efforts during the implementation of the new Medicare drug benefit in my State. I would like to recognize Marilyn for not only her service to Nevada’s Medicare beneficiaries, but also for her dedication to her profession and her contributions to the community.

As most of us have surely heard from beneficiaries, the enrollment period for the new drug program was a time of great stress, confusion, and frustration. As seniors, people with disabilities, and their loved ones tried to understand the complicated new drug benefit, decide whether to sign up, and then find the best drug plan to join, many found themselves overwhelmed. And with the May 15 enrollment deadline looming, it became increasingly clear that the public needed better information and better help using that information.

I commend Nevada’s State Health Insurance Assistance Program, or SHIP, for keeping the lines open. Hundreds of SHIP volunteers gave their time and energy to counsel their fellow Nevadans about the new Medicare drug benefit, as well as other components of Medicare, supplemental health insurance, and Medicare Advantage plans. As Medicare beneficiaries, their families, and friends turned to Nevada SHIP for one-on-one counseling and assistance. SHIP volunteers were eventually responding to over 1,000 phone calls every month. Nevada SHIP also made arrangements for homebound seniors and held outreach events for the community at large. During one 3-day event alone, over 500 Nevadans with Medicare received help from SHIP volunteers. The work of Nevada’s SHIP volunteers is truly a testament to the value of public service.

As the director of Nevada’s SHIP, Marilyn Wills was at the center of its operations. In that role, she was charged with a wide range of responsibilities, including overseeing the outreach events, giving educational presentations to the public, and training new volunteers. Moreover, Marilyn and the SHIP volunteers had to carry out their work in an environment that is continually evolving with new, uncertain, or changing program rules and details. The manner with which Marilyn carried out her responsibilities has earned her high praise from her colleagues, as well.

In one of many glowing stories about Marilyn that has reached my desk, one says, “Marilyn worked tirelessly to ensure that all the community groups working on Part D outreach were aware of every event and that this was an inclusive effort. She believes in maximizing efforts to reach the entire community, but her passion focuses on every individual beneficiary and how to help each person get the help they need.” The observer continues to write, “She made sure her volunteers knew this was about people helping people. It was important to her that the volunteers and staff feel good about what they were doing, and always see how they were truly helping people that needed the information, or just the human contact to help them be comfortable in understanding all the options.”

The challenge was to inform the citizens of the State of Nevada about the new Medicare drug benefit and to guide them through the enrollment process. It is my pleasure to recognize Marilyn Wills and the Nevada SHIP volunteers for their success in tackling this challenge. They are a credit to all of us working toward the success of the new Medicare drug benefit in Nevada.

RECOGNITION OF GARRETT HALL AND CHRIS SHEA

Mr. REID. Mr. President, I rise today to commend Garrett Hall and Chris Shea, fellow Nevadans who deserve praise for their efforts during the implementation of the new Medicare Part D drug benefit in Nevada.

As most of us have surely heard, the enrollment period was a time of great stress, confusion, and frustration for nearly everyone involved. As seniors, people with disabilities, and their loved ones tried to understand the complicated new drug benefit, decide whether to sign up, and then find the best drug plan to join, many found themselves overwhelmed. Emerging from those reports were also stories about pharmacists who struggled with the numerous implementation problems.

Garrett and Chris, who operate PAX Rx in Reno, NV, are fine examples of pharmacists across the country who did their best to assist those seeking their help and advice. However, Garrett and Chris did more than simply rise to the occasion. By all accounts, they went above and beyond the minimum bar set for them.

For one particularly vulnerable group, the Medicare-Medicaid dual eligible beneficiaries, Garrett and Chris came to the rescue countless times to ensure that they did not fall through the bureaucratic cracks. As many of us know, nearly everyone involved in the numerous implementation problems that threatened to keep these dual-eligible beneficiaries from receiving their vitally important medications. Garrett and Chris know that there are real lives behind these facts and statistics because the PAX Rx pharmacy repeatedly intervened on behalf of affected customers. At no cost to such beneficiaries, they provided the needed medications, either by mail or hand delivery.

These two Nevadans’ contributions extended beyond the scope of their pharmacy practice. Garrett and Chris also attended townhall meetings and
other public events, seeking out stakeholders in need of guidance and lending their expertise. In the words of one observer, Garrett and Chris “saved the day for Nevada during the early days of implementation.” They are among the countless pharmacists who deserve recognition for their efforts in Nevada and across the country.

For these deeds, Garrett and Chris are a credit to all of us working toward the success of the new Medicare drug benefit in Nevada.

HONORING OUR ARMED FORCES

U.S. ARMY SERGEANT DANIEL R. GIONET

Mr. GREGG. Mr. President, I rise today to pay tribute to U.S. Army SGT Daniel R. Gionet, a brave young American who gave his last full measure in service to our Nation while deployed with the U.S. Army to Iraq, a land far overseas from his Pelham, NH, roots.

Daniel was a 2001 graduate of Pelham High School where he was a three-season athlete competing on the school’s football, baseball, and wrestling teams, winning the sportsmanship award his senior year. Friends say he was a team player that believed in giving back to his community no matter where you went or what you did, could have fun and make you laugh.

Daniel Webster, speaking of early American leaders said, “While others doubted, they were resolved; where others hesitated they pressed forward.” In this spirit, Daniel joined the U.S. Army when he turned 18 and left for basic training after graduating from high school. He was assigned to the 3rd Battalion, 6th Field Artillery Regiment, Fort Drum in upstate New York and served at Kandahar Air Field, Afghanistan, from July 2003 to May 2004 in support of Operation Enduring Freedom. Believing in what he was doing and wanting to make the world a safer place, he re-enlisted in the U.S. Army to become a medic after his original tour ended in May 2004. After training at Fort Sam Houston in Texas, he was assigned as a health care specialist in the 1st Battalion, 66th Armored Regiment, 1st Brigade Combat Team, 4th Infantry Division, Fort Hood, TX. In December 2005, Daniel deployed with his unit to Iraq in support of Operation Iraqi Freedom.

Tragically, on June 4, 2006, this brave soldier was killed in combat from his unit, died of injuries sustained while on patrol in Baghdad, Iraq, when an improvised explosive device detonated near their M1A2 tank during combat operations. Sergeant Gionet’s awards and decorations include the Bronze Star, Purple Heart, Army Commendation Medal, Army Achievement Medal, Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Army Good Conduct Medal, Overseas Service Ribbon 2, Combat Medical Badge, and Expert Weapons Qualification Badge.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Baghdad—and U.S. Army SGT Daniel Gionet served in that fine tradition. Honor, humor, and huge hugs, according to family and friends, were among the things young Daniel shared with others. They remember him as a true patriot, who had a love for his school, his town, and his country. He was dedicated to serving his Nation during these chaotic and violent times because, in his heart, he felt it was his duty.

My heartfelt sympathy, condolences, and prayers go out to Daniel’s wife Katrina, to whom he was married in November 2005, as well as to Daniel’s parents, Daniel and Denise, brother Darren, sister Alycia, and other family members and many friends who have suffered this grievous loss. The death of Daniel, only 23 years old, on a battlefield far from New Hampshire is also a great loss for our State, our benevolent Nation, and the world. He will be sorely missed by all; however, his family and friends may sense some comfort in knowing of his devotion, sense of duty, and selfless dedication, the safety and liberty of each and every American is more secure. In the words of Daniel Webster—may his remembrance be as long lasting as the land he honored.

GOD BLESS DANIEL R. GIONET.

PRIVATE FIRST CLASS JUSTIN KING

Mr. OBAMA. Mr. President, I rise today to honor a brave soldier, PFC Justin King. After graduating college and working as a civilian, Private King enlisted in the Army Reserve so he could, in his words, do something “for his country and more than himself.” While in advanced individual training, Justin was diagnosed with terminal cancer.

Although his body has not responded to chemotherapy treatments and his hope to serve in the field will go unrealized, his illness has failed to break his ironclad spirit. The first time Private King’s commanding officer visited him in the hospital, Private King insisted on getting into full uniform before he entered the room. He said that he wanted to “look like a soldier and stand like a soldier.”

Since returning to Robinson, IL, to be with his family, Private King told his CO: “I want to serve in some capacity to the best of my ability and until my health fails, as a soldier. I want to tell other soldiers how to deal with a terminal illness, I want to do something useful.”

I am thoroughly impressed by this young man’s desire to serve and the resolve he has displayed when faced with adversity. I admire Private King’s patriotism, sacrifice, and strong character. He is a role model for all Americans, and I am proud to recognize him today.

COLD WATER ACT CHALLENGES

Mr. FEINGOLD. Mr. President, the Supreme Court’s decision earlier this week in the consolidated cases of Rapanos v. United States and Carabell v. Army Corps of Engineers should be a source of great concern in this body and this Nation. The plurality opinion, while it did not win the support of a majority of the Court, “completely at odds with the text and purpose of the Clean Water Act, would put much of the Nation’s waters in jeopardy, and as many have noted, will likely lead to increased litigation.”

To prevent further legal wrangling about what Congress meant when it passed what has come to be one of the country’s fundamental public health and environmental statutes, Congress must pass the Clean Water Authority Restoration Act. This legislation, S. 912, which I most recently introduced in April 2005, reestablishes protection for all waters historically covered by the Clean Water Act. It also makes clear that Congress’s primary concern in 1972 was to protect the Nation’s waters from pollution, rather than just sustain the navigability of waterways, and it reinforces that original intent.

Mr. President, I hope that my colleagues—the 85 who are not cosponsors of the bill—will now join me, in light of this week’s Supreme Court ruling, to clarify that all of the Nation’s waters are important for the health and vitality of our country by supporting passage of the Clean Water Authority Restoration Act.

TRIBUTE TO BONNY JAIN

Mr. OBAMA. Mr. President, I rise today to note with pride an accomplishment of one of my constituents. Bonny Jain, of Moline, IL, won the National Geographic Bee here in Washington, DC, on May 24 by correctly identifying the Cambrian Mountains on a map. I don’t know if they have “phone a friend” in the bee, but it is good that he didn’t call me because I thought a Cambri was a small Toyota. His victory in this competition demonstrates a laudable dedication to scholarship. As technology makes the world smaller, knowledge of other people and cultures becomes more important. And cultures are shaped by geography. Geography is often the main factor in the path of national borders. Under the influence of geography, wars are won and lost, and civilizations rise and fall.

Bonny’s path to victory in the 2006 bee was not the long one. It was not only by his comprehensive knowledge of geography but by his steady ascent through 4 years of competition. From second place at his individual school’s geography bee, he rose to the national competition last year and to victory last week.

I am proud to have this young man and his family as constituents. I give them my heartiest congratulations and...
wish Bonny well in high school and beyond.

OFFICIAL LANGUAGE OF THE UNITED STATES

Mr. INHOFE. Mr. President, I ask unanimous consent to have the attached letter printed in the Record in support of my amendment No. 4064, to S. 2611.

There being no objection, the material was ordered to be printed in the Record, as follows:

AMBASSADOR MAX KAMPELMAN

Mr. LIEBERMAN. Mr. President, I rise today to call attention to an article published in the New York Times earlier this spring titled “Bombs Away,” authored by my dear friend, Ambassador Max Kampelman, and to offer it into the Senate record. Ambassador Kampelman exemplifies the American tradition of bipartisan service in foreign affairs. After coming to America, Ambassador Kampelman was appointed by President Carter to serve as Ambassador to the former Soviet Union. After coming to America, Ambassador Kampelman was appointed by President Carter to serve as Ambassador to the former Soviet Union.

After becoming President of the American Federation of Government Employees Local 1812, Ambassador Kampelman was awarded the Presidential Medal of Freedom from President Clinton and the Presidential Citizens Medal from President Reagan.

Now Ambassador Kampelman has penned this insightful essay on the goal of globally eliminating all weapons of mass destruction. He believes that the goal is even important in an age of nuclear proliferation. He speaks from the heart and head and from his long experience as a hardened negotiator.

Ambassador Kampelman argues that we can reach this objective by distinguishing between what “is” and what “ought” to be, utilizing both realism and idealism. He recalls President Reagan’s successful deployment of the MX missile in Europe to deter Soviet aggression and his ability to recognize new openings, such as the willingness of Mikhail Gorbachev to negotiate steep reductions in nuclear arsenals—with the ultimate goal of eliminating nuclear war.

We all recognize that the total elimination of nuclear weapons is an extraordinarily difficult journey in a world where nuclear technology continues to spread and distinction between civilian and military development can be opaque. Nonetheless, it is important that we envision this worthy goal, however idealistic it may seem today. Ambassador Kampelman stared down the very real prospect of nuclear annihilation during the Cold War. With this article, he offers us hope that with wisdom and constancy, we have a chance to make this world safer for our children and grandchildren.

I therefore request unanimous consent that the attached article by Ambassador Max Kampelman be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 24, 2006]

BOMBS AWAY

(By Max M. Kampelman)

In my lifetime, I have witnessed two successful titanic struggles by civilized society against totalitarian movements, those against Nazi fascism and Soviet communism. As an arms control negotiator for Ronald Reagan, I had the privilege of playing a role—a small role—in the second of these triumphs.

Yet, at the age of 85, I have never been more worried about the future for my children and grandchildren than I am today. The number of countries possessing nuclear arms is increasing, and terrorists are poised to master nuclear bombs. With the objective of using those deadly arms against us.

The United States must face this reality head on and undertake decisive steps to prevent catastrophe. Only we can exercise the constructive leadership necessary to address the nuclear threat.

Unfortunately, the goal of globally eliminating all weapons of mass destruction—nuclear, chemical and biological arms—is today not an integral part of American foreign policy. It needs to be put back at the top of our agenda.

Of course, there will be those who will argue against this bold vision. To these people I would say that the majority of Americans supported the proposal for the abolition of all nuclear weapons.

There is a moral to these stories: you can be an idealist and a realist at the same time.
What is missing today from American foreign policy is a willingness to hold these two thoughts simultaneously, to find a way to move from what is—"a world with a risk of increased militarism—to what ought to be, a peaceful, civilized world free of weapons of mass destruction.

The "ought" is an integral part of the political founding fathers—what "ought" America to become in the Declaration of Independence at a time when we had slavery, property qualifications for voting, and second-class citizenship for women.

Yet we steadily moved the undesirable "is" of our society ever closer to the "ought" and thereby strengthened our democracy. When President Gerald Ford signed the Helsinki Final Act in 1975, he was criticized for entering into a process initiated by the Soviet Union. But the agreement reflected a series of humanitarian "oughts," and over the course of the next 10 years, the Soviets were forced by our European friends and us to live up to those "oughts" if they were to attain international legitimacy.

An appreciation of the awesome power of the "ought" should lead our government to embark on the goal of eliminating all weapons of mass destruction.

To this end, President Bush should consult with our allies before the United Nations General Assembly and call for a resolution embracing the objective of eliminating all weapons of mass destruction.

He should make clear that we are prepared to eliminate our nuclear weapons if the Security Council develops an effective regime to guarantee total conformity with a universal commitment to eliminate all nuclear arms and reaffirm the existing conventions covering chemical and biological weapons.

The council should be assigned the task of establishing effective political and technical procedures for achieving this goal, including both stringent verification and severe penalties to prevent cheating.

I am under no illusion that this will be easy. That said, the United States would bring to this endeavor decades of relevant experience, new technologies and the urgency of self-preservation. The necessary technical solutions can be devised. Now, as I imagine President Reagan saying, let us summon the will.

### CAREGIVERS

Mr. DURBIN. Mr. President, I rise to commend the ongoing efforts of relative caregivers all over the State of Illinois, who have opened their hearts and homes to children whose homes have been broken.

Children are placed into foster care for a variety of reasons stemming from neglect to drug-addicted parents and often suffer the consequences of the worst fate of children who are not adopted or reunified with their birth parents often spells a legacy of instability. Relatives who welcome these children into their homes offer them a stability that can rarely be found in the foster care system.

Subsidized guardianship helps to remove some of the barriers to keeping displaced children within the family. The main obstacle faced by guardians is the cost of upkeep of additional children. Subsidized guardianship allows relatives the same financial benefits that regular foster parents have. These State programs support permanent guardianship placements with relatives by offsetting some of the costs of child rearing.

The correlation between relative placement and success of foster children has never been more apparent than in my own office. One of my summer interns attributes her current success to the guard who took both herself and sister in when she was 16. This act of generosity prevented her from dropping out of high school to support her sister. Both girls were too old for adoption and hard to place in foster homes. The placement made it possible for the girls to stay in their current school and their community.

Relative care was home when they needed one the most.

As of February 2006, there were over 17,000 children placed in substitute care in Illinois. Across the country, more than 6 million children live in households headed by a grandparent or other relative. Kinship care is important because it helps keep children closer to their families and to their sense of normalcy. Supportive programs such as the Subsidized Guardianship Program help children leave the foster care system for the permanent care of nurturing relatives.

Today I offer my formal acknowledgment and deepest appreciation for the ongoing service of these caregivers to our country and our Nation's most valuable asset, our children.

### ADDITIONAL STATEMENTS

**TRIBUTE TO BEVERLY MCDAVID**

- Mr. BUNNING. Mr. President, today I pay tribute to Beverly Mcdavid, a teacher from Elliott County High School in Sandy Hook, KY, who is a recipient of the 2006 Disney Teacher Award. Ms. Mcdavid is being recognized for her commitment to school science education. Her ability to inspire her students with creative thinking and innovative teaching methods has resulted in her achieving this prestigious honor.

The Disney Teacher Awards celebrate teachers that enlighten the lives of children by using creativity in the classroom to encourage them to achieve more then they ever thought possible. Award winners are chosen by their peers, which consist of leading educational association around the United States and former Disney Teacher Honorees.

Ms. Mcdavid brings a unique educational experience to her classroom by encouraging free thinking from her students. She also uses various educational strategies to reach out to the diverse learning needs of her students and encourages them to succeed. Her relentless dedication has proven her a deserving recipient of this outstanding award.

I congratulate Ms. Mcdavid on being a recipient of the Disney Teacher Award. Her love of teaching and devotion to her students make her an example to all the citizens of the Commonwealth.

**TRIBUTE TO JOHN STROSNIKER**

- Mr. BUNNING. Mr. President, today I pay tribute to Dr. John Strosnider of Pikeville, KY, for his induction as the 110th president of the American Osteopathic Association, AOA. His steadfast support reinforces his organization's noble goal of osteopathic medicine, ensuring quality education and training programs, and preserving basic osteopathic principles.

Dr. Strosnider will lead 56,000 osteopathic physicians and the AOA, an association organized to advance the philosophy and practice of osteopathic medicine by promoting excellence in education, research and the delivery of quality and cost-effective healthcare in a distinct, unified profession.

In addition to his leadership roles with the AOA, Dr. Strosnider has served as a member of the Association of Osteopathic Medical Directors and Educators; the Society of Teachers of Family Medicine; the Medical Review Consultants Board of Directors; and the Kentucky Osteopathic Medical Association, KOMA, and was a past president of the Missouri Association of Osteopathic Physicians and Surgeons, MAOPS.

Throughout his career, Dr. Strosnider has received numerous honors including the 2005 KOMA Physician of the Year Award and the 1993 MAOPS Medallion Award.

In September of 1996 Dr. Strosnider was appointed as the founding dean of the Pikeville College School of Osteopathic Medicine. The Pikeville College is the 19th college of osteopathic medicine in the United States. Its objective is to improve access to healthcare to the people in the underserved areas of Appalachia. I have been very impressed with the progress the college has made in expanding access to healthcare in eastern Kentucky.

I thank Dr. Strosnider for his dedication and commitment to osteopathy and congratulate him on his new position. His devotion to medicine serves as an example to all citizens of the Commonwealth.

**100TH ANNIVERSARY OF COLUMBUS, NORTH DAKOTA**

- Mr. CONRAD. Mr. President, today I wish to recognize my community in North Dakota that will be celebrating its 100th anniversary. On July 7 to 9, the residents of Columbus will gather to celebrate their community's history and founding.

Columbus is a small but welcoming community located in the northwest corner of North Dakota. It was originally founded in 1903 but moved 6 miles...
Mr. CONRAD. Mr. President, I wish to honor a community in North Dakota that is celebrating its 100th anniversary. On July 7 to 9, the residents of Plaza, ND, will gather to celebrate their community’s history and founding.

Plaza is a small town in northwest North Dakota. Despite its small size, Plaza holds an important place in North Dakota’s history. Plaza was founded on July 20, 1906, on the Soo Line Railroad and was named to note the central plaza within the business district. The first train arrived in Plaza on December 6, 1906. Plaza was incorporated as a village in 1910 and as a city in 1951, with Roy Sandstrom elected as its first mayor. Among the town’s residents were Walter J. Maddock, who served as Governor of North Dakota from 1928 to 1929.

Today, Plaza remains a small, pleasant agricultural town. Residents of the town gather at the hardware store and cafe, watch their children play at the baseball field, or work together at the local farmer’s union chapter.

The community has many activities planned for its 4-day celebration. On Thursday, the celebration kicks off with train shuttle rides, a raffle, and several activities in the townhall. Friday highlights include a children’s playground, a parade, softball tournament, and fireworks display among several of weekend activities. Historical tours of the town will also take place throughout the 4 days of celebration.

Mr. President, I ask the Senate to join me in congratulating Plaza, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Plaza and other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Ryder that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Ryder has a proud past and a bright future.

100TH ANNIVERSARY OF RYDER, NORTH DAKOTA

Mr. CONRAD. Mr. President, today I wish to honor a community in North Dakota that is celebrating its 100th anniversary. On historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Ryder that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Ryder has a proud past and a bright future.

John Gonsalves receives Daughter of the American Revolution Medal of Honor Award

Mr. GREGG. Mr. President, today I wish to recognize the winner of the Daughters of the American Revolution Medal of Honor Award. Mr. John Gonsalves of Taunton, MA, was nominated by the members of the Molly Stark Chapter of the Daughters of the American Revolution, DAR, in Manchester, NH, to receive this national award.

In the wake of September 11, Mr. Gonsalves was left, like many Americans, with the insatiable desire to do something to help those intimately affected by the tragedy. He was particularly struck by the extraordinary sacrifices on the front lines in the military operations that have followed the September 11 attacks, our wounded soldiers.

Upon seeing these injured soldiers in need of care, Mr. Gonsalves determined to use his lifelong trade to help these wounded heroes. Having worked extensively in the construction field throughout the last 20 years, he gained expertise in all phases of the construction process, business management, and manufacturing.

In May 2001, after Mr. Gonsalves started Homes For Our Troops—a nonprofit organization that builds and refits homes across the country for veterans wounded while serving in the Middle East. Mr. Gonsalves has pledged to build these specially adapted residences for our wounded soldiers so long as the need exists at no cost to them.

The brave men and women who put their lives at risk every day to protect our country need to know that their fellow citizens appreciate their sacrifices and will support them long after they return home from the front lines. Mr. Gonsalves’ work promotes an extremely noble cause which ensures that our wounded troops, who have worked extraordinarily hard to protect our Nation, have the opportunity to find suitable housing when they return home.

Mr. Gonsalves has shown tremendous qualities of leadership, service, and patriotism by selflessly dedicating himself to a cause appreciated by his fellow citizens. He is an inspiration and puts purpose and aids those who have sacrificed for our country, and he is certainly deserving of the DAR Medal of Honor Award. I congratulate him on his recognition and commend him for his service to the military community and the positive stance his organization has for our country and especially on our wounded soldiers.

Mr. SUNUNU. Mr. President, I also wish to recognize John Gonsalves, a Taunton, MA, resident whose selfless work promotes an extremely noble cause which ensures that our wounded troops, who have worked extraordinarily hard to protect our Nation, have the opportunity to find suitable housing when they return home from battle will be honored by the Daughters of the American Revolution’s, DAR, Medal of Honor Award.
Honor Award. Members of the Molly Stark Chapter of the DAR in Manchester, NH, nominated him to receive this distinction.

John was one of millions of Americans who, in the aftermath of the September 11 terrorist attacks, wanted to serve our country and fellow countrymen. Having worked extensively in different phases of the construction industry, he sought an opportunity to give back by helping wounded soldiers return to home life.

Unable to find an existing organization that would allow him to volunteer his construction and homebuilding skills, John took action and founded a nonprofit organization that would—Homes for Our Troops. The group, which is based in Taunton, works to build or adapt residences across the country for injured veterans at no cost to these individuals.

American soldiers have left the comfort of home for the perils of faraway battlefields to protect our country and to spread freedom in the world. It is critical that these brave men and women know that their fellow citizens support them—and will continue to do so long after their active duty service is over. John’s work to establish Homes for Our Troops helps represent a solemn promise: that the American people will neither forget, nor cease to be grateful, for the courage of our heroic soldiers.

By returning seriously injured veterans to the normalcy of home life as quickly as possible, we honor their enormous sacrifices for our country. Homes for Our Troops performs an invaluable role in this national effort, coordinating donations of money, labor and materials to ensure that seriously injured veterans’ homes are hand-capped accessible. This work, which contributes conspicuously to the quality of life for severely wounded soldiers, represents the best of the American spirit.

John Gonsalves’ patriotism sets an example for all Americans. I join his friends, supporters and members of the DAR’s Molly Stark Chapter in commending his praiseworthy efforts on behalf of our veterans, and congratulate him on being selected to receive this prestigious award.

KATHLEEN MIRABILE RECEIVES OUTSTANDING TEACHER OF AMERICAN HISTORY AWARD

• Mr. GREGG. Mr. President, today I wish to recognize and commend an outstanding teacher from New Hampshire, Kathleen Mirabile, winner of the Daughters of the American Revolution, DAR, Outstanding Teacher of American History Award.

Mrs. Mirabile has dedicated the past 45 years to teaching Social Studies and U.S. History in two public high schools in Manchester, NH. She continues to share her in-depth understanding of the democratic system of government in our country with students every year.

Throughout her 45 years in the Manchester school system, she has come to intimately understand and personify the concept of living history as she has opened students’ minds to endless possibilities. She subscribes to the theory that in order to be loyal to our country today, students must understand the history that has shaped the extraordinary foundation upon which our country and our government were built. She has made it her goal to ensure students understand the impact that history has on today and, conversely, the impact that today will have on history.

Enraptured in her belief that every citizen ought to be a student of U.S. history, Mrs. Mirabile has remained a student throughout her entire teaching career—completing graduate studies at the University of New Hampshire and Boston College, as well as participating in countless educational conferences, institutes, and fellowship programs ranging from the National Endowment for the Humanities to Harvard University, allowing her to further her own education as a student while simultaneously enriching her teaching knowledge.

Mrs. Mirabile has taken her passion for history outside of the classroom and required school hours. Beyond her role as a teacher in the high school classroom, Mrs. Mirabile has shared her time and her life with members of the Granite State community by participating and assuming important leadership and advisory roles in numerous educational societies, extracurricular activities, and professional organizations, furthering her own development and gaining the respect and friendship of her students and peers alike.

Teachers like Mrs. Mirabile exemplify the greatest asset in the educational system in our country—dedicated and devoted teachers who take tremendous pride in preparing generations of students to participate in the American dream. Her commitment to her students and the entire community serves as a great role model for everyone around her, and she certainly is deserving of the DAR Outstanding Teacher of American History Award. I congratulate her on this recognition and commend her for her excellence in teaching and the overwhelmingly positive effect she has had on her students and her community—demonstrating the greatest value and importance of academic ability that distinguishes her.

• Mr. SUNUNU. Mr. President, I also wish to recognize an outstanding teacher from New Hampshire who will be honored next month with the Daughters of the American Revolution’s, DAR, Outstanding Teacher of American History Award.

Kathleen Mirabile has taught history and social studies in Manchester, New Hampshire’s public schools for nearly four decades. Through her strong commitment to achievement beyond the classroom, Mrs. Mirabile has inspired generations of students in the Queen City. Having contributed conspicuously to the life of her community, Mrs. Mirabile has earned the respect of her peers and students—which is reflected in her nomination by the DAR’s Molly Stark Chapter in Manchester to receive this prestigious national award.

A democratic nation such as ours requires informed, active citizens who are able to think critically about complex issues. Knowledge and understanding of American history is therefore essential to ensuring a thoughtful citizenry that is capable of the responsibility of self-government. During her long service as a teacher, at Manchester High School Central and Manchester Memorial High School, Mrs. Mirabile has worked to convey these enduring truths as part of her classroom instruction.

Mindful of the necessity of being prepared to compete in today’s society, Mrs. Mirabile has set high standards for her students. Although she has taught students who represent a range of academic ability—including those in her advanced placement U.S. history course—Mrs. Mirabile has consistently challenged them to exceed their limits. In doing so, she has helped her students to mature as learners and as individuals.

A central component of Mrs. Mirabile’s approach to teaching—one that distinguishes her—has been to remain a student of history herself. As part of that commitment, she completed graduate studies at the University of New Hampshire and at Boston College; additionally, Mrs. Mirabile has pursued study through the National Endowment for the Humanities, the U.S. Department of Education, and at Harvard University. These experiences have broadened her knowledge, and have helped to make her a more thoughtful, engaging teacher.

Mrs. Mirabile also brings her extensive experience working with the Manchester Historic Association, MHA, to the classroom, Manchester, which was home to the world famous Amoskeag Mills, is a city that is rich in history and culture. As an MHA leader, Mrs. Mirabile has taken her intimate knowledge of Manchester and made the City a history classroom for her students. Through such hands-on learning, Mrs. Mirabile’s students are shown that history lessons are not confined to textbooks; that history is alive in our communities.

Having distinguished herself as a talented and committed educator who has made a difference in the lives of her students, Mrs. Mirabile has set a standard to which other teachers may aspire. I am pleased to join her many friends and admirers—at Central High School, in the city of Manchester, and with the Molly Stark Chapter—in extending congratulations to her for being honored by the DAR for a long career of excellence in teaching.
PASSING OF EVELYN "EVY" DUBROW

Mr. LAUTENBERG. Mr. President, today I to celebrate the life and work of Evelyn "Evy" Dubrow, a long-time champion for working people in our country. She passed away this week at the age of 95.

Evy was loved by many Members of Congress, but I think I will miss her more than most. She came from my hometown of Paterson, N.J. Her parents were immigrants, like my own mother and father. And one of her first jobs was as a reporter at the Paterson Morning Call, which was our local newspaper.

Evy soon moved into union work, first as a secretary for the textile workers union, and then as an assistant to the president of the New Jersey Congress of Industrial Organizations.

In 1956, she came to Washington as a lobbyist for the International Ladies Garment Workers Union. At that time, lobbying was almost exclusively a man's world, but even though Evy stood just a little bit shy of five feet tall, she never backed down from anyone.

After returning to the textile workers union UNITE, she continued to fight here on Capitol Hill for issues that affect working people—especially women.

She was a lobbyist in the most honorable sense of the profession, because she never tried to browbeat or buy a vote. She simply told you why she believed in what she was fighting for. She was a fighter and she believed in what she was fighting for.

Much has been said of Philip Merrill's feistiness. Well, I happen to like feisty people. I believe he believed in what he was fighting for. And he made a difference.

This man's life was his wife Eleanor. In publishing, in philanthropy, she worked side by side with him and shared many passions. And one of her many passions is that the Bay Foundation does its outstanding education and advocacy work; it is a building with a design that is environmentally friendly.

Philip Merrill, 72, publisher, diplomat and philanthropist, died June 10 after going sailing aboard his 41-foot sailboat Merrill on the Chesapeake Bay. He died of a massive heart attack suffered yesterday in the bay near Poplar Island. A longtime resident of Arnold, Philip Merrill combined a public career with a publishing career throughout his life.

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A longtime resident of Arnold, Philip Merrill combined a public career with a publishing career throughout his life. The Baltimore native received a degree in government in 1955 from Cornell, the Tuck School of Business and the World Affairs Council of Washington. He was a trustee of the Institute for International Studies in Washington.

In 1988 Capital-Gazette newspapers have supported the America's Cup campaigns and the Hospice Cup sailing regatta which raises money for the Hospice of the Bay.

A celebration of life ceremony for family and friends will be held at 2 p.m. Thursday at Mellon Auditorium, 1301 Constitution Ave. NW, Washington, D.C. In lieu of flowers, the family requests you send your thoughts to the Annapolis Capital.
OUR LADY OF LOURDES ACADEMY

- Mr. NELSON of Florida, Mr. President, today I congratulate Our Lady of Lourdes Academy for its success in the national final of We the People. The Citizen and the Constitution. This competition is designed to educate young people about the U.S. Constitution and Bill of Rights. I am pleased to announce that Our Lady of Lourdes Academy from Miami, FL placed fourth in the competition. It is fitting that I make this statement just as we celebrate my friend from West Virginia, Senator BYRD, who has spent a lifetime fighting for the need for our kids to learn about our Constitution.

The We the People national final is a 3-day academic competition that simulates a congressional hearing in which the students “testify” before a panel of judges on constitutional topics. Students demonstrate their knowledge and understanding of constitutional principles as they debate positions on relevant historical and contemporary issues. Mr. President, the names of these outstanding students from Our Lady of Lourdes Academy are: Nicole Azzi, Marta Bakas, Heidi Balsa, Caroline Buckler, Victoria Cabrera, Tatiana Estrada, Christi Falco, Monica Font, Gabrielle Gonzalez, Patricia Herold, Kristina Infante, Janine Lopez, Vanessa Malloi, Christina Martinez, Nina Martinez, Alina Mejier, Natalie Mencio, Natalie Perez, Gabriela Rosell, Anita Viciana, and Erica Watkins. They are taught by Rosie Hefferman. Additional recognition goes to Annette Boyd Pitts and John Doyle, who help coordinate the program in the great State of Florida.

Mr. President and my colleagues in the Senate, please join me in congratulating these young constitutional scholars for their outstanding achievement.

TRIBUTE TO LIEUTENANT COLONEL STEPHEN M. PARKE

- Mr. THUNE, Mr. President, today I honor LTC Stephen M. Parke. This month Lieutenant Colonel Parke retired from the U.S. Army after nearly 21 years of faithful service to his country. Lieutenant Colonel Parke is a native of Rapid City, SD. He is also a graduate of the University of South Dakota and the South Dakota School of Law. Lieutenant Colonel Parke then went on to be on the staff of the Judge Advocate. His service has taken him all over the United States and the far corners of the world to places such as Alaska, Kentucky, Virginia, Maryland, Korea, and Cuba.

Throughout his years of service, Lieutenant Colonel Parke has advanced through the ranks, from captain to major and finally to lieutenant colonel. Lieutenant Colonel Parke’s exemplary service has earned him several major awards and decorations. These include the Humanitarian Service Medal, the Defense Meritorious Service Medal, and the Meritorious Service Medal with four Oak Leaf Clusters.

It is with great honor that I remember and honor the service provided by LTC Stephen M. Parke to his country. On behalf of a grateful State and a grateful Nation, I wish Lieutenant Colonel Parke all the best in his retirement.

150TH ANNIVERSARY OF SIOUX FALLS, SOUTH DAKOTA

- Mr. THUNE, Mr. President, today I pay tribute to recognize Sioux Falls, SD. The city of Sioux Falls will celebrate the 150th anniversary of its founding this year. Located in Minnehaha County, Sioux Falls was founded on the banks of the Big Sioux River. The city of Sioux Falls began after speculators from the Western Town Company claimed the town site in 1866. Sioux Falls has been a successful thriving community for the past 150 years, and I am confident it will continue to grow and prosper.

I offer my congratulations to Sioux Falls on their anniversary, and I wish them continued prosperity in the years to come.

25TH ANNIVERSARY OF WENTWORTH, SD

- Mr. THUNE, Mr. President, today I pay tribute to Wentworth, SD. The town of Wentworth will celebrate the 25th anniversary of its founding this year.

Located in Lake County, Wentworth was founded in 1881 as an agricultural town. Wentworth has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions in the future.

I offer my congratulations to Wentworth on their anniversary, and I wish them continued prosperity in the years to come.

100TH ANNIVERSARY OF CROCKER, SOUTH DAKOTA

- Mr. THUNE, Mr. President, today I wish to recognize the 100th birthday of Mrs. Ruth Ziolkowski.

Ruth Ziolkowski immigrated to South Dakota in 1947 to help Korczak Ziolkowski begin work on the Crazy Horse Memorial sculpture. The two were married in 1950. Since then, Crazy Horse Memorial has made monumental progress with the completion of Crazy Horses’ face in 1998 and the building of the access road to the top. To this day, Crazy Horse Memorial has been presented with countless awards and honors over the years. Her unwavering commitment to the arts and to South Dakota has helped to make this powerful monument a reality.

It gives me great pleasure to commemorate the 80th birthday of Ruth Ziolkowski and to wish her continued success in the years to come.

125TH ANNIVERSARY OF GROTON, SOUTH DAKOTA

- Mr. THUNE, Mr. President, today I wish to recognize Groton, SD. The town of Groton will celebrate the 125th anniversary of its founding this year.

Located in Clark County, Groton was founded as an agricultural town in 1906. Groton is just one example of what has made South Dakota the place it is today.

I offer my congratulations to Groton on their centennial.

125TH ANNIVERSARY OF GOLETA, CALIFORNIA

- Mr. THUNE, Mr. President, today I wish to recognize Goleta, CA. The town of Goleta will celebrate the 125th anniversary of its founding this year.

Located in northeastern Clark County, Goleta was originally developed as a railroad town with the Chicago, Milwaukee and St. Paul Railroad rail lines running through town. In fact, the city was named after Goleta, CA, because the railroad officials traveling through Goleta were already familiar with the name. Goleta is a thriving community with many great traditions including its ice skating festival, the Carnival of Skates.
I would like to offer my congratulations to Groton on their anniversary and I wish them continued prosperity in the years to come.

125TH ANNIVERSARY OF BATH, SOUTH DAKOTA

Mr. THUNE. Mr. President, today I wish to recognize Bath, SD. The town of Bath will celebrate the 125th anniversary of its founding this year.

Located in Brown County, Bath, like many of the towns in South Dakota, has its roots in agriculture. Now 125 years later, Bath is a great example of what makes South Dakota such a great place to live and do business.

I offer my congratulations to Bath on their 125th anniversary, and I wish them continued prosperity in the years to come.

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—PM 52

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Congress for publication, stating that the Western Balkans emergency is to continue in effect beyond June 26, 2006. The most recent notice containing this emergency was published in the Federal Register on June 24, 2005, 70 FR 36803.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219 has not been resolved. Subsequent to the declaration of the national emergency, I amended Executive Order 13219 in Executive Order 13304 of May 28, 2003, to address acts obstructing implementation of the Ohrid Framework Agreement of 2001 in the Republic of Macedonia, which represent a continued threat.

The facts, circumstances, and conditions that continue to constitute a national emergency with respect to the Western Balkans are as follows:

Western Balkans:

To the Congress of the United States:

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Western Balkans:

MESSAGE FROM THE HOUSE

At 3:23 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5069. An act to amend the Federal Financial Assistance Management Improvement Act of 1999 to require data with respect to Federal financial assistance to be available for public access in a searchable and user friendly form.

H.R. 5263. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes.

H.R. 5573. An act to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

H.R. 5574. An act to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children’s hospitals.

H.R. 5693. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The message also announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 426. Concurrent resolution recognizing the 100th anniversary of the passage of the Food and Drugs Act for the important service it provides to the Nation.

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-7271. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wilburton, Okemah, and McAlester, Oklahoma)” (MB Docket No. 05-166, RM-11229) received on June 12, 2006, to the Committee on Commerce, Science, and Transportation.

EC-7272. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Louisburg and Hillsborough, North Carolina)” (MB Docket No. 04-375) received on June 12, 2006, to the Committee on Commerce, Science, and Transportation.

EC-7273. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Weaverville, Palo Cedro, and Alturas, California)” (MB Docket No. 05-125) received on June 12, 2006, to the Committee on Commerce, Science, and Transportation.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5069. An act to amend the Federal Financial Assistance Management Improvement Act of 1999 to require data with respect to Federal financial assistance to be available for public access in a searchable and user friendly form; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5263. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5573. An act to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5574. An act to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children’s hospitals; to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolution was read, and referred as indicated:

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EC-7274. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Weaverville, Palo Cedro, and Alturas, California)” (MB Docket No. 05-125) received on June 12, 2006, to the Committee on Commerce, Science, and Transportation.

EC-7275. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Enfield, New Hampshire; Hartford and White River Junction, Vermont; and Kemptville, Ontario)” (MB Docket No. 05-162) received on June 12, 2006, to the Committee on Commerce, Science, and Transportation.

EC-7276. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Churchville and Keswick, Virginia and Marlinton, West Virginia)” (MB Docket No. 05-222) received on June 12, 2006, to the Committee on Commerce, Science, and Transportation.

EC-7277. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule...
EC-7278. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Allegan, Otsego and Mattawan, Michigan)” (MB Docket No. 05-269) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7279. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Armondo and City of Angels, California)” (MB Docket No. 05-316) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7280. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wilson and Knightdale, North Carolina)” (MB Docket No. 05-121) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7281. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Morro Bay and Oceano, California)” (MB Docket No. 05-5) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7282. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cherokee Village, Black Rock, and Cave City, Arkansas, and Thayer, Missouri)” (MB Docket No. 05-361) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7283. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Andover and Haverhill, Massachusetts)” (MB Docket No. 05-108) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7284. A communication from the President of the United States, transmitting, pursuant to law, a notification relative to the designation of the Secretary of Defense, Robert M. Gates, and Shara L. Aranoff as Vice Chairman of the United States, transmitting, pursuant to law, the report of a rule entitled “Revocation of 83(b) Elections” (Rev. Proc. 2006-31) received on June 16, 2006; to the Committee on Finance.

EC-7285. A communication from the Director, Office of Personnel Management, transmittin, pursuant to law, to the President, a report entitled “The Establishment of the San Antonio Valley Viticultural Area” (RIN1513-A0B2) (T.D. TTB-46) received on June 14, 2006; to the Committee on the Judiciary.

EC-7286. A communication from the Director, Regulatory Management Division, Office of the Executive Secretariat, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Electronic Signature and Storage of Form I-9, Employment Eligibility Verification” (RIN1556-AAA7) received on June 16, 2006; to the Committee on Finance.

EC-7289. A communication from the Chairman, Bureau of the Census, Bureau of the Census, transmitting, pursuant to law, to the Committee on the Judiciary.

EC-7301. A communication from the Chairman, Bureau of the Census, Bureau of the Census, transmitting, pursuant to law, the report of a rule entitled “The Establishment of the San Antonio Valley Viticultural Area” (RIN1513-A0B2) (T.D. TTB-46) received on June 14, 2006; to the Committee on the Judiciary.

EC-7302. A communication from the Chairman, Bureau of the Census, Bureau of the Census, transmitting, pursuant to law, the report of a rule entitled “The Establishment of the San Antonio Valley Viticultural Area” (RIN1513-A0B2) (T.D. TTB-46) received on June 14, 2006; to the Committee on the Judiciary.

EC-7309. A communication from the Chief, Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, a report of the confirmation of a nominee for the position of...
Chief Financial Officer, Corporation for National and Community Service, received on June 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE REPORT

The following reports of committees were transmitted: By Mr. BENNETT, from the Committee on Appropriations, with an amendment in the nature of a substitute:


By Mr. COCHRAN, from the Committee on Appropriations, with an amendment in the nature of a substitute:


By Mr. COCHRAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 2977. A bill to designate the facility of the United States Postal Service located at 306 2nd Avenue in Brockway, Montana, as the "Paul Kasten Post Office Building".

H.R. 3440. A bill to designate the facility of the United States Postal Service located at 100 Avenida RJ. Rodriguez in Bayamon, Puerto Rico, as the "Dr. Jose Celso Barbossa Post Office Building".

H.R. 3549. A bill to designate the facility of the United States Postal Service located at 210 West 3rd Avenue in Warren, Pennsylvania, as the "William F. Clinger, Jr. Post Office Building".

H.R. 3894. A bill to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the "Harry A. Florence Post Office Building".

H.R. 4018. A bill to designate the facility of the United States Postal Service located at 3000 Homewood Avenue in Baltimore, Maryland, as the "State Senator Verda Welcome and Dr. Henry Welcome Post Office Building".

H.R. 4456. To designate the facility of the United States Postal Service located at 2404 Race Street, Jonesboro, Arkansas, as the "Hattie W. Caraway Station".

H.R. 4561. A bill to designate the facility of the United States Postal Service located at 355 Wood Street in Bethlehem, Pennsylvania, as the "H. Gordon Payrow Post Office Building".

H.R. 4668. A bill to designate the facility of the United States Postal Service located at 1 Boyden Street in Badmin, North Carolina, as the "Mayor John Thompson Tom' Garrison Memorial Post Office".

H.R. 4780. A bill to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the "Gerald A. Fiorenza Post Office Building".

H.R. 4995. A bill to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the "Ronald Bucia Post Office".

H.R. 5245. A bill to designate the facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, as the "Matthew Leo Building".

S. 2228. A bill to designate the facility of the United States Postal Service located at 20016 S. Front Street in Lincoln, Nebraska, as the "Lieutenant Michael P. Murphy Post Office Building".

S. 2376. A bill to designate the facility of the United States Postal Service located at 90 Killian Road in Massapequa, New York, as the "Gerald A. Florence Post Office Building".

S. 2690. A bill to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the "Harry J. Parrish Post Office".

S. 2722. A bill to designate the facility of the United States Postal Service located at 100 East Main Street in Patchogue, New York, as the "Lieutenant Michael P. Murphy Post Office Building".

S. 2817. A bill to designate the Post Office building located at 5755 Post Road, East Greenwich, Rhode Island, as the "Richard L. Cevoli Post Office".

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. ROBERTS for the Select Committee on Intelligence:

"Kenneth L. Wainstein, of Virginia, to be an Attorney General."
benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 1934

At the request of Mr. Specter, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 2140

At the request of Mr. Hatch, the name of the Senator from Oklahoma (Mr. Inhofe) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2250

At the request of Mr. Grassley, the name of the Senator from Arkansas (Mr. Pryor) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2491

At the request of Mr. Frist, his name 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.

At the request of Mr. Cornyn, the names of the Senator from North Carolina (Mrs. DoLE), the Senator from New York (Mrs. Clinton), the Senator from North Carolina (Mr. Burr) and the Senator from Minnesota (Mr. Coleman) were added as cosponsors of S. 2491, supra.

S. 2663

At the request of Mr. Dodd, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 2663, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 2725

At the request of Mrs. Clinton, the name of the Senator from Washington (Ms. Cantwell) 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 Mississippi (Mr. Cochran) 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 medicaid, health insurance counseling program and area agencies on aging, and for other purposes.

S. 3061

At the request of Mr. Talent, the name of the Senator from Idaho (Mr. Crapo) was added as a cosponsor of S. 3061, a bill to extend the patent term for the badge of the American Legion Women’s Auxiliary, and for other purposes.

S. 3062

At the request of Mr. Talent, the name of the Senator from Idaho (Mr. Crapo) was added as a cosponsor of S. 3062, a bill to extend the patent term for the badge of the American Legion, and for other purposes.

S. 3063

At the request of Mr. Talent, the name of the Senator from Idaho (Mr. Crapo) was added as a cosponsor of S. 3063, a bill to extend the patent term for the badge of the Sons of the American Legion, and for other purposes.

S. 3156

At the request of Mr. Bingaman, the names of the Senator from Arizona (Mr. Kyl) and the Senator from Wyoming (Mr. Thomas) were added as cosponsors of S. 3156, a bill to amend title XVIII of the Social Security Act to permanently extend the floor on the Medicare work geographic adjustment under the fee schedule for physicians’ services.

S. RES. 359

At the request of Ms. Landrieu, the name of the Senator from Connecticut (Mr. Lieberman) was added as a cosponsor of S. Res. 359, a resolution concerning the Government of Romania’s on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

S. RES. 412

At the request of Ms. Landrieu, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of S. Res. 412, a resolution expressing the sense of the Senate regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations.

S. RES. 507

At the request of Mr. Biden, the name of the Senator from Idaho (Mr. Crapo) was added as a cosponsor of S. Res. 507, a resolution designating the week of November 5 through November 11, 2006, as National Veterans Awareness Week” to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 508

At the request of Ms. Collins, her name was added as a cosponsor of S. Res. 508, a resolution designating October 20, 2006 as “National Mammography Day.”

At the request of Mr. Johnson, his name was added as a cosponsor of S. Res. 508, supra.

At the request of Mr. Voinovich, his name was added as a cosponsor of S. Res. 508, supra.

AMENDMENT NO. 4231

At the request of Mr. DeWine, the name of the Senator from Rhode Island (Mr. Chafee) was added as a cosponsor of amendment No. 4231 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4233

At the request of Mr. DeWine, the name of the Senator from Rhode Island (Mr. Chafee) was added as a cosponsor of amendment No. 4233 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4236

At the request of Mr. Lugar, the names of the Senator from Connecticut (Mr. Dodd) and the Senator from Tennessee (Mr. Alexander) were added as cosponsors of amendment No. 4236 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4261

At the request of Mr. Nelson of Florida, his name was withdrawn as a co-sponsor of amendment No. 4261 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.
At the request of Mr. Chambliss, the names of the Senator from North Dakota (Mr. Conrad), the Senator from Idaho (Mr. Craig) and the Senator from Oregon (Mr. Smith) were added as co-sponsors of amendment No. 4261 proposed to S. 2766, supra.

AMENDMENT NO. 4271
At the request of Mr. Baucus, his name was added as a cosponsor of amendment No. 4271 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4272
At the request of Mr. Bennett, his name was added as a cosponsor of amendment No. 4271 proposed to S. 2766, supra.

AMENDMENT NO. 4273
At the request of Mr. Carper, his name was added as a cosponsor of amendment No. 4271 proposed to S. 2766, supra.

AMENDMENT NO. 4314
At the request of Mr. Allen, the name of the Senator from Maine (Ms. Collins) was added as a cosponsor of amendment No. 4314 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4320
At the request of Mr. Levin, the name of the Senator from Connecticut (Mr. Dodd) was added as a cosponsor of amendment No. 4320 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4323
At the request of Mr. Lott, the name of the Senator from Maine (Ms. Collins), the Senator from New Jersey (Mr. Menendez) and the Senator from Nevada (Mr. Reid), the Senator from South Dakota (Mr. Johnson), the Senator from Maryland (Mr. Mikulski), the Senator from Louisiana (Mr. Landrieu) and the Senator from Arkansas (Mr. Pryor) were added as cosponsors of amendment No. 4323 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4332
At the request of Mr. Coburn, the name of the Senator from Connecticut (Mr. Shaheen) was added as a cosponsor of amendment No. 4332 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4334
At the request of Mr. Nelson of Florida, his name was added as a cosponsor of amendment No. 4334 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4336
At the request of Mr. Burns, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of amendment No. 4336 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4342
At the request of Mrs. Lincoln, the name of the Senator from New Jersey (Mr. Menendez), the Senator from Illinois (Mr. Obama), the Senator from South Dakota (Mr. Johnson), the Senator from Maryland (Mr. Mikulski), the Senator from Louisiana (Mr. Landrieu) and the Senator from Arkansas (Mr. Pryor) were added as cosponsors of amendment No. 4342 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4346
At the request of Mr. Burns, the name of the Senator from Utah (Mr. Bennett) was added as a cosponsor of amendment No. 4346 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4361
At the request of Mrs. Clinton, the names of the Senator from Nevada (Mr. Reid), the Senator from Maine (Ms. Collins), the Senator from New Jersey (Mr. Menendez) and the Senator from Rhode Island (Mr. Chafee) were added as cosponsors of amendment No. 4361 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4377
At the request of Mr. Burns, the names of the Senator from Indiana (Mr. Bayh) and the Senator from Massachusetts (Mr. Kerry) were added as cosponsors of amendment No. 4377 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4390
At the request of Mr. Voinovich, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of amendment No. 4390 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4445
At the request of Mr. Burns, the names of the Senator from Iowa (Mr. Larson) and the Senator from Mississippi (Mr. Thad Cochran) were added as cosponsors of amendment No. 4445 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4447
At the request of Mr. Voinovich, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of amendment No. 4447 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.
amendment No. 447 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4466
At the request of Mrs. Boxer, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4466 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4471
At the request of Mr. Sessions, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Arizona (Mr. KYL), the Senator from South Dakota (Mr. THUNE) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 4471 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4477
At the request of Mr. Kennedy, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Mrs. MURRAY), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from West Virginia (Mr. DONNELL), the Senator from Ohio (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Iowa (Mr. HARKIN), the Senator from New York (Mr. SCHUMER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 4477 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4479
At the request of Mr. Byrd, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 4479 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Mr. DURBIN:
S. 3557. A bill to reduce deaths occurring from overdoses of drugs or controlled substances; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, on the first Monday and Tuesday of June, 14 people in Chicago died from an apparent overdose of heroin laced with fentanyl. That brings to 74 the lives lost to heroin and fentanyl in Cook County, IL, this year.

We know that abuse of prescription drugs is on the rise. The manufacture of mind-altering substances is getting easier. Meanwhile, Chicago first responders have treated more than 600 drug overdoses since April. Today I am introducing the Drug Overdose Reduction Act to strengthen and expand the work our communities are doing to prevent overdose deaths from both prescription drug and illicit drug abuse.

The legislation would fund training to teach first responders, law enforcement officials and correction officials on how to recognize and respond to an overdose. Funding also would be available for drug overdose prevention programs that provide direct services to people most at risk of an overdose death.

The act would support the important work of organizations like the Chicago Recovery Alliance, which works with a population of people at high risk for overdose deaths. Dr. Sarz Maxwell, medical director for the Alliance, said she knows of several people whose lives have been saved by the consumer education the group provides.

These local outreach and education efforts may be the best tool we have right now for saving lives that would otherwise be lost to drug overdoses. By implementing the Drug Overdose Prevention Act, we can avert the tragic deaths caused by the most recent wave of deadly heroin.

One of the victims in Chicago was just 17 years old. Joseph graduated from high school on Sunday and was found dead in the back of his car on Tuesday.

Deaths like this are tragic for those who have died and their families, but also for the high schools and communities they grew up in. A Chicago police official was quoted in the New York Times saying that it appeared the drug cocktail had killed the young man instantly. Perhaps his death contributed to the decision at the Substance Abuse and Mental Health Administration 2 days later to issue an alert to rehab centers and addiction specialists about the heroin mixed with fentanyl.

I am encouraged that the U.S. Drug Enforcement Administration, working with Chicago police, this week de-
enable the eligible entities to reduce deaths occurring from overdoses of drugs or controlled substances.

(b) APPLICATION.—
(1) IN GENERAL.—An eligible entity desiring a grant or cooperative agreement under this section shall submit to the Director an application at such time, in such manner, and containing such information as the Director may require.

(2) CONTENTS.—The application described in paragraph (1) shall include—
(A) a description of the activities the eligible entity will carry out if the entity receives funds under this section;
(B) a demonstration that the eligible entity has the capacity to carry out the activities described in subparagraph (A); and
(C) a certification that the eligible entity meets all State licensure or certification requirements necessary to carry out the activities.

(c) PRIORITY.—In awarding grants or cooperative agreements under subsection (a), the Director shall give priority to eligible entities that are public health agencies or community-based organizations and that have expertise in preventing deaths occurring from overdoses of drugs or controlled substances in populations at high risk of such deaths.

(d) ELIGIBLE ACTIVITIES.—An eligible entity receiving a grant or cooperative agreement under this section shall carry out 1 or more of the following activities:
(1) Training first responders, people affected by drug abuse, and law enforcement and corrections officials on the effective response to individuals who have overdosed on drugs or controlled substances.
(2) Implementing programs to provide overdose prevention, recognition, treatment, or response to individuals in need of such services.
(3) Evaluating, expanding, or replicating a program described in paragraph (1) or (2) that exists as of the date the application is submitted.

(e) REPORT.—Not later than 90 days after the last day of the grant or cooperative agreement period, each eligible entity receiving a grant or cooperative agreement under this section shall prepare and submit a report to the Director describing the results of the program supported under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2007 and 2008, and such sums as may be necessary for each of the fiscal years 2009 through 2011.

SEC. 5. REDUCING OVERDOSE DEATHS.

(a) DATA COLLECTION.—The Director shall annually compile and publish data on the deaths occurring from overdoses of drugs or controlled substances for the preceding year.

(b) PLAN TO REDUCE OVERDOSE DEATHS.—Not later than 180 days after the date of enactment of this Act, the Director shall develop a plan to reduce the number of deaths occurring from overdoses of drugs or controlled substances and shall submit the plan to Congress as a part of the budget.

(1) an identification of the barriers to obtaining accurate data regarding the number of deaths occurring from overdoses of drugs or controlled substances;
(2) an identification of the barriers to implementing more effective overdose prevention strategies; and
(3) recommendations for such legislative or administrative action that the Director considers appropriate.

SENATE CONCURRENT RESOLUTION 103—TO CORRECT THE ENROLLMENT OF THE BILL H.R. 889

Mr. STEVENS submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 103
Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill H.R. 889, the Clerk of the House of Representatives shall make the following correction:

(1) In the table of contents in section 2, strike the item relating to section 414 and insert the following:

"Sec. 414. Navigational safety of certain facilities.".

(2) Strike section 414 and insert the following:

"SEC. 414. NAVIGATIONAL SAFETY OF CERTAIN FACILITIES.

(1) CONSIDERATION OF ALTERNATIVES.—In reviewing a lease, easement, or right-of-way for an offshore wind energy facility in Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), not later than 60 days before the date established by the Secretary of the Interior for publication of an environmental impact statement, the Commandant of the Coast Guard shall specify the reasonable terms and conditions the Commandant determines to be necessary to provide for navigational safety with respect to the proposed lease, easement, or right-of-way and each alternative to the proposed lease, easement, or right-of-way considered by the Secretary.

(2) INCLUSION OF NECESSARY TERMS AND CONDITIONS.—In granting a lease, easement, or right-of-way for an offshore wind energy facility in Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), the Secretary shall incorporate in the lease, easement, or right-of-way reasonable terms and conditions the Commandant determines to be necessary to provide for navigational safety.

SENATE CONCURRENT RESOLUTION 104—EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD POST-HUMOUSLY AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO HARRY W. COLMERY

Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 104
Whereas the life of Harry W. Colmery of Topeka, Kansas, was marked by service to his country and its citizens;
Whereas Harry Colmery earned a degree in law in 1916 from the University of Pittsburgh and, through his practice of law, contributed to the Nation;
Whereas after World War I, Harry Colmery joined the Army Air Service, serving as a first lieutenant at a time when military aviation was in its infancy;
Whereas after World War I, Harry Colmery actively contributed to the growth of the newly formed American Legion and went on to hold several offices in the Legion and was elected National Commander in 1936; Whereas in 1943, the United States faced the return from World War II of what was to become an active duty force of 15,000,000 soldiers, sailors, airmen, and Marines; Whereas Harry Colmery, recognizing the potential effect of the return of such a large number of veterans of the Second World War, spearheaded the efforts of the American Legion to develop legislation seeking to ensure that those Americans who had fought for the democratic ideals of the Nation and to preserve freedom would be able to fully participate in all of the opportunities the Nation provided;
Whereas in December 1943, during an emergency meeting of the American Legion leadership, Harry Colmery crafted the initial draft of the legislation that became the Servicemen’s Readjustment Act of 1944, also known as the GI Bill of Rights;
Whereas the GI Bill of Rights is credited by veterans’ service organizations, economists, and historians as the engine that transformed postwar America into a more egalitarian, prosperous, and enlightened Nation poised to lead the world into the 21st century;
Whereas since its enactment, the GI Bill of Rights has provided education or training for approximately 21,000,000 veterans; Whereas as a result of the benefits available to veterans through the initial GI Bill of Rights, the Nation gained over 800,000 professionals, including the more than 45,000 engineers, 238,000 teachers, 91,000 scientists, 67,000 doctors, and 22,000 dentists; Whereas President Truman established the Presidential Medal of Freedom in 1945 to recognize notable service during war and in 1963, President Kennedy reinstated the medal to honor the achievement of civilians during peacetime;
Whereas pursuant to Executive Order No. 11085, the Presidential Medal of Freedom may be awarded to any person who has made an especially meritorious contribution to—(1) the security or national interest of the United States; or (2) world peace, or (3) other significant public or private endeavors; and Whereas Harry Colmery, noted for his service in the military, in the legal sector, and on behalf of the Nation’s veterans, clearly meets the criteria established for the Presidential Medal of Freedom; Now, therefore, be it
Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery of Topeka, Kansas.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4483. Mr. WARREN submitted an amendment intended to be proposed to amendment SA 4481. Mr. WARNER (for Mr. COLEMAN) and intended to be proposed to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 4482. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4483. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.
SA 4484. Mr. McCaIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4485. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 4474 submitted by Mr. SESSIONS and intended to be proposed to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4487. Mr. DODD (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4488. Mr. DODD (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 4476 submitted by Mr. LUGAR and intended to be proposed to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4489. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 2766, supra.

SA 4490. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 2766, supra.

SA 4491. Mr. CORBIN submitted an amendment intended to be proposed by him to the bill S. 2766, supra.

SA 4492. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4493. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4494. Mr. WARNER (for Mr. BURNS (for himself and Mr. LEVIN)) proposed an amendment to the bill S. 2766, supra.

SA 4495. Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill S. 2766, supra.

SA 4496. Mr. WARNER (for Mr. CORNYN (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill S. 2766, supra.

SA 4497. Mr. WARNER (for Mr. ALLARD) proposed an amendment to the bill S. 2766, supra.

SA 4498. Mr. WARNER (for Mr. ALLEN) proposed an amendment to the bill S. 2766, supra.

SA 4499. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4500. Mr. WARNER (for Mr. MARTINEZ (for himself, Mr. Nelson of Florida, Mr. VITTER, and Mrs. LANDRIEU)) proposed an amendment to the bill S. 2766, supra.

SA 4501. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4502. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 2766, supra.

SA 4503. Mr. WARNER (for Mr. McCaIN) proposed an amendment to the bill S. 2766, supra.

SA 4504. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. Nelson of Nebraska)) proposed an amendment to the bill S. 2766, supra.

SA 4505. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. Nelson of Nebraska)) proposed an amendment to the bill S. 2766, supra.

SA 4506. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. Nelson of Nebraska)) proposed an amendment to the bill S. 2766, supra.

SA 4507. Mr. LEVIN (for Mrs. BOXER (for herself, Ms. SNOWE, Mr. LIEBERMAN, Ms. MCKLUSKEY, Mrs. LINDSEY, Mr. BENGAMAN, Mr. BURNS, Mr. COBERN, Mr. GRASSLEY, Mr. SCHUMER, Ms. COLLINS, and Mr. DEWINE)) proposed an amendment to the bill S. 2766, supra.

SA 4508. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4509. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4510. Mr. WARNER (for Mr. GRAHAM) proposed an amendment to the bill S. 2766, supra.

SA 4511. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4512. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4513. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4514. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4515. Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill S. 2766, supra.

SA 4516. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4517. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4518. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4519. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4520. Mr. WARNER (for himself, Mr. LEVIN, Mr. BURNS, and Mr. CONRAD) proposed an amendment to the bill S. 2766, supra.

SA 4521. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4522. Mr. LEVIN (for Mr. BOXER) proposed an amendment to the bill S. 2766, supra.

SA 4523. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4524. Mr. WARNER (for Mr. COCHRAN (for himself and Mr. LOTT)) proposed an amendment to the bill S. 2766, supra.

SA 4525. Mr. WARNER (for Mr. ALLARD (for himself and Mr. SALAZAR)) proposed an amendment to the bill S. 2766, supra.

SA 4526. Mr. LEVIN (for Mr. FEINGOLD (for himself, Mr. BIDEN, Mr. HAGEL, Mr. DURBIN, Mr. COLEMAN, Mr. SALAZAR, Mr. MARTINEZ, Mr. OHAMA, Mr. LEAHY, Mr. LUGAR, and Mr. LEVIN)) proposed an amendment to the bill S. 2766, supra.

SA 4527. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 2766, supra.

SA 4528. Mr. WARNER (for Mr. ALLARD (for himself and Mr. SALAZAR)) proposed an amendment to the bill S. 2766, supra.

SA 4529. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4530. Mr. WARNER (for Mr. TALENT (for himself and Mr. Nelson of Florida)) proposed an amendment to the bill S. 2766, supra.

SA 4531. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4532. Mr. WARNER (for Mr. CHAMBLISS (for himself, Mr. Nelson of Nebraska, and Mr. TALENT)) proposed an amendment to the bill S. 2766, supra.

SA 4533. Mr. LEVIN proposed an amendment to the bill S. 2766, supra.

SA 4534. Mr. WARNER (for Mr. VITTER) proposed an amendment to the bill S. 2766, supra.

SA 4535. Mr. LEVIN (for Mr. PHYOR (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2766, supra.

SA 4536. Mr. WARNER (for Mr. BURNS) proposed an amendment to the bill S. 2766, supra.

SA 4537. Mr. WARNER (for Mr. CORNYN) proposed an amendment to the bill S. 2766, supra.

SA 4538. Mr. WARNER (for Mr. BURNS (for himself and Mrs. DOLE)) proposed an amendment to the bill S. 2766, supra.

SA 4539. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

TEXT OF AMENDMENTS

SA 4481. Mr. REED submitted an amendment intended to be proposed to amendment SA 3321 submitted by Mr. WARNER (for Mr. COLEMAN) and intended to be proposed to the bill S. 2766, supra; to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 7. AVAILABILITY OF FUNDS FOR SOUTH COUNTY COMUTER RAIL PROJECT, PROVIDENCE, RHODE ISLAND.

Funds available for the South County Commuter Rail project, Providence, Rhode Island, authorized by paragraphs (34) and (35) of section 3034(d) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59, 119 Stat. 1650) shall be available for the purchase of commuter rail equipment for the South County Commuter Rail project upon the receipt by the Department of Transportation of an approved environmental assessment for the South County Commuter Rail project.
(B) Award of a baccalaureate degree from an institution of higher learning.

(C) Completion of secondary education teaching certification requirements for the program established by the Secretary of the military department concerned.

(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on

(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

(ii) professional development to meet content knowledge and instructional skills; and

(iii) performance evaluation of competencies and standards within the program through site visits and inspections.

(c) NON-SENIOR MILITARY INSTRUCTORS.—

(1) ROLE.—Non-senior military instructors shall be retired noncommissioned officers of the armed forces and shall serve as instructional leaders and teach independently, but share program responsibilities with, senior military instructors.

(2) QUALIFICATIONS.—A non-senior military instructor shall demonstrate a depth of experience, proficiency, and expertise in coaching, mentoring, and practical arts in executing the program, and shall have the following qualifications:

(A) Professional military qualification, as determined by the Secretary of the military department concerned.

(B) Award of an associate degree from an institution of higher learning within 5 years of entry.

(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on

(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

(ii) professional development to meet content knowledge and instructional skills; and

(iii) performance evaluation of competencies and standards within the program through site visits and inspections.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

SA 4483. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 44. PROHIBITION OF FUNDING FOR THE UNITED NATIONS DISARMAMENT COMMISSION.

None of the funds authorized or otherwise made available by this Act or by any other Act may be obligated or expended in connection with United States participation in, or support for, the activities of the United Nations Disarmament Commission as long as Iran serves as a vice-chair of the Commission.

SA 4484. Mr. McCAIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personal strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 45. PROHIBITION ON INCREMENTAL FUNDING FOR MULTYEAR CONTRACT RELATING TO F-22A AIRCRAFT.

(a) PROHIBITION ON INCREMENTAL FUNDING OF PROGRAM.—The Secretary of the Air Force shall not use incremental funding for the procurement of an increment of the F-22A aircraft.

(b) PROHIBITION ON MULTIYEAR CONTRACT FOR PROCUREMENT OF F-22A AIRCRAFT.—The Secretary of the Air Force shall not enter into a multiyear contract for the procurement of F-22A aircraft in fiscal year 2007.

(c) PROHIBITION ON MULTIYEAR CONTRACT FOR PROCUREMENT OF F-119 ENGINES FOR F-22A AIRCRAFT.—The Secretary of the Air Force shall not enter into a multiyear contract for the procurement of F-119 engines for F-22A aircraft in fiscal year 2007.

SA 4485. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 46. TESTING AND OPERATIONS FOR MISCILE DEFENSE.

(a) AVAILABILITY OF ADDITIONAL AMOUNTS WITHIN RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—Within amounts authorized to be appropriated by section 201(a) for research, development, test, and evaluation activities, the amount available for the Missile Defense Agency for ballistic missile defense is hereby increased by $45,000,000, with the amount of the increase to be available for Ballistic Missile Defense Midcourse Defense Segment (PE 03882C) for

(1) to increase the pace of realistic flight testing of the ground-based midcourse defense segment; and

(2) to accelerate the ability to conduct concurrent test and missile defense operations.

(b) SUPPLEMENTAL APPROPRIATIONS.—Supplemental appropriations under subsection (a) for the program element referred to in that subsection are in addition to any other amounts available in this Act for the purposes specified in subsection (a).

SA 4486. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 47. COOPERATIVE THREAT REDUCTION AND NUCLEAR NONPROLIFERATION PROGRAMS.

(a) CHEMICAL WEAPONS DEMILITARIZATION.—

(1) ADDITION OF AMOUNT.—For operation and maintenance, cooperative threat reduction programs—

The amount authorized to be appropriated by section 301(19) for Cooperative Threat Reduction programs is hereby increased by $50,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 301(19) for Cooperative Threat Reduction programs, as increased by paragraph (1), $50,000,000 may be available for chemical weapons demilitarization in Libya.

(b) MEGAPORTS PROGRAM.—

(1) ADDITIONAL AMOUNT FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION, DEFENSE NUCLEAR NONPROLIFERATION ACTIVITIES.—The amount authorized to be appropriated by section 310(a)(2) for the National Nuclear Security Administration for defense nuclear nonproliferation activities is hereby increased by $68,900,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 310(a)(2) for the National Nuclear Security Administration for defense nuclear nonproliferation activities, as increased by paragraph (1), $68,900,000 may be available for the Megaports Program.

SEC. 48. OFSERT.—

Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby reduced by $138,900,000, with the amount of the reduction to be allocated as follows:

(1) The amount available in Program Element 0638682C for long lead procurement of Ground-Based Interceptors is hereby reduced by $63,100,000.

(2) The amount available in Program Element 0638682C for initial planning, design, and construction of a third Ground-Based Interceptor deployment site in Europe is hereby reduced by $55,800,000.

SA 4487. Mr. DODD (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 49. AVAILABILITY OF FUNDS.

(1) TRANSFER OF FUNDS.—The President may direct the Secretary of State to work with the Secretary of Defense to provide assistance to help build the capacity of partner nations' military forces to disrupt or destroy terrorist networks, close safe havens, or participate in or support United States, coalition, or international military or stability operations.

(b) TYPES OF PARTNERSHIP SECURITY CAPACITY BUILDING.—The partnership security capacity building program provided in section 49(a) may include the provision of equipment, supplies, services, training, and funding.

(c) AVAILABILITY OF FUNDS.—

(1) TRANSFER OF FUNDS.—The Secretary of Defense may support partnership security
capacity building as authorized under subsection (a) by transferring funds authorized to be appropriated by this Act for the Department of Defense for fiscal years 2007 and 2008 to the partnership security building account of the Department of State for use as provided under paragraph (2). Any funds so transferred shall remain available until expended.

(2) USE OF FUNDS.—The funds transferred to the partnership security building account under paragraph (1) shall, subject to the approval of the Secretary of State, be made available for use by the Secretary of Defense to carry out activities to build partnership security capacity. The amount of funds made available under this paragraph may not exceed $400,000,000 in any fiscal year.

(d) APPROVAL AND NOTIFICATION REQUIREMENTS.—Not later than 10 days before approving the use by the Secretary of Defense of funds to carry out activities to build partnership security capacity under subsection (c)(2), the Secretary of State shall submit to the Committee on Appropriations of the Senate and the Committee on International Relations of the House of Representatives a notification of the countries chosen to be recipients and the specific type of assistance that will be provided, including the specific entity within the recipient country that will be provided the assistance and the type and duration of such assistance.

(1) AVAILABLE LAW.—The President may not exercise the authority in subsection (a) to provide any type of assistance described in subsection (b) or (c) that is otherwise prohibited under any other provision of law.

(2) EXPIRATION.—The authority in this section shall expire on September 30, 2008.

(3) REPEAL OF SUPERSEDED AUTHORITY AND MODIFICATION OF EXISTING REPORTING REQUIREMENTS.—Section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 346) is amended by inserting before the following:

S4488. Mr. DODD (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment S.A. 4488. Mr. BAYH submitted an amendment intended to be proposed to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to purchase personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:


(a) AUTHORITY.—The President may direct the Secretary of State to work with the Secretary of Defense to provide assistance to help build the capacity of partner nations’ military forces to disrupt or destroy terrorist networks, close down safe havens, or participate in or support United States, coalition, or international military or stability operations.

(b) TYPES OF PARTNERSHIP SECURITY CAPACITY BUILDING.—The partnership security capacity building authorized under subsection (a) includes the provision of equipment, supplies, services, training, and funding.

(c) AVAILABILITY OF FUNDS.—

(1) TRANSFER OF FUNDS.—The Secretary of Defense may support partnership security building capacity as authorized under subsection (a) by transferring funds authorized to be appropriated by this Act for the Department of Defense for fiscal years 2007 and 2008 to a partnership security building account of the Department of State for fiscal years 2007 and 2008 to a partnership security building account of the Department of State for use as provided under paragraph (2). Any funds so transferred shall remain available until expended.

(3) USE OF FUNDS.—The funds transferred to the partnership security building account under paragraph (1) shall, subject to the approval of the Secretary of State, be made available for use by the Secretary of Defense to carry out activities to build partnership security capacity. The amount of funds made available for such purpose may not exceed $400,000,000 in any fiscal year.

Not later than 10 days before approving the use by the Secretary of Defense of funds to carry out activities to build partnership security capacity under subsection (c)(2), the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Appropriations of the Senate and the Committee on International Relations of the House of Representatives.

(c) IMPROVEMENTS TO QUADRENNIAL DEFENSE REVIEW.—

(1) CONDUCT OF REVIEW.—Subsection (b) of section 1108 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking “, and insert the following:

(2) The panel appointed under paragraph (3), the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Appropriations of the Senate and the Committee on International Relations of the House of Representatives;

(C) in paragraph (1), by striking “, and

(3) by striking the period at the end and inserting “; and”;

and

(E) by adding at the end the following new paragraph:

“(4) to make recommendations that are not constrained to comply with the budget submitted to Congress by the President pursuant to section 1105 of title 31.”;

(2) ADDITIONAL ELEMENT IN REPORT TO CONGRESS.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting “, the strategic planning guidance,” after “United States”;

(B) by redesignating paragraphs (9) through (15) as paragraphs (10) through (16), respectively; and

(C) by inserting after paragraph (8) the following new paragraph:

“(9) The specific capabilities, including the general number and type of specific military platforms, needed to achieve the strategic and warfighting objectives identified in the review.”;

(3) CJCS REVIEW.—Subsection (e)(1) of such section is amended by inserting before the period at the end the following: “, and a description of the capabilities needed to address such risk”;

DEFENSE PLANNING.—Such section is further amended by adding at the end the following new subsection:

“(1) INDEPENDENT ASSESSMENT.—(A) Not later than one year before the date a report on a quadrennial defense review is to be submitted to Congress under subsection (d), the President shall appoint a panel to conduct an independent assessment of the review;

(2) The panel appointed under paragraph (1) shall be composed of seven individuals
SA 4490. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Add at the end the following:

Notwithstanding any other provision of this Act, the provisions of section 363 and the amendment made by the section shall have no force and effect.

SA 4491. Mr. COBURN submitted an amendment intended to be proposed by him to amendment SA 4454 by himself and intended to be proposed to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on Page 1 of the amendment strike “Pay-For-Performance-For” and all that follows and insert:

SEC. 1104. Reforms to the Defense Travel System to a Fee-For-Use-of-Service System. No later than 90 days after the enactment of this Act, the Secretary of Defense may not obligate or expend any funds related to the Defense Travel System except those funds obtained through a one-time, fixed price service fee per DOD customer utilizing the system with an additional fixed fee for each transaction.

SA 4492. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle F of title III, add the following:

SEC. 375. CHEMICAL DEMILITARIZATION PROGRAM AUTHORITY.
(a) Multiyear Contracting Authority.—The Secretary of Defense may carry out reprogramming under section 1412(a) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 10 U.S.C. 2351(a)) through multiyear contracts entered into before the date of the enactment of this Act.
(b) Availability of Funds.—Contracts entered into under subsection (a) shall be funded through annual appropriations for the destruction of chemical agents and munitions.

SA 4493. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XI, add the following:

SEC. 1104. THIRTY-FIVE PERCENT PERSONNEL MANAGEMENT PROGRAM FOR EXPERIMENTAL PERSONNEL.

(a) Applicability.—The Secretary of Defense shall, in carrying out the program established by this section (the ‘‘Program’’), ensure that only 35 percent of the personnel of the Department of Defense are covered by the Program, and any future amendment to the Program that increases the percentage of personnel covered by the Program shall not exceed 45 percent.
(b) Authorization of Appropriations.—The Secretary of Defense shall ensure that no more than 35 percent of the personnel of the Department of Defense are covered by the Program in fiscal year 2007 and future years.
(c) Retirement.—The Secretary of Defense shall ensure that personnel who are covered by the Program are entitled to retirement benefits, including retirement annuities, under the Uniformed Services Retirement System at the same rate as personnel who are not covered by the Program.

SA 4494. Mr. WARNER (for Mr. BURNS (for himself and Mrs. DOLE)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 187, between lines 20 and 21, insert the following:

(c) Use of Electronic Voting Technology.—(1) Continuation of Interim Voting Assistance System.—The Secretary of Defense shall continue the Interim Voting Assistance System (IVAS) ballot request program with respect to all absent uniformed services voters (as defined under section 101(f) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f-6(i))), overseas employees of the Department of Defense, and employees of the dependent organization; and the dependent organization, for the general election and all elections through December 31, 2006.

(2) Reports.—(A) In General.—Not later than 90 days after the date of the regularly scheduled general election for Federal office for November 2006, the Secretary of Defense shall submit to the congressional defense committees a report setting forth—
(i) an assessment of the success of the implementation of the Interim Voting Assistance System ballot request program carried out under paragraph (1);
(ii) recommendations for continuation of the Interim Voting Assistance System and for improvements to the system; and
(iii) an assessment of available technologies and other means of achieving enhanced use of electronic and Internet-based capabilities under the Interim Voting Assistance System.
(B) Future Elections.—Not later than May 15, 2007, the Secretary of Defense shall submit to the congressional defense committees a report detailing plans for expanding the use of electronic voting technology for elections covered under the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f et seq.) for elections through November 30, 2010.

SA 4495. Mr. WARNER (for Mr. INHOFFE) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title XII add the following:

SEC. 1209. ANNUAL REPORTS ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

(a) Annual Report Required.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report listing all assessed and voluntary contributions by the United States Government for the preceding fiscal year to the United Nations and United Nations affiliated agencies and related bodies.

(b) Elements.—Each report under subsection (a) shall set forth, for the fiscal year covered by such report, the following:
(1) The total amount of all assessed and voluntary contributions by the United States Government to the United Nations and United Nations affiliated agencies and related bodies.
(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—
(A) the amount of such contribution;
(B) a description of such contribution (including whether assessed or voluntary);
(C) the department or agency of the United States Government responsible for such contribution;
(D) the purpose of such contribution; and
(E) the United Nations or United Nations affiliated agency or related body receiving such contribution.

SA 4496. Mr. WARNER (for Mr. CORNYN (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X add the following:

SEC. 1066. REPORT ON BIODEFENSE STAFFING AND TRAINING REQUIREMENTS IN SUPPORT OF NATIONAL BIOROLESTORIES.

(a) Study Required.—The Secretary of Defense shall, in consultation with the Secretary of Homeland Security, the Secretary of Health and Human Services, conduct a study to determine the staffing and
training requirements for pending capital programs to construct biodefense laboratories (including agriculture and animal laboratories) at Biosafety Level (BSL) 3 and Biosafety Level 4.
(b) ELEMENTS.—In conducting the study, the Secretary of Defense shall address the following:
(1) The number of trained personnel, by discipline and qualification level, required for existing biodefense laboratories at Biosafety Level 3 and Biosafety Level 4.
(2) The number of research and support staff, including researchers, laboratory technicians, animal handlers, facility managers, facility maintenance personnel, biosecurity personnel (including biosafety, physical, and electronic security personnel), and other personnel required to manage biodefense research efforts to combat bioterrorism at the biodefense laboratories described in subsection (a).
(3) The training required to provide the personnel described by paragraphs (1) and (2), including the type of training (whether classroom, laboratory, or field training) required, the length of training required by discipline and the curriculum required to be developed for such training.
(4) Training schedules necessary to meet the scheduled openings of the biodefense laboratories described in subsection (a), including schedules for refresher training and continuing education that may be necessary for that purpose.
(c) REPORT.—Not later than December 31, 2006, the Secretary of Defense shall submit to Congress a report setting forth the results of the study conducted under this section.

SA 4497. Mr. WARNER (for Mr. ALARD) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title IX, add the following:

SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—

(I) IN GENERAL.—The Secretary of Defense shall provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.
(II) CONDUCT OF REVIEW.—The review and assessment shall be conducted by an appropriate entity outside the Department of Defense selected by the Secretary for purposes of this section.
(III) ELEMENTS.—The review and assessment shall address the following:
(A) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.
(B) The future space missions of the Department, and the plans of the Department to meet the future space missions.
(C) The ability of the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to fulfill the requirements of the United States national security in space, and the ability of the Department to implement its requirements and carry out the future space missions, including the following:
(i) Actions to exploit existing and planned military space assets to provide support for United States national security.
(ii) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets.
(iii) Actions to improve or enhance the interoperability of national security space assets.
(iv) Actions to improve or enhance the manner in which military space assets are addressed by professional military education institutions.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the entity conducting the review and assessment shall submit to the Secretary and the congressional defense committees a report on the review and assessment.
(c) PAYMENT METHOD.

The amount of the bonus payable under this subsection shall be credited to the account or accounts of the United States Department of the Treasury authorized for purposes of the National Security Agency Act of 1959.
SA 4500. Mr. WARNER (for Mr. Martínez (for himself, Mr. Nelson of Flori- 
da, Mr. Vitter, and Ms. Landrieu)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to describe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title I, add the following:

SEC. 114. REPLACEMENT EQUIPMENT.
(a) PRIORITY.—Priority for the distribution of new and combat serviceable equipment, with associated support and test equipment for acting and reserve component forces, shall be given to units scheduled for mission deployment, employment first, or both regardless of component.
(b) ALLOCATION.—In the amounts authorized to be appropriated by section 101(5) for the procurement of replacement equipment, subject to subsection (a), priority for the distribution of Army National Guard equipment described in subsection (a) may be given to States that have experienced a major disaster, as determined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121-5126), and may require replacement equipment to respond to future disasters only after distribution of new and combat serviceable equipment has been made in accordance with subsection (a).

SA 4501. Mr. WARNER (for himself and Mr. Levin) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to describe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON VEHICLE-BASED ACTIVE PROTECTION SYSTEMS FOR CERTAIN BATTLEFIELD THREATS.
(a) INDEPENDENT ASSESSMENT.—The Secretary of Defense shall enter into a contract with an appropriate entity independent of the United States government to conduct an assessment of various foreign and domestic technological approaches to vehicle-based active protection systems for defense against both chemical energy and kinetic energy top attack and direct fire threats, including anti-tank missiles and rocket propelled grenades, mortars, and other similar battlefield threats.
(b) REPORT.—
(1) REPORT REQUIRED.—The contract required by subsection (a) shall require the entity entering into such contract to submit to the Secretary of Defense, and to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report on the assessment required by that subsection.
(2) ELEMENTS.—The report required under paragraph (1) shall include—
(A) a detailed comparative analysis and assessment of the technical approaches covered by the assessment under subsection (a), including the feasibility, military utility, cost, short-term and long-term development and deployment schedule of such approaches; and
(B) any other elements specified by the Secretary in the contract under subsection (a).
SA 4502. Mr. Levin (for Mr. Frank- 
gold) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to describe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1066. ANNUAL REPORT ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.
(a) IN GENERAL.—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on the amount of the acquisitions made by the agency in the preceding fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.
(b) CONTENT.—Each report required by subsection (a) shall separately indicate—
(1) the total procurements funds expended on articles, materials, or supplies purchased that were manufactured outside of the United States;
(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 8a et seq.); and
(3) a summary of—
(A) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and
(B) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.
(c) PUBLIC AVAILABILITY.—The Department of Defense submitting a report under subsection (a) shall determine, for each sale in excess of $100,000, whether the article or article, material, or supply manufactured outside the United States is manufactured inside the United States;
(d) APPLICABILITY.—This section shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SA 4503. Mr. WARNER (for Mr. McCa- 
in proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to describe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 662. EXPANSION AND ENHANCEMENT OF AUTHORITY TO REMIT OR CANCEL INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES.
(a) MEMBERS OF THE ARMY.—
(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Subsection (a) of section 4837 of title 10, United States Code, is amended by striking “a member of the Army” and all that follows through “in an active status” and inserting “a member of the Army (including a member on active duty or a member of a reserve component in an active status), a retired member of the Army, or a former member of the Army”.
(2) TIME FOR EXERCISE OF AUTHORITY.—Subsection (b) of such section is amended—
(A) in paragraph (1), by adding “or” at the end; and
(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):
"(2) in the case of any other member of the Army covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.”.
(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Section 3(3) of section 683(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3322; 10 U.S.C. 4837 note) is repealed.
(b) MEMBERS OF THE NAVY.—
(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Section 616 of title 10, United States Code, is amended by striking “a member of the Navy” and all that follows through “in an active status” and inserting “a member of the Navy (including a member on active duty or a member of a reserve component in an active status), a retired member of the Navy, or a former member of the Navy”.
(2) TIME FOR EXERCISE OF AUTHORITY.—Subsection (b) of such section is amended—
(A) in paragraph (1), by adding “or” at the end; and
(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):
"(2) in the case of any other member of the Navy covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.”.

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(b) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3323; 10 U.S.C. 661 note) is repealed.
(c) MEMBERS OF THE AIR FORCE.—
(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Subsection (a) of section 4837 of title 10, United States Code, is amended by

striking “a member of the Air Force” and all that follows through “in an active status” and inserting “a member of the Air Force (including a member on active duty or a member of the National Guard in an active status), a retired member of the Air Force, or a former member of the Air Force”.

(2) TIME FOR EXECUTION OF AUTHORITY.—Subsection (a) is amended—

(A) in paragraph (1), by adding “or” at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

“(2) in the case of any other member of the Air Force covered by subsection (a), during such period or periods as the Secretary of Defense may determine, to provide in regulations prescribed by the Secretary of Defense.”.

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 663(c) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3324; 10 U.S.C. 9837 note) is repealed.

(d) DEADLINE FOR REGULATIONS.—The Secretary of Defense shall prescribe personnel standards under section 2774 of title 10, United States Code, as amended by this section, not later than March 1, 2007.

SA 4505. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. NELSON of Nebraska)) proposed an amendment to—

the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 662. ENHANCEMENT OF AUTHORITY TO WAIVE CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.

(a) CLARIFICATION OF PAY AND ALLOWANCES.—Subsection (a) of section 2774 of title 10, United States Code, is amended in the matter preceding paragraph (1) by inserting—

“(1) the total number of members of the Armed Forces who have been reported to consumer reporting agencies under such section;

(2) the circumstances under which such authority has been exercised, or waived (as provided in section (as amended by subsection (a))), and by whom;

(3) the cost of contracts for collection services to recover indebtedness owed to the United States; and

(4) an evaluation of whether or not such contracts, and the practice of reporting military debtors to collection agencies, has been effective in reducing indebtedness to the United States; and

(5) such recommendations as the Secretary considers appropriate regarding the continuation of such threethree—

paragraph, with respect to an indebtedness covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.”.

(b) WAIVER BY SECRETARIES CONCERNED.—Paragraph (2) of such subsection is amended—

(1) in the matter preceding subparagraph (A), by inserting—

“(A) in paragraph (1), by adding “or” at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

“(2) in the case of any other member of the Air Force covered by subsection (a), during such period or periods as the Secretary of Defense may determine, to provide in regulations prescribed by the Secretary of Defense.”.

(c) REPORT.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the exercise of the authority in section 2774(b) of title 10, United States Code, including—

(1) the total number of members of the Armed Forces who have been reported to consumer reporting agencies under such section;

(2) the circumstances under which such authority has been exercised, or waived (as provided in section (as amended by subsection (a))), and by whom;

(3) the cost of contracts for collection services to recover indebtedness owed to the United States; and

(4) an evaluation of whether or not such contracts, and the practice of reporting military debtors to collection agencies, has been effective in reducing indebtedness to the United States; and

(5) such recommendations as the Secretary considers appropriate regarding the continuation of such threethree—

paragraph, with respect to an indebtedness covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.”.

(d) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(e) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(f) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(g) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(h) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(i) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(j) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(k) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(l) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(m) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(n) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(o) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(p) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(q) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(r) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(s) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(t) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(u) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(v) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(w) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(x) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(y) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.

(z) DEADLINE FOR REVISED STANDARDS.—The amendments made by this section shall take effect on March 1, 2007.
SEC. 509. MODIFICATION OF QUALIFICATIONS FOR LEADERSHIP OF THE NAVAL POSTGRADUATE SCHOOL.

Section 7924(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)—

(A) by inserting “active-duty or retired” after “enlisted”;

(B) by inserting “or Marine Corps” after “Navy”;

(C) by inserting “or colonel, respectively” after “captain”; and

(D) by inserting “or assigned” after “deemed”;

(2) in paragraph (2), by inserting “and the Commandant of the Marine Corps” after “Operations”;

(3) in paragraph (4)(A)—

(A) by inserting “unless such individual is a retired officer of the Navy or Marine Corps in a grade not below the grade of captain or colonel, respectively” after “in the case of a civilian”;

(B) by inserting “active-duty or retired” after “in the case of an”;

(C) by inserting “or Marine Corps” after “Navy”.

SA 4509. Mr. LEVIN (for Mr. JERFORDS) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 225, line 13, strike the following:

“(B) With respect to activities related to the construction of any portion of the Fairfax County Parkway off the Engineer Prov- ing Ground that is not owned by the Federal Government, the Secretary of the Army shall not be considered an owner or operator for purposes of the Comprehensive Environmental Response, Compensation, and Liabil- ity Act of 1980 (42 U.S.C. 9601 et seq.).

SA 4510. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subsection B of title VII, add the following:

SEC. 730. ADDITIONAL AUTHORIZED OPTION PERIODS FOR EXTENSION OF CURRENT CONTRACTS UNDER TRICARE.

(a) Additional Number of Authorized Periods.—

(1) In general.—The Secretary of Defense, after consulting with the other adminis- trators and Secretaries, may extend any con- tract for the delivery of health care entered into under section 1097 of title 10, United States Code, that is in force on the date of the enactment of this Act by one year, and upon expiration of such extension by one addi- tional year, if the Secretary determines that such extension—

(A) is in the best interests of the United States; and

(B) will—

(i) facilitate the effective administration of the TRICARE program;

(ii) ensure continuity in the delivery of health care under the TRICARE program.

(2) Limitation on number of extensions.—

The total number of one-year extensions of a contract that may be granted under para- graph (1) may not exceed 2 extensions.

(3) Notice and wait.—The Secretary may not commence the exercise of the authority in paragraph (1) until 30 days after the date on which the Secretary submits to the con- gressional defense committees a report setting forth the minimum level of performance by an incumbent contractor under a contract covered by such paragraph that will be re- quired by the Secretary in order to be eligible for an extension authorized by such para- graph.

(4) Definitions.—In this subsection, the terms “administering Secretaries”, and “TRICARE program” have the meaning given such terms in section 1072 of title 10, United States Code.

(b) Report on contracting mechanisms for health care service support contracts.—Not later than 180 days after the date of the enactment of this Act, the Sec- retary of Defense shall transmit to the congressional defense committees a report on contracting mechanisms under consideration for future contracts for health care service support under section 1072 of title 10, United States Code. The report shall include an assessment of the advantages and disadvantages for the Department of Defense (including the potential for savings and the effect on health care beneficiaries of the De- partment) of providing in such contracts for a single term of 5 years, with a single op- tional period of extension of an additional 5 years if performance under such contract is rated as “excellent”.

SA 4511. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Depart- ment of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 223, strike line 14 and all that follows through line 23, and insert the following:

(a) Repeal.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such sub- chapter is further amended as follows:

(A) In section 1450, by striking subsection (c); and

(B) by striking subsection (k).

(B) In section 1461(a)(1), by striking sub- paragraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking “does not apply” and all that follows and inserting “does not apply and deduction made through administrative error”;

and

(ii) by striking subsection (g).

(D) In section 1456(c), by striking “1450(d)(2),”.

On page 224, line 15, strike “Code,” and insert “Code (as in effect on the day before the effective date provided under subsection (e)).”.

On page 225, line 13, strike “1448(d)(2)(B)” and insert “1448(d)(2)(B)”.

SA 4512. Mr. WARNER proposed an amendment to the bill S. 2766, to author- ize appropriations for fiscal year 2007 for military activities of the De- partment of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 214, strike line 3 and insert the follow- ing:

(b) RELAXATION OF LIMITATION ON SELECTIVE EARLY RETIREMENT.—Section 638(a)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: “However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade.”.

(c) ENHANCED AUTHORITY FOR SELECTIVE EARLY RETIREMENT AND EARLY DIS- CHARGES.—

(1) RENEWAL OF AUTHORITY.—Subsection (a) of section 638a of title 10, United States Code, is amended by inserting “and during the period beginning on October 1, 2006, and ending on December 31, 2012,” after “December 31, 2001,”.

(2) RELAXATION OF LIMITATION ON SELECTIVE EARLY RETIREMENT.—Subsection (c)(1) of such section is amended by adding at the end the following new sentence: “However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such num- ber may be more than 30 percent of the num- ber of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade.”.

(3) RELAXATION OF LIMITATION ON SELECTIVE EARLY DISCHARGE.—Subsection (d)(2) of such section is amended—

(A) in subparagraph (A), by inserting before the semicolon the following: “—except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such num- ber may be more than 30 percent of the num- ber of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade”;

and

(B) in subparagraph (B), by inserting before the period the following: “—except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such num- ber may be more than 30 percent of the offi- cers considered in each competitive cat- egory, but may not be more than 30 percent of the number of officers considered in each grade”.

(d) INCREASE IN AMOUNT OF INCENTIVE BONUS

SA 4513. Mr. WARNER proposed an amendment to the bill S. 2766, to au- thorize appropriations for fiscal year 2007 for military activities of the De- partment of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 648. DETERMINATION OF RETIRED PAY BASE OF GENERAL AND FLAG OFFICERS BASED ON BASIC PAY PROVIDED BY LAW.

(a) Determination of Retired Pay Base—
SA 4514. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subsection D of title VI, add the following:

SEC. 648. INAPPLICABILITY OF RETIRED PAY MULTIPLIER MAXIMUM PERCENTAGE TO SERVICE OF MEMBERS OF THE ARMED FORCES IN EXCESS OF 30 YEARS.

(a) In GENERAL.—Paragraph (3) of section 1409(b) of title 10, United States Code, is amended to read as follows:

"(3) 30 YEARS OF SERVICE.—

(A) DEFENSE DEPENDENTS.—In the case of a person who retires on or after October 1, 2006, who was a commissioned officer in pay grades O-7 through O-10, in excess of years of creditable service, the percentage to be used in computing any increase of retired pay based on the service covered by the retired pay base upon which the computation is based, shall be the product of—

(i) the retired pay base upon which the computation is based; and

(ii) 2/3 of the number of years of service credited to that person under section 12733 of this title, regardless of when served, under conditions authorized for purposes of this paragraph, which is not later than 15 years

"(B) RETIREMENT AFTER DECEMBER 31, 2006.—In the case of a person who retires after December 31, 2006, who was a commissioned officer in pay grades O-7 through O-10, in excess of years of creditable service, the percentage to be used in computing any increase of retired pay based on the retired pay base upon which the computation is based, shall be the product of—

(i) the retired pay base upon which the computation is based; and

(ii) 2/3 of the number of years of service credited to that person under section 12733 of this title, regardless of when served, under conditions authorized for purposes of this paragraph, which is not later than 15 years

SA 4516. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subsection D of title VI, add the following:

TITLE XXXIII—NAVAL PETROLEUM RESERVES

SEC. 3301. COMPLETION OF EQUITY FINALIZATION PROCESS FOR NAVAL PETROLEUM RESERVE NUMBERED 1.

(a) Section 3142(g) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 10 U.S.C. 7420 note) is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following new paragraph:

"(2) A in light of the unique role that the independent petroleum engineer who is retained pursuant to paragraph (b)(2) performs in the process of finalizing equity interest, and the importance to the United States taxpayer of the payment of the equity finalization process, the independent petroleum engineer for the Department of Energy and Chevron U.S.A. Inc. on October 1 and 2, 2002, shall become the final equity rec

(b) RETIRED PAY FOR NON-REGULAR SERVICE.—

Section 12739(c) of such title is amended—

(1) by striking "The total amount" and inserting "The total amount included in paragraph (2)"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of a person who retires after December 31, 2006, with more than 30 years of service credited to that person under section 12733 of this title, the total amount of the monthly retired pay computed under subsections (a) and (b) may not exceed the sum of—

(A) 75 percent of the retired pay base upon which the computation is based; and

(B) the product of—

(i) the retired pay base upon which the computation is based; and

(ii) 2/3 of the number of years of service credited to that person under section 12733 of this title, regardless of when served, under conditions authorized for purposes of this paragraph, which is not later than 15 years

SA 4517. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XIV, add the following:

SEC. 1414. OUR MILITARY KIDS YOUTH SUPPORT PROGRAM.

(a) ARMY FUNDING FOR EXPANSION OF PROGRAM.—Of the amount authorized to be appropriated by section 1465(1) for operation and maintenance for the Army National Guard, $250,000 may be available for the expansion nationwide of the Our Military Kids youth support program for the current and future school age of members of the National Guard Reserve who have been severely wounded or debilitating injury during deployment.

(b) FUNDING FOR EXPANSION OF PROGRAM.—Of the amount authorized to be appropriated by section 1465(6) for operation and maintenance for the Army National Guard, $250,000 may be available for the expansion nationwide of the Our Military Kids youth support program.
Dyslexic program of the Department of Defense for defense dependents of elementary and secondary school age in the continental United States and overseas.

(b) VETERANS OR INJURED MEMBERS OF THE ARMED FORCES.—Of the amount authorized to be appropriated by section 146(b) for construction and maintenance for Defense-wide activities, $500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for severely wounded or injured members of the Armed Forces.

SA 4519. Mr. LEVIN proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 147. MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILES.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Joint Explanatory Statement of the Committee of Conference on H.R. 1815, the National Defense Authorization Act for Fiscal Year 2001, the conferees state that the policy of the United States is to deploy a force of 500 ICBMs. The conferees further note that unanticipated strategic developments may compel the United States to make changes to this force structure in the future.

(2) The Quadrennial Defense Review (QDR) conducted under section 118 of title I, United States Code, in 2005 finds that maintaining a robust nuclear deterrent “remains a key element of the United States’ power projection strategy.” However, notwithstanding that finding and without providing any specific justification for the recommendation, the Quadrennial Defense Review also fails to identify what unanticipated strategic developments compelled the United States to reduce the Intercontinental Ballistic Missile force structure.

(3) The commander of the Strategic Command, General James Cartwright, testified before the Committee on Armed Services of the Senate that the reduction in deployment of Minuteman III Intercontinental Ballistic Missiles is required so that the 50 missiles withdrawn from the deployed force could be used for test assets and spares to extend the life of the Minuteman III Intercontinental Ballistic Missile well into the future. If spares are not modernized, the Air Force may not have replacement missiles to sustain the force size.

(4) MODERNIZATION OF INTERCONTINENTAL BALLISTIC MISSILES REQUIRED.—The Air Force shall modernize Minuteman III Intercontinental Ballistic Missiles in the United States inventory as required to maintain a sufficient supply of launch test assets and spares to sustain the deployed force of such missiles through 2030.

(c) LIMITATION ON TERMINATION OF MODERNIZATION PROGRAM PENDING REPORT.—No funds authorized for the Department of Defense shall be obligated or expended for the termination of any Minuteman III ICBM modernization program, or for the withdrawal of Minuteman III Intercontinental Ballistic Missile from the active force, until 30 days after the Secretary of Defense submits to the congressional defense committees a report setting forth the following:

(1) A detailed strategic justification for the proposal to reduce the Minuteman III Intercontinental Ballistic Missile test assets and spares required to maintain a force of 500 to 450 missiles, including an analysis of the effects of the reduction on the ability of the United States to assure allies and dissuade potential competitors.

(2) A detailed analysis of the strategic ramifications of continuing to equip a portion of the Minuteman III Intercontinental Ballistic Missile with independent warheads rather than single warheads as recommended by past reviews of the United States nuclear posture.

(3) An assessment of the test assets and spares required to maintain a force of 500 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(4) An assessment of the test assets and spares required to maintain a force of 450 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(5) An inventory of currently available Minuteman III Intercontinental Ballistic Missile test assets and spares.

(6) A plan to sustain and complete the modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles.

(7) An assessment of whether halting upgrades to the Minuteman III Intercontinental Ballistic Missile, which are required for ICBM deployed from the ground, would compromise the ability of those missiles to serve as test assets.

(8) A description of the plan of the Department of Defense for extending the life of the Minuteman III Intercontinental Ballistic Missile force beyond fiscal year 2030.

(d) REMOTE VISUAL ASSESSMENT PROGRAM.

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 125(2) for research, development, test, and evaluation for the Air Force is hereby increased by $5,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 103(2) for procurement of missiles for the Air Force is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to amounts available for the Evolved Expendable Launch Vehicle.

(3) ICBM MODERNIZATION PROGRAM DEFINED.—In this section, the term “ICBM Modernization program” means each of the following for the Minuteman III Intercontinental Ballistic Missile:

(1) The Guidance Replacement Program (GRP).

(2) The Propulsion Replacement Program (PRP).

(3) The Propulsion System Rocket Engine (PSRE) program.

(4) The Safety Enhanced Reentry Vehicle (SREV) program.

SA 4521. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XIV, add the following:

SEC. 1414. JOINT ADVERTISING, MARKET RESEARCH AND SEARCH AND RESCUE PROGRAM.

(a) INCREASE IN AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, is hereby increased by $10,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 421(5) for operation and maintenance for Defense-wide activities, is hereby increased by $10,000,000.

(c) OFFSET.—The amount authorized to be appropriated by section 421(5) for operation and maintenance for Defense-wide activities is hereby decreased by $10,000,000, due to unexpanded obligations, if available.

SA 4522. Mr. LEVIN (for Mrs. BOXER) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, add the following:

REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary...
SA 4523. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes: as follows:

At the end of subtitle A of title III, add the following:

SEC. 352. REPORT ON AIR FORCE SAFETY REQUIREMENTS FOR AIR FORCE FLIGHT TRAINING OPERATIONS AT PUEBLO MEMORIAL AIRPORT, COLORADO.

(a) REPORT REQUIRED.—Not later than February 15, 2007, the Secretary of the Air Force shall submit to the congressional defense committees a report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the Air Force flying operations at Pueblo Memorial Airport.

(2) An assessment of the impact of Air Force flying operations at Pueblo Memorial Airport on non-Air Force activities at the airport.

(3) A description of the requirements necessary to ensure the safety of Air Force flying operations, including continuous availability of fire protection, crash rescue, and other emergency response capabilities.

(4) An assessment of the necessity of providing for a continuous fire-fighting capability at Pueblo Memorial Airport.

(5) A description and analysis of alternatives for Air Force flying operations at Pueblo Memorial Airport, including the cost and availability of such alternatives.

(6) An assessment of funding required to assist the City of Pueblo, Colorado, in meeting Air Force requirements for safe Air Force flight operations at Pueblo Memorial Airport, and if required, the Air Force plan to provide the funds to the City.

SA 4526. Mr. LEVIN (for Mr. FEINGOLD (for himself), Mr. BIDEN, Mr. HAGEL, Mr. DURBIN, Mr. COLEMAN, Mr. SALAZAR, Mr. MARTINEZ, Mr. OBAMA, Mr. LEAHY, Mr. LUGAR, and Mr. LEVIN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title XII, add the following:

(a) SENSE OF SENATE.—It is the sense of the Senate that the United States should—

(1) support the development of the Transnational Federal Institutions in Somalia into a unified national government, support humanitarian assistance to the people of Somalia, support efforts to prevent Somalia from becoming a safe haven for terrorist activities, and support regional stability;

(2) broaden and integrate its strategic approach toward Somalia within the context of United States activities in countries of the Horn of Africa, including Djibouti, Ethiopia, Kenya, Eritrea, and in Yemen on the Arabian Peninsula; and

(3) carry out all diplomatic, humanitarian, counter-terrorism, and security-related activities in Somalia within the context of a comprehensive strategy developed through an interagency process.

(b) REQUIREMENT FOR STRATEGY.—Not later than 90 days after the date of enactment of this Act, the President shall develop and submit to the appropriate committees of Congress a comprehensive strategy toward Somalia within the context of United States activities in the countries of the Horn of Africa.

(c) CONTENT OF STRATEGY.—The strategy should include the following:

(A) A clearly stated policy toward Somalia that will help establish a functional, legitimate, unified national government in Somalia that is capable of maintaining the rule of law and preventing Somalia from becoming a safe haven for terrorists.

(B) An integrated political, humanitarian, intelligence, and military approach to counter transnational security threats in Somalia within the context of United States activities in the countries of the Horn of Africa.

(C) An interagency framework to plan, coordinate, and execute United States activities in Somalia within the context of other activities in the countries of the Horn of Africa among the agencies and departments of the United States to oversee policy and program implementation.

(D) A description of the type and form of diplomatic engagement to coordinate the implementation of the United States policy in Somalia.

(E) A description of bilateral, regional, and multilateral efforts to strengthen and promote diplomatic engagement in Somalia.

(F) A description of metrics to measure the progress and effectiveness of the United States policy towards Somalia and throughout the countries of the Horn of Africa.

(G) Guidance on the manner in which the strategy will be implemented.

(c) ANNUAL REPORTS.—Not later than April 1, 2007, and annually thereafter, the President shall prepare and submit to the appropriate committees of Congress a report on the status of the implementation of the strategy.

(d) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.
of the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X, insert the following:

SEC. 1006. REPORT ON FEASIBILITY OF ESTABLISHING REGIONAL COMBATANT COMMAND FOR AFRICA.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional Armed Services committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the establishment of a United States Armed Forces regional combatant command for Africa.

(b) Content.—The report required under subsection (a) shall include—

(1) a study on the feasibility and desirability of establishing a United States Armed Forces regional combatant command for Africa;

(2) an assessment of the benefits and problems associated with establishing such a command; and

(3) an estimate of the costs, time, and resources needed to establish such a command.

SA 4528. Mr. WARNER (for Mr. ALAKD (for himself and Mr. SALAZAR)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 535, between lines 12 and 13, insert the following:

SEC. 2014. NAMING OF MILITARY FAMILY HOUSING FACILITY AT FORT CARSON, COLORADO, IN HONOR OF JOEL HEFLEY, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The Secretary of the Army shall designate one of the military family housing areas or facilities at Fort Carson, Colorado, using the authority provided by subchapter IV of chapter 169 of title 10, United States Code, as the “Joel Hefley Village.” Any reference in any law, regulation, map, document, record, or other paper of the United States to the military housing area or facility designated under this section shall be deemed to be a reference to Joel Hefley Village.

SA 4529. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title X, add the following:

SEC. 315. MILITARY TRAINING INFRASTRUCTURE IMPROVEMENTS AT VIRGINIA MILITARY INSTITUTE.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $2,900,000 may be available to the Virginia Military Institute for military training infrastructure improvements to provide adequate to field training for the Armed Forces Reserve Officer Training Corps.
SA 4534. Mr. WARNER (for Mr. VITTER) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to describe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle F of title III, add the following:

SEC. 375. PREPOSITIONING OF DEPARTMENT OF DEFENSE ASSETS TO IMPROVE SUPPORT TO CIVILIAN AUTHORITIES.

(a) PREPOSITIONING AUTHORIZED.—The Secretary of Defense may provide for the prepositioning of prepackaged or preidentified basic response assets, such as medical supplies, food and water, and communications equipment, in order to improve Department of Defense support to civilian authorities.

(b) REIMBURSEMENT.—To the extent required by section 1535 of title 31, United States Code (popularly known as the Economy Act), or other applicable law, the Secretary shall require reimbursement of the Department of Defense for costs incurred in the prepositioning of basic response assets under subsection (a).

(c) LIMITATION.—Basic response assets may not be prepositioned under subsection (a) if the prepositioning of such assets would adversely affect the military preparedness of the United States.

(d) PROCEDURES AND GUIDELINES.—The Secretary may develop procedures and guidelines applicable to the prepositioning of basic response assets under this section.

SA 4535. Mr. LEVIN (for Mr. PRYOR (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to describe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 581, strike lines 7 through 13 and insert the following:

(3) in subsection (b)(2)(A), by striking “installations of the Department of Defense as may be designated” and inserting “installations of the Department of Defense and related to such vehicles and military support equipment of the Department of Defense as may be designated”;

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

(5) The amendment after subsection (d) the following new subsection:

"(e) ENERGY EFFICIENCY IN NEW CONSTRUCTION.—(1) The Secretary of Defense shall ensure, to the maximum extent practicable, that energy efficient products meeting the Department’s requirements, if cost effective over the life cycle of the product and readily available, be used in new facility construction by or for the Department carried out under this chapter.

(2) In selecting the energy efficiency of products, the Secretary shall consider products that—

(A) meet or exceed Energy Star specifications; or

(B) are listed on the Department of Energy's Federal Energy Management Program Product Energy Efficiency Recommendations product list.”.

SA 4536. Mr. WARNER (for Mr. BURNS) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to preclude personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 924. REPORT ON INCORPORATION OF ELEMENTS INTO SPECIAL FORCES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Quadrennial Defense Review recommends an increase in the size of the Special Operations Command and the Special Forces as a fundamental part of our efforts to fight the war on terror.

(2) The Special Forces play a crucial role in the war on terror, and the expansion of their forces strengths in the Quadrennial Defense Review should be fully funded.

(3) Expansion of the Special Forces should be consistent with the Total Force Policy.

(4) The Secretary of Defense should assess whether the establishment of additional reserve component Special Forces units and associated units is consistent with the Total Force Policy.

(5) Training areas in high-altitude and mountainous areas represent a national asset for preparing Special Forces units and personnel for duty in similar regions of Central Asia.

(b) REPORT ON INCORPORATION OF ELEMENTS INTO SPECIAL FORCES.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report to address whether units and capabilities should be incorporated into the reserve components of the Armed Forces as part of the expansion of the Special Forces as outlined in the Quadrennial Defense Review, and consistent with the Total Force Policy.

(c) REPORT ON SPECIAL FORCES TRAINING.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the effort taken by the United States Special Operations Command to provide Special Forces training in high-altitude and mountainous areas within the United States.

SA 4537. Mr. WARNER (for Mr. CORNYN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title VII, add the following:

SEC. 762. SENSE OF SENATE ON THE TRANSFORMATIONAL MEDICAL TECHNOLOGY INITIATIVE OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate finds the following:

(1) The most recent Quadrennial Defense Review and other studies have identified the need to develop broad-spectrum medical countermeasures against the threat of genetically engineered bioterror agents.

(2) The Transformational Medical Technology Initiative is an important effort to provide needed capability within the Department of Defense to field effective broad-spectrum countermeasures against a significant array of current and future biological threats; and

(3) Innovative technological approaches to achieve broad-spectrum medical countermeasures are a necessary component of the capacity of the Department to provide chemical-biological defense and force protection capabilities for the Armed Forces.

SA 4538. Mr. WARNER (for Mr. BURNS (for himself and Mrs. Dole)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle F of title V, add the following:

SEC. 587. FUNEAL CEREMONIES FOR VETERANS.

(a) SUPPORT FOR CEREMONIES BY DETAILS CONSISTING SOLELY OF MEMBERS OF VETERANS ORGANIZATIONS.

(1) SUPPORT OF CEREMONIES.—Section 1491 of title 10, United States Code, is amended—

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

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

"(e) SUPPORT FOR FUNERAL HONORS DETAILS COMPOSED OF MEMBERS OF VETERANS ORGANIZATIONS.—(1) Subject to such regulations and procedures as the Secretary of Defense may prescribe, the Secretary of the military department of which a veteran was a member may support the conduct of funeral honors for such veteran that are provided solely by members of veterans organizations or other organizations referred to in subsection (b)(2).

(2) The provision of support under this subsection is subject to the availability of appropriations for that purpose.

(3) The support provided under this subsection may include the following:

(A) Reimbursement for costs incurred by organizations referred to in paragraph (1) in providing funeral honors, including costs of transportation, meals, and similar costs.

(B) Payment to members of such organizations to provide funeral honors of the cost of attending the funeral.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (d)(3), by inserting “and subsection (e)” after “paragraph (1)(A)”; and

(B) in paragraph (1) of section (f), as redesignated by subsection (a)(1) of this section, and inserting “other than a requirement in subsection (e)” after “pursuant to this section”.

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(b) USE OF EXCESS M-1 RIFLES FOR CEREMONIAL AND OTHER PURPOSES.—Section 6833 of such title is amended—

(1) in subsection (a), by adding at the end the following:

"(3) Rifles loaned or donated under paragraph (1) may be used by an eligible designee for ceremonial purposes of a member or former member of the armed forces and for other ceremonial purposes;"

(2) in subsection (c), by inserting "countable" after "accounting" and "appropriate" after "designated", and inserting parenthetical text that such conditions do not unduly hamper eligible designees from participating in funeral ceremonies of a member or former member of the armed forces or other ceremonies.

(3) in subsection (d)—

(A) in paragraph (2), by striking "or" and inserting "or fire department;";

(B) by striking the period at the end and inserting "or;"; and

(C) by adding at the end the following new paragraph:

"(4) any other member in good standing of an organization described in paragraphs (1), (2), or (3);"; and

(4) by adding at the end the following new subsection:

"(e) ELIGIBLE DESIGNEE DEFINED.—In this section, the term 'eligible designee' means a designee of an eligible organization whose—

"(1) is a son, daughter, brother, sister, niece, or other family relation of a member or former member of the armed forces;

"(2) is at least 18 years of age; and

"(3) has completed a formal firearm training program or a hunting safety program.

"(4) by adding at the end the following new paragraph:

"(4) any other member in good standing of an organization described in paragraphs (1), (2), or (3);"; and

(4) by adding at the end the following new subsection:

"(e) ELIGIBLE DESIGNEE DEFINED.—In this section, the term 'eligible designee' means a designee of an eligible organization who—

"(1) is a son, daughter, brother, sister, niece, or other family relation of a member or former member of the armed forces;

"(2) is at least 18 years of age; and

"(3) has completed a formal firearm training program or a hunting safety program.

SA 4539. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title XXVIII, add the following:

SEC. 2814. AUTHORITY TO OCCUPY UNITED STATES SOUTHERN COMMAND FAMILY HOUSING.

(a) The Secretary of the Army may authorize family members of a member of the armed forces on active duty who is occupying a leased under section 2820(b)(4) of title 10, United States Code and who is assigned to a family-member-restricted area to remain in the leased housing unit until the member completes the family-member-restricted tour. Costs incurred for such housing during such tour shall be included in the costs subject to the limitation under subparagraph (B) of that paragraph.

(b) The authority granted by subsection (a) shall expire on September 30, 2008.

SA 4540. Mr. LEVIN (for Mr. REED) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1084. AVAILABILITY OF FUNDS FOR SOUTH COUNTY COMMUTER RAIL PROJECT, PROVIDENCE, RHODE ISLAND.

Funds available for the South County Commuter Rail project, Providence, Rhode Island, authorized by paragraphs (34) and (35) of section 3033(h) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1650) shall be available for the purchase of commuter rail equipment for the South County Commuter Rail project upon the receipt by the Rhode Island Department of Transportation of an approved environmental assessment for the South County Commuter Rail project.

SA 4541. Mr. LEVIN (for Mr. OBAMA) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2834. REPORT ON AIR FORCE AND AIR NATIONAL GUARD BASES AFFECTED BY 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) REPORT.—Not later than January 1, 2007, the Secretary of the Air Force shall submit to Congress a report on planning by the Department of the Air Force for future roles and missions for the Air National Guard personnel and installations affected by decisions of the 2005 round of defense base closure and realignment.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the capabilities, character-istics, and capacity of the facilities, infrastructure, and authorized personnel at each affected base;

(2) a description of the planning process used by the Air Force to determine future roles and missions at each affected base;

(3) a description of the planning process used by the Air National Guard to determine future roles and missions for the Air National Guard bases affected by the decisions of the 2005 round of defense base closure and realignment, including an analysis of alternatives for installations to support each future role or mission;

(4) a description of the future roles and missions under consideration for each active and Air National Guard base and an explanation of the criteria and decision-making process to make final decisions about future roles and missions; and

(5) a timeline for decisions on the final determination of future roles and missions for each active and Air National Guard base affected by the decisions of the 2005 round of defense base closure and realignment.

(c) BASES COVERED.—The report required under subsection (a) shall include information on each active and Air National Guard base at which the number of aircraft, weapon systems, or functions is proposed to be reduced or eliminated and to any installation that was a potential receiving location for the realignment of aircraft, weapon systems, or functions.

NOTICES OF HEARINGS COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

The purpose of the hearing is to receive testimony on H.R. 5254, the Refinery Permit Process Schedule Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact John Peschke at (202) 224-7077, Shannon Ewan at (202) 224-7555.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, July 19, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to provide oversight on the implementation of Public Law 108-148 (The Healthy Forests Restoration Act).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Frank Gladics at 202-224-2878 or Sara Zecher 202-224-8276.

AUTHORITY FOR COMMITTEES TO MEET COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 22, 2006, at 3:30 p.m., to conduct a hearing on “Reauthorization of the Iran Libya Sanctions Act.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to hold an Executive Session to begin at 2 p.m. on Thursday, June 22, 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 22, 2006, at 10 a.m. The purpose of
this hearing is to receive testimony on S. 2747, to enhance energy efficiency and conserve oil and natural gas, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 22, 2006, at 9:30 a.m., to hold a hearing on Energy Security and Pensions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to hold a hearing during the session of the Senate on Thursday, June 22, 2006, at 10 a.m., in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 22, 2006, at 9:30 a.m. in the Dirksen Senate Office Building Room 226. The agenda will be provided when it becomes available.


The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS’ AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on Thursday, June 22, 2006, to mark up pending VA legislation:

The markup will take place in room 418 of the Russell Senate Office Building at 10 a.m.

The bills to be considered are:

S. 2562 (Chairman LARRY E. CRAIG), the “Veterans’ Compensation Cost-of-Living Adjustment Act of 2006”;

S. 3421 (Chairman LARRY E. CRAIG), 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.

S. 2694 (Chairman LARRY E. CRAIG), the “Veterans’ Choice of Representation and Benefits Enhancement Act of 2006”. The Committee Print contains the following provisions:

From S. 2694, as introduced: Attorney representation in veterans benefits cases before the Department of Veterans Affairs;

From S. 2659 (Ranking Member DANIEL K. AKAKA), Eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands;

From S. 1759 (Chairman LARRY E. CRAIG): Requiring the Secretary of the Army to remove the remains of Russell Wayne Wagner from Arlington National Cemetery;

From S. 3069 (Senator CHRISTOPHER DODD): Extending the provision of government grave markers;

From S. 2416 (Senator CONRAD BURR): Authorization of education programs eligible for accelerated payment of educational assistance under the Montgomery GI Bill;

From S. 3363 (Senator MIKE DEWINE): Accelerated payment of survivors’ and dependents’ educational assistance for certain programs of education;

Original Provision (from Chairman LARRY E. CRAIG): Extend reporting requirement on the operation of the Montgomery GI Bill program;

Original Provision (from Chairman LARRY E. CRAIG): Extend reporting of amounts available for State Approving Agencies in fiscal years 2010 and 2011 paid from VA’s readjustment benefit account.

From S. 2121 (Senator CHARLES SCHUMER): Residential cooperative housing units;

From S. 1252 (Ranking Member DANIEL K. AKAKA): Supplemental insurance for totally disabled veterans;

Original Provision (from Chairman LARRY E. CRAIG): Reauthorization for use of certain information from other agencies;

Original Provision (from Chairman LARRY E. CRAIG): Clarification of correctional facilities covered by certain provisions of law;

From S. 1537 (Ranking Member DANIEL K. AKAKA): Establishment of Parkinson’s Disease and Multiple Sclerosis Centers of Excellence.

From S. 2034 (Chairman LARRY E. CRAIG): Sections (a)(1) and (b)(1) of it the bill pertaining to Term Limits for the Positions of Under Secretary for Health and Under Secretary for Benefits.

From S. 2762 (Ranking Member DANIEL K. AKAKA): Requirement for VA to pay full costs for certain service-connected veterans residing in state homes, provide medications for certain service-connected conditions to veterans residing in state homes, and create a limited authority for the Secretary to designate certain beds in non-state facilities as state homes for purposes of per diem payments.

From S. 2433 (Senator KEN SALAZAR): Authorization to create an Office of Rural Health in the Office of the Under Secretary for Health at the Department of Veterans Affairs.

From S. 2753 (Ranking Member DANIEL K. AKAKA): A provision to authorize a pilot program to provide case giver assistance and noninstitutional care services.

From S. 3545 (Chairman LARRY E. CRAIG, Ranking Member AKAKA, Senators BURR and OBAMA): Improvements to services, housing, and assistance provided to homeless veterans.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 22, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights be authorized to meet on Thursday, June 22, 2006 at 3 p.m. to conduct a hearing on “The AT&T and BellSouth Merger: What Does It Mean for Consumers?” in room 226 of the Dirksen Senate Office Building. The witness list is attached.

Panel I: Edward E. Whitacre Jr., Chairman and CEO, AT&T Inc., San Antonio, TX; F. Duane Ackerman,
Chairman and CEO, BellSouth Corporation, Atlanta, GA; James F. Gerler, President and CEO, Chevron Communications, Atlanta, GA; and Jonathan L. Rubin, Senior Research Fellow, American Antitrust Institute, Washington, DC.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. WARNER. Mr. President, I ask unanimous consent that on Thursday, June 22, 2006, at 9:30 a.m. the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to hold an oversight hearing on the regulatory processes for new and existing nuclear plants. The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources’ Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, June 22, 2006, at 2:30 p.m. for a field hearing regarding “Lessons Learned? Assessing Healthy Initiatives in Health Information Technology.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 22, 2006 at 2:30 p.m.

The purpose of the hearing is to receive testimony on the following bills: S. 574, a bill to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the allocation of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act; S. 1387, a bill to provide for an update of the Cultural Heritage and Land Management Plan for the John H. Chafee Blackstone River Valley National Heritage Corridor to extend the authority of the John H. Chafee Blackstone River Valley National Heritage Corridor Commission, to authorize the undertaking of resource study of sites and landscape features within the corridor, and to authorize additional appropriations for the corridor; S. 1721, a bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes; S. 2037, a bill to establish the Sangre De Cristo National Heritage Area in the State of Colorado, and for other purposes; and S. 2645, a bill to establish the journey through Hallowed Ground National Heritage Area and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRADE, TOURISM, AND ECONOMIC DEVELOPMENT

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation Subcommittee on Trade, Tourism, and Economic Development be authorized to meet on Thursday, June 22, 2006, at 10 a.m. on the state of the U. S. Tourism Industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KYL. Mr. President, I ask unanimous consent that Bill LaDuke, a legal intern in my office, be granted the privilege of the floor during my remarks on the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Air Force Maj Stephen Purdy be granted the privilege of the floor during the debate on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Chris Thompson, a Marine fellow in the office of Senator Bill Nelson, be granted the privilege of the floor during further consideration of the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTING THE ENROLLMENT OF THE CONFERENCE REPORT TO ACCOMPANY H.R. 889

Mr. WARNER. On behalf of the leadership, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 103 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 103) correcting the enrollment of the bill H.R. 889.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 103) was agreed to, as follows:

S. CON. RES. 103

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill H.R. 889, the Clerk of the House of Representatives shall make the following corrections: (1) In the table of contents in section 2, strike the item relating to section 414 and insert the following: “SEC. 414. Navigation safety of certain facilities.”

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006

Mr. STEVENS. Mr. President, I rise today to endorse passage of the Coast Guard and Maritime Transportation Act of 2006. However, I would like to clarify several points with regard to section 414 of the conference report. This section deals with construction of offshore wind energy facilities in the area off the coast of Massachusetts known as Nantucket Sound, and it will require the Secretary of the Interior to incorporate any “reasonable terms and conditions the Commandant of the Coast Guard determines to be necessary to provide for navigational safety.” Interpretation of this clause will be critical to ensuring navigation, aviation, and communications are not adversely impacted by construction of such a facility.

A company known as Cape Wind, Ltd. has proposed a permitted installation of 130 wind turbines, each reaching 417 feet in height, on 24 square miles of Nantucket Sound in an area surrounded by three commercial airports, two busy ferry routes, and a major shipping channel. The area is heavily utilized by commercial fishermen and recreational boaters as well. Perhaps most importantly, the project would be situated less than 15 miles from the only PAVE/PAWS missile defense radar station on the entire eastern seaboard. Studies conducted in and around offshore wind farms in Britain have shown that these installations can have adverse impacts on radar for aircraft, and avionics, and they may pose a hazard to navigation.

It must be left up to the Commandant of the Coast Guard to decide what is necessary to prevent negative navigation, aviation, and communications caused by the proposed wind farm. We trust the Commandant to act responsibly and only...
prescribe reasonable terms and conditions. If someone wants to challenge his decision as unreasonable, they will have to raise the matter in court. It will be up to the courts, not the Secretary of the Interior, to decide if the Commandant’s terms and conditions are unreasonable.

Further, we must remain open to the possibility that the Commandant may find that no amount of mitigation could be sufficient to eliminate the potential detrimental effects of the specific siting developed. If the final determination of the Commandant is that the proposed siting is unacceptable, the Secretary must abide by that decision as well, and therefore fail to issue a permit, lease, easement, or right-of-way that would allow the facility to be constructed on the proposed site.

The arrangement dictated by section 414 of this bill has precedence in the procedure for granting hydroelectric licenses under the Federal Power Act. This process assures development. If the final determination of the Commandant is that the proposed siting is unacceptable, the Secretary must abide by that decision as well, and therefore fail to issue a permit, lease, easement, or right-of-way that would allow the facility to be constructed on the proposed site.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate’s action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

**FEDERAL DEPOSIT INSURANCE CORPORATION**

J. T. Rymer, of Tennessee, to be Inspector General, Federal Deposit Insurance Corporation.

**IN THE AIR FORCE**

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601.

To be lieutenant general

Maj. Gen. James N. Soligan, 8751

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Garabeth S. Graham, 5388

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Robert B. Bailey, 8474

Brigadier General William H. Etter, 7591

Brigadier General Douglas M. Pierce, 9562

Brigadier General Jose M. Portela, 4065

Brigadier General Donald J. Quenneville, 4967

Brigadier General David A. Sprenkle, 8992

To be brigadier general

Colonel Steven L. Adams, 9518

Colonel Robert L. Boggs, 9430

Colonel Peter E. Dalio, 6659

Colonel Timothy J. Carroll, 4414

Colonel Timothy J. Cossalter, 6715

Colonel Michael L. Cunniff, 9997

Colonel James E. Daniel, Jr., 8973

Colonel John M. Del Toro, 5382

Colonel Gregory A. Fick, 6160

Colonel Robert V. helt, 6886

Colonel William E. Hudson, 4783

Colonel Cora M. Jackson-Chandler, 5301

Colonel Richard A. John, 7574

Colonel Gary T. Magonigle, 6681

Colonel Craig D. McCord, 7671

Colonel Kelly K. McKenzie, 6016

Colonel Thomas A. Moore, 5457

Colonel John D. Owen, 4194

Colonel Deborah S. Rose, 7097

Colonel Gregory J. Schwab, 6377

Colonel Jonathun J. Mrozek, 2948

Colonel Charles E. Tucker, Jr., 9285

Colonel Roy E. Uptegraft, III, 7055

Colonel Edwin A. Vincent, Jr., 7198

Colonel James R. Womac, 0169

IN THE MARINE CORPS

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 2203:

To be major general

Brig. Gen. Timothy J. Wright, 9146

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert Wilson, 1235

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Raymond C. Byrne, Jr., 5792

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Edward H. Ballard, 0250

Brigadier General Michael W. Beaman, 0589

Brigadier General Nelson J. Cannon, 2178

Brigadier General Craig N. Christensen, 3064

Brigadier General John T. Furlow, 1754

Brigadier General Prager, 4493

Brigadier General Larry W. Halton, 3555

Brigadier General Vern T. Miyagi, 2805

Brigadier General Herbert L. Newton, 4019

Brigadier General Lawrence E. Dudney, Jr., 1872

Brigadier General B. Edwards, 8422

Colonel David M. DeArmond, 0169

Colonel Lawrence E. Dudney, Jr., 1872

Colonel Gregory A. Fick, 0160

Colonel Philip R. Fisher, 9702

Colonel Gary M. Hara, 0631

Colonel Russell S. Hargis, 2104

Colonel Gary M. Hara, 0631

Colonel Carol A. Johnson, 1201

Colonel Joseph P. Kelly, 1566

Colonel Chris F. Maasdam, 9151

Colonel Michael C. H. Moore, 5186

Colonel Patrick A. Murphy, 0096

Colonel Mandi A. Murray, 7223

Colonel Michael R. Nevin, 6524

Colonel Manuel Ortiz, Jr., 6712

Colonel Terry L. Quales, 8676

Colonel Michael G. Tenney, 8231

Colonel Steven N. Wickstrom, 0393

Colonel Philip R. Fisher, 9702

Colonel Gary M. Hara, 0631

Colonel Russell S. Hargis, 2104

Colonel Gary M. Hara, 0631

Colonel Carol A. Johnson, 1201

Colonel Joseph P. Kelly, 1566

Colonel Chris F. Maasdam, 9151

Colonel Michael C. H. Moore, 5186

Colonel Patrick A. Murphy, 0096

Colonel Mandi A. Murray, 7223

Colonel Michael R. Nevin, 6524

Colonel Manuel Ortiz, Jr., 6712

Colonel Terry L. Quales, 8676

Colonel Michael G. Tenney, 8231

Colonel Steven N. Wickstrom, 0393

IN THE MARINE CORPS

The following named officer for appointment 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, 7981

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (hl) Elizabeth A. Hight, 7307

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (hl) Mark D. Harmon, 5185

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:
Rear Adm. (lhd) John M. Bird, 4297
Rear Adm. (lhd) John T. Blake, 9104
Rear Adm. (lhd) Frank M. Drennan, 9259
Rear Adm. (lhd) Mark E. Ferguson, III, 6136
Rear Adm. (lhd) Christopher W. Goodfellow, 7120
Rear Adm. (lhd) Richard W. Hunt, 8333
Rear Adm. (lhd) Arthur J. Johnson, Jr., 1756
Rear Adm. (lhd) Mark W. Kenny, 5645
Rear Adm. (lhd) Joseph F. Kilkenny, 3925
Rear Adm. (lhd) William E. Landay, III, 9427
Rear Adm. (lhd) Douglas L. McClain, 4212
Rear Adm. (lhd) William H. McRaven, 3793
Rear Adm. (lhd) Sovie M. Quinn, 5457
Rear Adm. (lhd) Raymond A. Spicer, 7566
Rear Adm. (lhd) Peter J. Williams, 1065

The following named officer for promotion in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Sean F. Crean, 2112
The following named officer for promotion in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Michael W. Broadway, 4334
The following named officers for promotion in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Patrick E. McGrath, 4262
Capt. John G. Messerschmidt, 7746
Capt. Timothy D. Moon, 5084
Capt. Michael M. Shatynski, 1839
The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lhd) Jon W. Bayless, Jr., 0539
Rear Adm. (lhd) Edward Masso, 5099
Rear Adm. (lhd) William H. Payne, 6466
The following named officer for promotion in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lhd) Sharon H. Redpath, 7170
The following named officer for promotion in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lhd) John C. Simpson, 2309

The following named officer for appointment as the Judge Advocate General of the United States Navy in the grade indicated under title 10, U.S.C., section 12203:

To be judge advocate general

Rear Adm. Bruce E. MacDonald, 9816

NOMINATIONS PLACE ON THE SECRETARY’S DESK

IN THE AIR FORCE

PN1385 AIR FORCE nominations (21) beginning CHRISTINE L. WILCENBAUM, and ending ABNER PERRY V. VALENZUELA, which nominations were received by the Senate and appeared in the Congressional Record of March 13, 2006.

PN1580 AIR FORCE nomination of Thomas L. Yoder, which was received by the Senate and appeared in the Congressional Record of May 11, 2006.

PN1647 AIR FORCE nomination of Leonard S. Williams, which was received by the Senate and appeared in the Congressional Record of June 5, 2006.

IN THE ARMY

PN1241 ARMY nominations (16) beginning BRUCE B. BREHM, and ending ROBERT W. WINDOM, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1242 ARMY nominations (80) beginning BRUCE B. BREHM, and ending LISA L. ZACHER, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1600 ARMY nominations (2) beginning PAUL ANTONIOU, and ending PETER J. VARJEEN, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1601 ARMY nominations (3) beginning RICHARD J. HAYES JR., and ending MICHAEL N. SELBY, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1603 ARMY nominations (20) beginning MANUEL J. CASTILLO, and ending ANDREW E. * WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1604 ARMY nominations (172) beginning TOYO S. * AIKIN, and ending EYAKO K. * WURAPA, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1638 ARMY nomination of Roy D. Steed, which was received by the Senate and appeared in the Congressional Record of May 25, 2006.

PN1648 ARMY nominations (5) beginning VICTOR CATULLO, and ending PAUL BRISSON, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2006.

IN THE MARINE CORPS

PN1605 MARINE CORPS nomination of Brent A. Harrison, which was received by the Senate and appeared in the Congressional Record of May 25, 2006.

IN THE NAVY

PN1504 NAVY nomination of Lana D. Hampton, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1505 NAVY nomination of Keith E. Simpson, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1506 NAVY nomination of Norman W. Porter, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1507 NAVY nominations (2) beginning PATRICK M. LEARD, and ending KIRBY D. MILLER, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1508 NAVY nominations (3) beginning ALBERTO S. DELMAR, and ending SHELDON D. STICKLER, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1509 NAVY nominations (4) beginning WAYNE R. JOHNSON, and ending MAXTON W. WALSER JR., which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1511 NAVY nominations (7) beginning CHRISTIAN A. BUHLMANN, and ending CHRISTOPHER E. ZECH, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1512 NAVY nominations (1) beginning BRYAN C. M. ARNOLD, and ending PETER D. YARGER, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1513 NAVY nominations (1) beginning KIM A. ARRIVER, and ending ROGER J. SING, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1514 NAVY nominations (22) beginning KAREN S. EMMEL, and ending ERIC C. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1516 NAVY nominations (28) beginning JOHN C. ARBOTT, and ending TERESA S. WHITING, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1517 NAVY nominations (10) beginning LEONARD M. ABRATIELLO, and ending JOHN B. STUBBS, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1518 NAVY nominations (3) beginning CONRAD C. CHUN, and ending JOHN F. KIRBY, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1519 NAVY nominations (23) beginning JOHN W. V. AILES, and ending GLENN W. ZEIDERS III, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1520 NAVY nominations (8) beginning MICHAEL D. ANGOVE, and ending DAVID J. WALSH, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1521 NAVY nominations (11) beginning STEVEN J. ASHWORTH, and ending EUGENE P. POTENTE, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1522 NAVY nominations (24) beginning FRANK A. ARATA, and ending GEORGE M. STUBBS, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1523 NAVY nominations (23) beginning JOHN W. V. AILES, and ending GLENN W. ZEIDERS III, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1524 NAVY nominations (8) beginning MICHAEL D. ANGOVE, and ending DAVID J. WALSH, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.
and appeared in the Congressional Record of May 23, 2006.

PN1608 NAVY nominations (4) beginning RICHARD M. BURKE JR., and ending PETER J. VONK, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1609 NAVY nominations (7) beginning FREDDIE D. CLARK, and ending ELEA-NOR J. SMITH, which nominations were re-
ceived by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1610 NAVY nominations (1) beginning Claude R. Suggs, which was received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1611 NAVY nominations (2) beginning MATTHEW C. HELLMAN, and ending DERRK A. TAKARA, which nominations were re-
ceived by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1612 NAVY nominations (2) beginning ANGELA J. BAKER, and ending HAROLD S. ZALI, which nominations were re-
ceived by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1613 NAVY nominations (13) beginning LOUIE V. CARIELLO, and ending GREGORY J. ZIELINSKI, which nominations were re-
ceived by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1614 NAVY nominations (10) beginning GEORGE E. ADAMS, and ending ROBERT T. WILLIAMS, which nominations were re-
ceived by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1615 NAVY nominations (29) beginning ANTHONY P. BRAZAS, and ending FRANCIS K. VREDENBURGH JR., which nominations were re-
ceived by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1616 NAVY nominations (34) beginning COLLETTE J. B. ARMBRUSTER, and ending SUSAN W. WOOLSEY, which nominations were re-
ceived by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1617 NAVY nominations (10) beginning GREGORY P. BELANGER, and ending BRIAN S. WILSON, which nominations were re-
ceived by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1618 NAVY nominations (18) beginning DALE P. BARRETT, and ending SILVA F. D. WHITE, which nominations were re-
ceived by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1619 NAVY nominations (16) beginning JAMIE L. BUCKMAN, and ending C. K. YANG, which nominations were re-
ceived by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1620 NAVY nominations (34) beginning ROBERT A. ALONSO, and ending KRISTEN C. ZELLER, which nominations were re-
ceived by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1621 NAVY nominations (16) beginning VIRGINIA T. BRANTLEY, and ending MARON D. WYLIE, which nominations were re-
ceived by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1622 NAVY nominations (11) beginning DOUGLAS E. ALEXANDER, and ending JAMES H. SCHROEDER JR., which nominations were re-
ceived by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1623 NAVY nominations (11) beginning PAUL I. BURMEISTER, and ending CLYDE C. REYNOLDS, which nominations were re-
ceived by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1624 NAVY nominations (26) beginning PHILIP P. ALFORD, and ending ROBERT L. YARD, which nominations were re-
ceived by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1625 NAVY nominations (38) beginning MICHAEL S. ARNOLD, and ending EVELYN M. WEBB, which nominations were re-
ceived by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1626 NAVY nominations (14) beginning GREGORY BRIDGES, and ending WILLIAM M. WHEELER, which nominations were re-
ceived by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1627 NAVY nominations (2424) beginning HONORO AGUILA, and ending KIM-
BERLY A. ZUZELSKI, which nominations were re-
ceived by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1628 NAVY nominations (2) beginning LUV V. ALICIA, and ending PETER B. DOB-
SON, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will re-
turn to legislative session.

ORDERS FOR FRIDAY, JUNE 23, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. to-
morrow, Friday, June 23. I further ask unanimous consent that following the prayer and pledge, the morning hour be declared expired, the Journal of pro-
ceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, today the Senate unanimously and overwhelmingly passed the Defense au-
thorization bill. I take this opportu-
tunity to congratulate Chairman War-
ner and Ranking Member Levin for the exquisitely considered and de-
bated bill. We had a very important debate concern-
ing two amendments related to the Iraq war. I thought the debate was very respectful and the Senate conducted itself in an extraordinarily exemplary way.

Mr. President, the Senate will be in to morrow for a period of morning busi-
ness.

On Monday, we will begin consider-
ation of the anti-flag desecration reso-
lution. We will announce the vote schedule for the beginning of next week during tomorrow’s session.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come be-
fore the Senate, I ask unanimous con-
sent that the Senate stand in adjourn-
ment under the previous order.

There being no objection, the Senate, at 6:37 p.m., adjourned until Friday, June 23, 2006, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, June 22, 2006.

FEDERAL DEPOSIT INSURANCE CORPORATION

JON T. LEYMER, OF TENNESSEE, TO BE INSPECTOR GEN-
ERAL, FEDERAL DEPOSIT INSURANCE CORPORATION.

The FEDERAL DEPOSIT INSURANCE CORPORATION reports that the nominee is an approved subject to the Senate’s Committee to respond to re-
quests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

ANDREW J. GUILFORD, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

FRANK D. WHITNEY, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA.

DEPARTMENT OF JUSTICE

THOMAS D. ANDERSON, OF VERNONT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

The FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADES INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANT RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 61:

To be lieutenant general

MAJ. GEN. JAMES N. SOLIGAN

The FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 61:

To be brigadier general

COL. GABRIEL A. HARRIS

The FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 1281:

To be major general

BRIG. GEN. ROBERT R. BAILEY

BRIG. GEN. WILLIAM H. FETTER

BRIG. GEN. MARK E. FISHER

BRIG. GEN. JOSÉ M. PORTIELA

BRIG. GEN. DONALD L. GOODE

BRIG. GEN. DAVID A. SPREKLE

To be brigadier general

COL. STEVEN L. ADAMS

COL. JAMES R. WATSON

COL. JAMES H. CROOKSON

COL. COLEMAN J. WHITFORD

COL. RONALD N. WOODARD

COL. FRANCIS J. RITCHIE

COL. ROY R. UPPRIGG III

COL. EDWARD W. VALENCIA

COL. GARY W. WRIGHT
To be major general
BRIGADIER GENERAL EDWARD H. BALLARD
BRIGADIER GENERAL MICHAEL W. BRAMAN
BRIGADIER GENERAL STEPHEN W. BURBACH
BRIGADIER GENERAL NELSON J. CANNON
BRIGADIER GENERAL CRAIG L. CHRISTENSEN
BRIGADIER GENERAL ALAN J. COTTON
BRIGADIER GENERAL FRANK J. CRAIG
BRIGADIER GENERAL VINCENT J. DURANTE
BRIGADIER GENERAL WILLIAM B. HALE
BRIGADIER GENERAL LAWRENCE H. ROSS
To be brigadier general
COLONEL TIMOTHY R. ALBERTSON
COLONEL HARRISON D. ANDERSON
COLONEL STEPHEN M. BLOOMER
COLONEL JAMES B. BROWN, JR.
COLONEL PAUL R. CASILLI
COLONEL GEORGE B. CHRISTOPHER, JR.
COLONEL JAMES D. CROUCH
COLONEL LAWRENCE E. DUNN, JR.
COLONEL WILLIAM R. EDWARDS
COLONEL DAVID J. ELIEZER
COLONEL PHILLIP R. FISHER
COLONEL GARY M. HABA
COLONEL RUSSELL S. BARGIS
COLONEL CHARLES R. S. BARKER, JR.
COLONEL CAROL A. JOHNSON
COLONEL JOSPEH P. KELLY
COLONEL CHRIST F. MAASDAM
COLONEL MICHAEL C. MCDONALD
COLONEL PATRICK A. MURPHY
COLONEL MANDY A. MURRAY
COLONEL DONALD D. RANDOLPH II
COLONEL MANUEL ORTIZ, JR.
COLONEL KENNETH ORTIZ, JR.
COLONEL MICHAEL G. TEMME
COLONEL STEPHEN D. THOMAS
In the Marine Corps
The following named officer for appointment to the grade of lieutenant colonel in the United States Navy will be assigned to a position of importance and responsibility under title 10, U.S.C., section 9411.
To be lieutenant general
LT. GEN. JAMES N. McTAVISH
In the Navy
The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 12202.
To be rear admiral
BRAD. (LH) ELIZABETH A. HIGGINS
The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 12202.
To be rear admiral
BRAD. (LH) MARK D. BARNSHIE
The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 12202.
To be rear admiral
BRAD. (LH) JOHN M. BIRD
BRAD. (LH) JOHN T. BLAIR
BRAD. (LH) MARK E. FERGUSON III
BRAD. (LH) JASON T. FIBIN
BRAD. (LH) RICHARD W. HUNT
BRAD. (LH) AUSTIN W. JOHNSON, JR.
BRAD. (LH) MARK W. KEMNY
BRAD. (LH) JOSEPH P. KILKENNY
BRAD. (LH) WILLIAM E. LANDAS III
BRAD. (LH) DOUGLAS L. MCCCLAIR
BRAD. (LH) William H. McEvoy
BRAD. (LH) KEVIN M. QUINN
BRAD. (LH) JASPER A. SCHIFRIN
BRAD. (LH) PETE J. WILLIAMS
The following named officer for promotion in the United States Navy to the grade indicated under title 10, U.S.C., section 12202.
To be rear admiral (lower half)
CAPT. IRAN F. CHEN
The following named officer for promotion in the United States Navy to the grade indicated under title 10, U.S.C., section 12202.
To be rear admiral (lower half)
CAPT. MICHAEL W. BROADWAY
The following named officer for promotion in the United States Navy to the grade indicated under title 10, U.S.C., section 12202.
To be rear admiral (lower half)
CAPT. PATRICK E. McGRAH
CAPT. JOHN G. MESSERSCHMIDT
CAPT. TODD T. MUNGER
CAPT. MICHAEL M. SHATTSKIN
The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 12202.
To be rear admiral
BRAD. (LH) ANN D. GILBRIDE
The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 12202.
To be rear admiral
BRAD. (LH) JON W. BAILEY, JR.
BRAD. (LH) EDWARD MASSE
The following named officer for promotion in the United States Navy to the grade indicated under title 10, U.S.C., section 12202.
To be rear admiral
BRAD. (LH) CHANCEY E. KENT
The following named officer for appointment as the judge advocate general of the United States Navy to the grade indicated under title 10, U.S.C., section 12202.
To be judge advocate general of the United States Navy
BRAD. (LH) BRUCE E. MACDONALD
In the Air Force
Air force nominations beginning with Christine L. Blieadam and ending with Anser Fery V. Valenza whose nominations were received in the Senate and appeared in the Congressional Record on May 23, 2006.
Air force nominations beginning with Thomas L. Yoder to be colonel.
Air force nomination of Leonidas S. Williams to be lieutenant colonel.
In the Army
Army nominations beginning with Bruce R. Bibbin and ending with Robert W. Wisdom, whose nominations were received by the Senate and appeared in the Congressional Record on January 31, 2006.
Army nominations beginning with Bruce D. Adams and ending with Lisa L. Zacher, whose nominations were received by the Senate and appeared in the Congressional Record on January 31, 2006.
Army nominations beginning with Paul Antonou and ending with Peter J. Varjeen, whose nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.
Army nominations beginning with Edward J. Hayes, Jr. and ending with Michael N. Selby, whose nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.
Army nominations beginning with Manuel Castillo and ending with Andrew J. Wargo, whose nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.
Army nominations beginning with Todd S. Altshul and ending with John A. Wypych, whose nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.
Army nominations beginning with Roy D. Steed to be colonel.
Army nominations beginning with Carlos C. Catullo and ending with Paul Breslin, whose nominations were received by the Senate and appeared in the Congressional Record on June 5, 2006.
In the Marine Corps
Marine Corps nomination of Brent A. Harrison to be lieutenant colonel.
In the Navy
Navy nomination of Laina D. Hampton to be captain.
Navy nomination of Keith R. Simpson to be captain.
Navy nomination of Norman W. Porter to be captain.
Navy nominations beginning with Patrick M. Leon and ending with Kirby D. Miller, whose nominations were received by the Senate and appeared in the Congressional Record on May 3, 2006.
Navy nominations beginning with Alberto S. Delmar and ending with Glenda M. Goodwin, whose nominations were received by the Senate and appeared in the Congressional Record on May 3, 2006.
Navy nominations beginning with Albert S. Leblanc and ending with Jeffrey H. Robinson, whose nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.
Navy nominations beginning with Wayne A. Eschmeyer and ending with Gregory J. Ziegel, whose nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.
Navy nominations beginning with Stefan M. Behns and ending with Jeffrey H. Robinson, whose nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.
Navy nominations beginning with Christian A. Buhlmann and ending with Christopher E. Zech, whose nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.


NAVY NOMINATIONS BEGINNING WITH GREGORY BRIDGES AND ENDING WITH WILLIAM M. WHIRL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.


HIGHLIGHTS:

Senate passed the National Defense Authorization Act.

Senate

Chamber Action

Routine Proceedings, pages S6323–S6444

Measures Introduced: Five bills and two resolutions were introduced, as follows: S. 3556–3560 and S. Con. Res. 103–104.

Measures Reported:

- H.R. 2977, to designate the facility of the United States Postal Service located at 306 2nd Avenue in Brockway, Montana, as the “Paul Kasten Post Office Building”.
- H.R. 3440, to designate the facility of the United States Postal Service located at 100 Avenida RL Rodriguez in Bayamon, Puerto Rico, as the “Dr. Jose Celso Barbosa Post Office Building”.
- H.R. 3549, to designate the facility of the United States Postal Service located at 210 West 3rd Avenue in Warren, Pennsylvania, as the “William F. Clinger, Jr. Post Office Building”.
- H.R. 3934, to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the “Gerard A. Fiorenza Post Office Building”.
- H.R. 4108, to designate the facility of the United States Postal Service located at 3000 Homewood Avenue in Baltimore, Maryland, as the “State Senator Verda Welcome and Dr. Henry Welcome Post Office Building”.
- H.R. 4456, to designate the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the “Hattie W. Caraway Station”.
- H.R. 4561, to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the “Francisco ‘Pancho’ Medrano Post Office Building”.
- H.R. 4688, to designate the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the “Mayor John Thompson ‘Tom’ Garrison Memorial Post Office”.
- H.R. 4786, to designate the facility of the United States Postal Service located at 535 Wood Street in Bethlehem, Pennsylvania, as the “H. Gordon Payrow Post Office Building”.
- H.R. 4995, to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the “Ronald Bucca Post Office”.
- 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”.
- S. 2228, to designate the facility of the United States Postal Service located at 2404 Race Street, Jonesboro, Arkansas, as the “Hattie W. Caraway Post Office”.
- S. 2376, to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the “Gerard A. Fiorenza Post Office Building”.
- S. 2690, to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the “Harry J. Parrish Post Office”.
- S. 2722, to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the “Lieutenant Michael P. Murphy Post Office Building”.

D679
S. 3187, to designate the Post Office located at 5755 Post Road, East Greenwich, Rhode Island, as the “Richard L. Cevoli Post Office.”

Measures Passed:

**Enrollment Correction:** Senate agreed to S. Con. Res. 103, to correct the enrollment of the bill H.R. 889.

Subsequently, a unanimous-consent agreement was reached providing that when the Senate receives from the House a message that the House agrees to S. Con. Res. 103, and the conference report accompanies H.R. 889 is received from the House, the conference report be considered agreed to.

**National Defense Authorization:** By a unanimous vote of 96 yeas (Vote No. 186), Senate passed S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, after taking action on the following amendments proposed thereto:

- **Adopted:**
  - Hutchison Amendment No. 4377, to include a delineation of the homeland defense and civil support missions of the National Guard and Reserves in the Quadrennial Defense Review.
  - Warner/Levin Amendment No. 4492, to clarify the contracting authority for the chemical demilitarization program.
  - Warner Amendment No. 4493, to extend the authority for the personnel program for scientific and technical personnel.
  - Warner (for Burns/Dole) Amendment No. 4494, to encourage the use of electronic voting technology and to provide for the continuation of the Interim Voting Assistance System.
  - Levin (for Harkin) Modified Amendment No. 4266, to require semiannual reports on efforts by the Department of Justice to investigate and prosecute cases of waste, fraud, and abuse related to Federal contracting in Iraq, Afghanistan, and throughout the war on terror.
  - Warner (for Inhofe) Amendment No. 4495, to require annual reports on United States contributions to the United Nations.
  - Levin (for Reid) Modified Amendment No. 4307, relating to North Korea.
  - Warner (for Lott) Modified Amendment No. 4326, to make funds available for the Arrow ballistic missile defense system.
  - Levin (for Obama) Amendment No. 4224, to include assessments of Traumatic Brain Injury in the post-deployment health assessments of members of the Armed Forces returning from deployment in support of a contingency operation.

- **Warner (for Cornyn/Hutchison) Amendment No. 4496,** to require a report on biodefense staffing and training requirements in support of the national biosafety laboratories.

- **Levin (for Schumer) Modified Amendment No. 4309,** to provide that, of the funds authorized under Title XIV, $20,000,000 may be made available for the procurement of hemostatic agents, including blood-clotting bandages, for use by members of the Armed Forces in the field.

- **Warner (for Ensign) Amendment No. 4345,** to specify the qualifications required for instructors in the Junior Reserve Officers’ Training Corps Program.

- **Levin (for Nelson (FL)/Martinez) Amendment No. 4568,** relating to Operation Bahamas, Turks & Caicos.

- **Warner (for Allard) Amendment No. 4497,** to provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

- **Levin (for Bingaman) Amendment No. 4222,** to require consideration of the utilization of fuel cells as back-up power systems in Department of Defense operations.

- **Warner (for Allen) Amendment No. 4498,** to authorize an accession bonus for members of the Armed Forces who are appointed as a commissioned officer after completing officer candidate school.

- **Warner Amendment No. 4499,** to authorize the National Security Agency to collect service charges for the certification or validation of information assurance products.

- **Levin (for Cantwell) Modified Amendment No. 4202,** to require reports on the withdrawal or diversion of equipment from reserve units for support of reserve units being mobilized and other units.

- **Warner (for Martinez) Amendment No. 4500,** to provide for the procurement of replacement equipment.

- **Levin (for Menendez/Lautenberg) Amendment No. 4441,** to require a plan to replace equipment withdrawn or diverted from the reserve components of the Armed Forces for Operation Iraqi Freedom or Operation Enduring Freedom.

- **Warner (for DeWine) Modified Amendment No. 4231,** relating to the Mental Health Self-Assessment Program of the Department of Defense.
Levin (for Obama) Amendment No. 4409, to require a report on the provision of an electronic copy of military records to members of the Armed Forces upon their discharge or release from the Armed Forces.  

Warner/Levin Amendment No. 4501, to require a report on vehicle-based active protection systems for certain battlefield threats.  

Levin (for Feingold) Amendment No. 4502, to require an annual report on the amount of the acquisitions made by the Department of Defense of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.  

Warner (for McCain) Amendment No. 4503, to require an annual report on foreign military sales and direct sales to foreign customers of significant military equipment manufactured inside the United States.  

Warner (for Graham/Nelson (NE)) Amendment No. 4504, to expand and enhance the authority of the Secretaries of the military departments to remit or cancel indebtedness of members of the Armed Forces.  

Warner (for Graham/Nelson (NE)) Amendment No. 4505, to provide an exception for notice to consumer reporting agencies regarding debts or erroneous payments for which a decision to waive or cancel is pending.  

Warner (for Graham/Nelson (NE)) Amendment No. 4506, to enhance authority relating to the waiver of claims for overpayment of pay and allowances of members of the Armed Forces.  

Warner (for Talent/Nelson (FL)) Amendment No. 4331, to establish requirements with respect to the terms of consumer credit extended by a creditor to a servicemember or the dependent of a servicemember.  

Levin (for Boxer) Amendment No. 4507, to require the President to conduct a review of circumstances establishing eligibility for the Purple Heart for former prisoners of war dying in or due to captivity and to report to the Congress on the advisability of modifying the criteria for award of the Purple Heart.  

Warner Amendment No. 4508, to modify the qualifications for leadership of the Naval Postgraduate School.  

Warner (for Jeffords) Amendment No. 4509, to provide that the Secretary of the Army shall not be considered an owner or operator for purposes of environmental liability in connection with the construction of any portion of the Fairfax County Parkway off the Engineer Proving Ground, Fort Belvoir, Virginia, that is not owned by the Federal Government.  

Warner (for Graham) Amendment No. 4510, to increase the number of options periods authorized for extension of current contracts under the TRICARE program.  

Levin (for Salazar) Amendment No. 4219, to rename the death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation.  

Warner (for Allard) Amendment No. 4386, to require a joint family support assistance program for families of members of the Armed Forces.  

Warner Amendment No. 4511, to clarify the repeal of the requirement of reduction of Survivor Benefit Plan annuities by dependency and indemnity compensation.  

Levin (for Reid) Amendment No. 4197, to modify the effect date of the termination of the phase-in of concurrent receipt of retired pay and veterans disability compensation for veterans with service-connected disabilities rated as total by virtue of unemployment.  

Warner Amendment No. 4512, to modify certain additional authorities for purposes of the targeted shaping of the Armed Forces.  

Warner Amendment No. 4513, to provide for the determination of the retired pay base or retain pay base of a general or flag officer based on actual rates of basic pay rather than on amounts payable under the ceiling on the basic pay of such officers.  

Warner Amendment No. 4514, to provide in the calculation of retired pay for members of the Armed Forces that service in excess of 30 years shall not be subject to the maximum limit on the percentage of the retired pay multiplier.  

Warner (for DeWine) Amendment No. 4515, to modify the commencement date of eligibility for an optional annuity for dependents under the Survivor Benefit Plan.  

Levin (for Lincoln) Amendment No. 4342, to modify the time limitation for use of entitlement to educational assistance for reserve component members supporting contingency operations and other operations.  

Warner (for Chambliss) Amendment No. 4565, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods and to expand eligibility of members of the Selected Reserve for coverage under the TRICARE program.  

McCain Amendment No. 4241, to name the Act after John Warner, a Senator from Virginia.
Levin (for Salazar) Modified Amendment No. 4220, to require a report on the High Altitude Aviation Training Site in Eagle County, Colorado.

Levin (for Biden) Amendment No. 4244, relating to military vaccination matters.

Warner Amendment No. 4516, to ensure the timely completion of the equity finalization process for Naval Petroleum Reserve Numbered 1.

Levin (for Boxer) Amendment No. 4466, to improve mental health screening and services for members of the Armed Forces.

Warner Amendment No. 4517, to make funds available for the Our Military Kids youth support program.

Levin (for Landrieu) Modified Amendment No. 4363, to make available from Operation and Maintenance, Marine Corps Reserve, $2,500,000 for Infantry Combat Equipment.

Warner (for Domenici/Bingaman) Modified Amendment No. 4450, to provide, with an offset, an additional $5,000,000 for Research, Development, Test, and Evaluation, Army, for High Energy Laser-Low Aspect Target Tracking.

Levin (for Landrieu) Modified Amendment No. 4362, to make available from Operation and Maintenance, Marine Corps Reserve, $1,500,000 for the Individual First Aid Kit.

Warner (for Santorum) Modified Amendment No. 4275, to provide, with an offset, an additional $2,000,000 for Research, Development, Test, and Evaluation, Air Force, for the Advanced Aluminum Aerostructures Initiative.

Levin (for Akaka) Modified Amendment No. 4475, to increase by $4,000,000 the amount authorized to be appropriated for research, development, test, and evaluation for the Navy for the development, validation, and demonstration of warfighter rapid awareness processing technology for distributed operations within the Marine Corps Landing Force Technology program, and to provide an offset.

Warner (for Santorum) Modified Amendment No. 4276, to provide, with an offset, an additional $1,000,000 for Research, Development, Test, and Evaluation, Army, for legged mobility robotic research.

Levin (for Reed) Modified Amendment No. 4469, to provide, with an offset, additional amounts for Research, Development, Test, and Evaluation, Air Force, for funding for Wideband Digital Airborne Electronic Sensing Array.

Levin (for Kennedy) Modified Amendment No. 4477, to make available, with an offset, an additional $45,000,000 for research, development, test, and evaluation for science and technology.

Warner Amendment No. 4518, to make available funds for the reading for the Blind and Dyslexic program of the Department of Defense.

Warner (for DeWine/Voinovich) Amendment No. 4214, to make a technical correction to a project for Rickenbacker Airport, Columbus, Ohio.

Levin Amendment No. 4519, to make technical corrections to high priority project and transportation improvement project in the State of Michigan.

Coburn Modified Amendment No. 4491, to reform the Department of Defense’s Travel System into Pay-For-Use-of-Service System.

Coburn Amendment No. 4370, to require notice to Congress and the public on earmarks of funds available to the Department of Defense.

By 70 yeas to 28 nays (Vote No. 184), Chambliss Amendment No. 4261, to authorize multiyear procurement of F–22A fighter aircraft and F–119 engines.

By a unanimous vote of 98 yeas (Vote No. 185), Sessions Modified Amendment No. 4471, to provide, with an offset, additional funding for missile defense testing and operations.

Warner Amendment No. 4520, relating to the Minuteman III Intercontinental Ballistic Missile.

Levin (for Cantwell) Amendment No. 4374, to provide for a study of the health effects of exposure to depleted uranium.

Warner Amendment No. 4521, to provide, with an offset, $10,000,000 for the Joint Advertising, Market Research and Studies program.

Levin (for Boxer) Amendment No. 4522, to require a report on security measures to ensure that data contained in the Joint Advertising, Market Research and Studies (JAMRS) program is maintained and protected.

Warner Amendment No. 4523, to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

Levin (for Biden) Amendment No. 4458, to ensure payment of United States assessments for

Warner (for Cochran/Lott) Amendment No. 4524, to provide for Military Deputies to the Assistant Secretaries of the military departments for acquisition, logistics, and technology matters.

Levin (for Clinton) Amendment No. 4264, enhance the services available to members of the Armed Forces returning from deployment in Operation Iraqi Freedom and Operation Enduring Freedom to assist such members, and their family members, in transitioning to civilian life.

Warner (for Snowe/Kerry) Amendment No. 4464, to provide a sunset date for the Small Business Competitive Demonstration Program.

Levin (for Bayh) Amendment No. 4489, to propose an alternative to section 1083 to improve the Quadrennial Defense Review.

Warner (for Allard/Salazar) Amendment No. 4525, to require a report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado.

Levin (for Feingold) Amendment No. 4526, to require the President to develop a comprehensive strategy toward Somalia.

Warner (for Lott) Modified Amendment No. 4327, to improve the management of the Armed Forces Retirement Home.

Levin (for Feingold) Amendment No. 4527, to require a report on the feasibility of establishing a United States military regional combatant command for Africa.

Warner (for McCain/ Warner) Amendment No. 4434, to ensure proper education, training, and supervision of personnel providing special education services for dependents of members of the Armed Forces under extended benefits under TRICARE.

Levin (for Akaka) Modified Amendment No. 4393, to transfer custody of the Air Force Health Study assets to the Medical Follow-up Agency.

Warner (for Allen) Amendment No. 4312, to expand and enhance the bonus to encourage members of the Army to refer other persons for enlistment in the Army.

Levin (for Biden) Amendment No. 4424, to modify certain requirements related to counterdrug activities.

Warner (for Chafee) Amendment No. 4416, to direct the Secretary of the Army to assume responsibility for the annual operation and maintenance of the Fox Point Hurricane Barrier, Providence, Rhode Island.

Levin (for Durbin) Modified Amendment No. 4564, to rename the Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor ofRepresentative Lane Evans.

Warner (for DeWine) Amendment No. 4232, to name the new administration building at the Joint Systems Manufacturing Center in Lima, Ohio, after Michael G. Oxley, a member of the House of Representatives.

Warner (for Allard) Amendment No. 4528, to name a military family housing facility at Fort Carson, Colorado, after Representative Joel Hefley.

Warner/Levin Amendment No. 4529, to require the submittal to Congress of the Department of Defense Supplemental and Cost of War Execution reports.

Levin (for Reed) Amendment No. 4311, to provide that acceptance by a military officer of appointment to the position of Director of National Intelligence or Director of the Center Intelligence Agency shall be conditional upon retirement of the officer after the assignment.

Warner (for Chambliss/Isakson) Amendment No. 4228, relating to the comprehensive review of the procedures of the Department of Defense on mortuary affairs.

Levin (for Reid) Modified Amendment No. 4439, to require reports on the implementation of the Darfur Peace Agreement.

Warner (for Talent) Amendment No. 4530, to extend the patent term for the badges of the American Legion, the American Legion Women's Auxiliary, and the Sons of the American Legion.

Levin (for Reid) Amendment No. 4337, relating to intelligence on Iran.

Warner Amendment No. 4531, to make available $2,900,000 from Operation and Maintenance, Army, for the Virginia Military Institute for military training infrastructure improvements.

Levin (for Lincoln/Pryor) Amendment No. 4411, to authorize $3,600,000 for military construction for the Air National Guard of the United States to construct an engine inspection and maintenance facility at Little Rock Air Force Base, Arkansas.

Warner (for Hutchison) Amendment No. 4336, to require a report on the feasibility of omitting Social Security numbers from military identification cards.
Levin (for Clinton) Amendment No. 4361, to require that Congress be apprised periodically on the implementation of the Darfur Peace Agreement.

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Warner (for Chambliss) Amendment No. 4532, to require a report on the use of alternative fuels by the Department of Defense.

Levin Amendment No. 4533, to make available an additional $450,000,000 for Research, Development, Test, and Evaluation, Defense-wide and provide an offsetting reduction for a certain military intelligence program.

Warner (for Vitter) Amendment No. 4534, to authorize the prepositioning of Department of Defense assets to improve support to civilian authorities.

Levin (for Pryor/Bingaman) Amendment No. 4535, to provide for energy efficiency in new construction.

Warner (for Chambliss) Modified Amendment No. 4381, to facilitate the transition from military schools to civilian schools of dependents of members of the Armed Forces.

Warner (for Chafee) Amendment No. 4429, to authorize the donation of the SS Arthur M. Huddell to the Government of Greece.

Levin (for Kennedy) Modified Amendment No. 4398, to require a report on the biometrics programs of the Department of Defense.

Warner (for Domenici) Modified Amendment No. 4451, to require annual reports on the expanded use of unmanned aerial vehicles in the national airspace system.

Warner (for Burns) Amendment No. 4536, to require a report on the incorporation of elements of the reserve components into the Special Forces in the expansion of the Special Forces.

Warner (for Cornyn) Amendment No. 4537, to express the sense of the Senate on the Transformational Medical Technology Initiative of the Department of Defense.

Warner (for Burns/Dole) Amendment No. 4538, to provide for the enhancement of funeral ceremonies for veterans.

Warner (for Chambliss) Amendment No. 4303, to provide for the recovery and availability to the Corporation for the Promotion of Rifle Practice and Firearms Safety of certain firearms, ammunition, and parts.

Warner Amendment No. 4539, to provide that the Secretary of the Army may authorize family members of a member of the Armed Forces on active duty who is occupying military family housing units leased under the exception provided for United States Southern Command personnel to remain in such units while the soldier is assigned to a family-member-restricted area.

Levin (for Biden) Amendment No. 4423, to limit the availability of funds for certain purposes relating to Iraq.

Warner (for Gregg) Amendment No. 4316, to provide for the conveyance of land located in Hopkinton, New Hampshire.

Levin (for Dorgan/Conrad) Amendment No. 4407, to authorize $1,000,000 for the phase 1 construction of an air traffic control complex at Minot Air Force Base, North Dakota, and to provide an offset.

Warner (for Allard) Amendment No. 4366, to provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

Warner (for Coleman) Amendment No. 4321, to exclude Minnesota’s Northstar Corridor Commuter Rail project from the Federal Transit Administration’s medium cost-effectiveness rating requirement for Federal funding.

Levin (for Reed) Amendment No. 4540, to provide for the availability of funds authorized to the South County Commuter Rail project, Providence, Rhode Island.

Warner (for Domenici/Bingaman) Amendment No. 4449, to require the Secretary of the Air Force to prepare an environmental impact statement or similar analysis for the beddown of F-22A fighter aircraft at Holloman Air Force Base, New Mexico, as replacements for retiring F-117A fighter aircraft.

Levin (for Kerry) Modified Amendment No. 4204, to promote a comprehensive political agreement in Iraq.

Levin (for Obama) Amendment No. 4541, to require a report on planning by the Department of the Air Force for the realignment of aircraft, weapons systems, and functions at active and Air National Guard bases as a result of the 2005 round of defense base closure and realignment.

Rejected:

By 13 yeas to 86 nays (Vote No. 181), Kerry Amendment No. 4442, to require the redeployment of United States Armed Forces from Iraq in order to further a political solution in Iraq, encourage the people of Iraq to provide for their own security, and achieve victory in the war on terror.

By 39 yeas to 60 nays (Vote No. 182), Levin Amendment No. 4320, to state the sense of Congress on the United States policy on Iraq.

During consideration of this measure today, Senate also took the following action:
By 98 yeas to 1 nay (Vote No. 183), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill.  

**Department of Defense Authorization:** Senate passed S. 2767, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof Division A of S. 2766, National Defense Authorization, as passed.  

**Military Construction Authorization:** Senate passed S. 2768, to authorize appropriations for fiscal year 2007 for military construction, after striking all after the enacting clause and inserting in lieu thereof Division B of S. 2766, National Defense Authorization, as passed.  

**Department of Energy Defense Activities Authorization:** Senate passed S. 2769, to authorize appropriations for fiscal year 2007 for defense activities of the Department of Energy, after striking all after the enacting clause and inserting in lieu thereof Division C of S. 2766, National Defense Authorization, as passed.  

**National Defense Authorization:** Senate passed H.R. 5122, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2766, Senate companion measure, as passed.  

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Warner, McCain, Inhofe, Roberts, Sessions, Collins, Ensign, Talent, Chambliss, Graham, Dole, Cornyn, Thune, Levin, Kennedy, Byrd, Lieberman, Reed, Akaka, Nelson (FL), Nelson (NE), Dayton, Bayh, and Clinton.

A unanimous-consent agreement was reached providing that with respect to S. 2767, S. 2768, and S. 2769 (all listed above), that if the Senate receives the message with respect to any of these bills from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference as appropriate with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

Flag Protection Resolution—Agreement: A unanimous-consent agreement was reached providing for consideration of S.J. Res. 12, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States, at 4 p.m., on Monday, June 26, 2006, for debate only.

**Messages From the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the report of the continuation of the national emergency with respect to the Western Balkans; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–52)

**Nominations Confirmed:** Senate confirmed the following nominations:

- By unanimous vote of 93 yeas (Vote No. Ex. 187), Andrew J. Guilford, of California, to be United States District Judge for the Central District of California.
- Jon T. Rymer, of Tennessee, to be Inspector General, Federal Deposit Insurance Corporation.
- Frank D. Whitney, of North Carolina, to be United States District Judge for the Western District of North Carolina.
- Thomas D. Anderson, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.
- 34 Air Force nominations in the rank of general.
- 41 Army nominations in the rank of general.
- 1 Marine Corps nomination in the rank of general.
- 30 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy.

**Messages From the House:**

**Measures Referred:**

**Executive Communications:**

**Executive Reports of Committees:**

**Additional Cosponsors:**

**Statements on Introduced Bills/Resolutions:**

**Additional Statements:**

**Amendments Submitted:**

**Notices of Hearings/Meetings:**

**Authorities for Committees to Meet:**

**Privileges of the Floor:**

**Record Votes:** Seven record votes were taken today.

(Total—187)
Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:37 p.m., until 11 a.m., on Friday, June 23, 2006. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S6442.)

**Committee Meetings**

(Committees not listed did not meet)

**APPROPRIATIONS: DISTRICT OF COLUMBIA**


**BUSINESS MEETING**

Committee on Appropriations: Committee ordered favorably reported the following bills:

- H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, with an amendment in the nature of a substitute; and

- H.R. 5521, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, with an amendment in the nature of a substitute.

Also, Committee adopted the 302(b) subcommittee allocations of budget outlays and new budget authority for fiscal year 2007.

**IRAN AND LIBYA SANCTIONS ACT REAUTHORIZATION**

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the policy of the United States toward Iran, focusing on S. 2657, to extend the Iran and Libya Sanctions Act of 1996, after receiving testimony from R. Nicholas Burns, Under Secretary of State for Political Affairs; and Patrick O’Brien, Assistant Secretary of the Treasury, Office of Terrorist Financing and Financial Crimes.

**TRAVEL AND TOURISM INDUSTRY**

Committee on Commerce, Science, and Transportation: Subcommittee on Trade, Tourism, and Economic Development concluded a hearing to examine the state of the U.S. tourism industry, including challenges from the impact of 9/11, international pandemics such as SARS, and the continuing economic uncertainty of the airline industry, after receiving testimony from Franklin L. Lavin, Under Secretary of Commerce for International Trade; Wanda L. Nesbitt, Assistant Secretary of State for Consular Affairs; Robert M. Jacksta, Executive Director, Traveler Security and Facilitation, Office of Field Operations U.S. Customs and Border Protection, Department of Homeland Security; James W. LeDuc, Coordinator for Influenza, Centers for Disease Control and Prevention, Department of Health and Human Services; Todd Davidson, Oregon Tourism Commission, Salem, on behalf of the National Council of State Tourism Directors and the Western States Tourism Policy Council; Jay Rasulo, Walt Disney Parks and Resorts, Burbank, California, on behalf of the Travel Industry Association and U.S. Travel and Tourism Advisory Board; Jonathan M. Tisch, Loews Hotels, New York, New York, on behalf of the Travel Business Roundtable; and Virginia Pressler, Hawaii Pacific Health, Honolulu.

**BUSINESS MEETING**

Committee on Commerce, Science, and Transportation: Committee began markup of H.R. 5252, to promote the deployment of broadband networks and services, but did not complete action thereon, and will meet again on Tuesday, June 27.

**ENHANCED ENERGY SECURITY ACT**

Committee on Energy and Natural Resources: Committee concluded a hearing to examine S. 2747, to enhance energy efficiency and conserve oil and natural gas, after receiving testimony from Senators Bayh and Coleman; Alexander Karsner, Assistant Secretary of Energy for Energy Efficiency and Renewable Energy; and Daniel A. Lashof, Natural Resources Defense Council, Kateri Callahan, Alliance to Save Energy, and Steven Nadel, American Council for an Energy-Efficient Economy, all of Washington, D.C.

**HERITAGE AREAS**

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 574, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act, S. 1387, to provide for an update of the Cultural Heritage and Land Management Plan for the John H. Chafee Blackstone River Valley National Heritage Corridor, to extend the authority of the John H. Chafee Blackstone River Valley National Heritage Corridor Commission, to authorize the undertaking of a special resource study of sites and landscape features within the Corridor, and to authorize additional appropriations for the Corridor,
S. 1721, to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, S. 2037, to establish the Sangre de Cristo National Heritage Area in the State of Colorado, and S. 2645, to establish the Journey Through Hallowed Ground National Heritage Area, after receiving testimony from Donald W. Murphy, Deputy Director, National Park Service, Department of the Interior; W. Michael Sullivan, Rhode Island Department of Environmental Management, Providence; Ann Marie Velasquez, Los Caminos Antiguo Scenic and Historic Byway, Antonito, Colorado; Cate Magennis Wyatt, The Journey Through Hallowed Ground, Waterford, Virginia; Daniel M. Rice, Ohio and Erie Canal Way Coalition, Akron; and Charlene Perkins Cutler, Quinebaug-Shetucket Heritage Corridor, Inc., Putnam, Connecticut.

NUCLEAR PLANT REGULATION

ENERGY SECURITY
Committee on Foreign Relations: Committee concluded a hearing to examine energy security in Latin America, including S. 2435, to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, after receiving testimony from Senators Craig and Salazar; Domingo Cavallo, DFC Associates LLC, Buenos Aires, Argentina; Luis E. Giusti, Center for Strategic and International Studies, and David L. Goldwyn, Goldwyn International Strategies LLC, both of Washington, D.C.; and Eduardo Pereira de Carvalho, Brazilian Association of Sugar Cane and Ethanol Producers, Sao Paulo, Brazil.

NOMINATION
Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Clifford M. Sobel, of New Jersey, to be Ambassador to the Federative Republic of Brazil, after the nominee, who was introduced by Senators Frist and Lautenberg, testified and answered questions in his own behalf.

HEALTH INFORMATION TECHNOLOGY
Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded a hearing to examine efforts to assure healthy initiatives in health information technology, after receiving testimony from Jodi G. Daniel, Director, Policy and Research, Office of the National Coordinator for Health Information Technology, Department of Health and Human Services; Linda D. Koontz, Director, Information Management Issues, Government Accountability Office; Carl E. Hendricks, Chief Information Officer for the Military Health System, Department of Defense; and Michael Kussman, Deputy Under Secretary for Health, and Robert Howard, Supervisor, Office of Information and Technology, and Ross Fletcher, Chief of Staff, VA Medical Center Wilmington, all of the Department of Veterans’ Affairs.

MEDICAL LIABILITY
Committee on Health, Education, Labor, and Pensions: Committee held a hearing to examine alternatives to improve the medical liability system work better for patients, focusing on S. 1337, to restore fairness and reliability to the medical justice system and promote patient safety by fostering alternatives to current medical tort litigation, receiving testimony from David M. Studdert, Harvard University School of Public Health, Boston, Massachusetts; Philip K. Howard, Common Good, and William M. Sage, Columbia Law School, both of New York, New York; Richard C. Boothman, University of Michigan Health System, Ann Arbor; Susan E. Sheridan, Consumers Advancing Patient Safety, Boise, Idaho; Cheryl Niro, American Bar Association, Chicago, Illinois; and Neil Vidmar, Duke University Law School, Durham, North Carolina.

Hearing recessed subject to the call.

BUSINESS MEETING
Committee on Indian Affairs: Committee ordered favorably reported the following business items:

S. 2464, to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990;

S. 3501, to amend the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement
Act to establish an acquisition fund for the water rights and habitat acquisition program;

S. 3526, to amend the Indian Land Consolidation Act to modify certain requirements under that Act.

Also, Committee approved the report on Tribal Lobbying Matters and Recommendations.

**VA LEGISLATION**

*Committee on Veterans Affairs:* Committee ordered favorably reported the following bills:

- S. 2562, to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans;
- S. 3421, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, with an amendment; and
- S. 2694, to amend title 38, United States Code, to remove certain limitation on attorney representation of claimants for veterans benefits in administrative proceedings before the Department of Veterans Affairs, with an amendment in the nature of a substitute.

**INTELLIGENCE**

*Select Committee on Intelligence:* Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

**BUSINESS MEETING**

*Select Committee on Intelligence:* Committee met in closed session and ordered favorably reported the nomination of Kenneth L. Wainstein, of Virginia, to be an Assistant Attorney General, Department of Justice.

Committee recessed subject to the call.

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**House of Representatives**

**Chamber Action**

*Public Bills and Resolutions Introduced:* 8 public bills, H.R. 5669–5671, 5673–77; and 7 resolutions, H.J. Res. 90; H. Con. Res. 432–434; and H. Res. 887–889 were introduced.  

*Additional Cosponsors:* Pages H4519–20

*Reports Filed:* Reports were filed today as follows:

- H.R. 5316, to reestablish the Federal Emergency Management Agency as a cabinet-level independent establishment in the executive branch that is responsible for the Nation’s preparedness for, response to, recovery from, and mitigation against disasters, with amendments (H. Rept. 109–519, Pt. 1);
- H.R. 5672, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007 (H. Rept. 109–520);
- H.R. 4843, to increase, effective as of December 1, 2006, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, with amendments (H. Rept. 109–521);
- H.R. 5318, to amend title 18, United States Code, to better assure cyber-security, with an amendment (H. Rept. 109–522);
- H.R. 5337, to ensure national security while promotion foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes, with an amendment (H. Rept. 109–523, Part I);
- H.R. 5358, to authorize programs relating to science, mathematics, engineering, and technology education at the National Science Foundation and the Department of Energy Office of Science, and for other purposes, with an amendment (H. Rept. 109–524); and
- H.R. 5356, to authorize the National Science Foundation and the Department of Energy Office of Science to provide grants to early career researchers to establish innovative research programs and integrate education and research, and for other purposes, with amendments (H. Rept. 109–525).  

*Question of Consideration:* The House agreed to consider H.R. 5638, to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, by a recorded vote of 238 ayes to 188 noes, Roll No. 312.

**Permanent Estate Tax Relief Act of 2006:** The House passed H.R. 5638, to amend the Internal Revenue Code of 1986 to increase the unified credit
against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, by a recorded vote of 269 ayes to 156 noes, Roll No. 315.

Agreed to table the appeal of the ruling of the chair on a point of order sustained against the Rangel motion to recommit the bill promptly to the Committee on Ways and Means with some amendatory instructions, by a recorded vote of 229 ayes to 195 noes, Roll No. 313.

Rejected the Pomeroy motion to recommit the bill to the Committee on Ways and Means with instructions to report the same back to the House forthwith with amendments, by a recorded vote of 182 ayes to 236 noes, Roll No. 314.

H. Res. 885, the rule providing for further consideration of the bill was agreed to by a recorded vote of 228 ayes to 194 noes, Roll No. 309, after agreeing to order the previous question by a yea-and-nay vote of 226 yeas to 194 nays, Roll No. 308.

Agreed to amend the title so as to read: “To amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority,”.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Budget now printed in the bill, modified by the amendment printed in the report, shall be considered as adopted.

Point of order sustained against the Spratt motion to recommit the bill to the Committee on the Budget with instructions to report the same back to the House forthwith with an amendment.

Rejected the Spratt motion to recommit the bill to the Committee on the Budget with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 170 ayes to 249 noes, Roll No. 316.

H. Res. 886, the rule providing for further consideration of the bill was agreed to by a recorded vote of 228 ayes to 194 noes, Roll No. 311, after agreeing to order the previous question by a yea-and-nay vote of 227 yeas to 196 nays, Roll No. 310.

Supporting efforts to increase childhood cancer awareness, treatment, and research: H. Res. 323, amended, to support efforts to increase childhood cancer awareness, treatment, and research by a (2/3) yea-and-nay vote of 395 yeas with none voting “nay”, Roll No. 318.

Commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand: The House agreed by unanimous consent to H. Con. Res. 409, amended, by the Senate, to commemorate the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12:30 on Monday, June 26th for Morning Hour debate.

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, June 28th.

Presidential Message: Read a message from the President wherein he notified the Congress regarding the continuation of the national emergency with respect to the Western Balkans—referred to the Committee on International Relations and ordered printed (H. Doc. 109–117).


Senate Message: Message received from the Senate today appears on page 4444.

Senate Referral: S. Con. Res. 103 was held at the desk.


Adjournment: The House met at 10 a.m. and adjourned at 9:16 p.m.
Committee Meetings

CHINA’S MILITARY POWER
Committee on Armed Services: Held a hearing on the military power of the People’s Republic of China. Testimony was heard from the following officials of the Department of Defense: Peter W. Rodman, Assistant Secretary, International Security Affairs; Mark Cozard, China Forces Senior Intelligence Officer, Defense Intelligence Agency; and COL Robert Carr, USA, Assistant Director, Intelligence, Joint Staff.

INTERNET PRIVATE RECORDS ACCESS
Committee on Energy and Commerce: Subcommittee on Oversight and Investigations continued hearings entitled “Internet Data Brokers and Pretexting: Who Has Access to Your Private Records?” Testimony was heard from Paul Kilcoyne, Deputy Assistant Director, Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; the following officials of the Department of Justice: Elaine Lammert, Deputy General Counsel, Investigative Law Branch, FBI; James J. Bankston, Chief Inspector, Investigative Services Division; U.S. Marshals Service; Ava Cooper Davis, Deputy Assistant Administrator, Office of Special Intelligence, Intelligence Division, DEA; and W. Larry Ford, Assistant Director, Office of Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms, and Explosives; Peter Lyskowski, Assistant Attorney General, State of Missouri; Julia Harris, Assistant Attorney General, State of Florida; and public witnesses.

SAFE TRUCKERS ACT OF 2006

REDUCING NUCLEAR/BIOLOGICAL THREATS
Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack held a hearing entitled “Reducing Nuclear and Biological Threats at the Source.” Testimony was heard from Jerry Paul, Principal Deputy Administrator, National Nuclear Security Administration, Department of Energy; Frank Record, Acting Assistant Secretary, Bureau of International Security and Nonproliferation, Department of State; Jack David, Deputy Assistant Secretary, International Security Policy, Department of Defense; and public witnesses.

U.S. ELECTIONS—NON-CITIZEN VOTING AND ID REQUIREMENTS
Committee on House Administration: Held a hearing entitled “You Don’t Need Papers To Vote?”. Non-citizen voting and ID requirements in U.S. elections. Testimony was heard from Representatives Hyde and Langevin; Ray Martinez, Vice Chairman, United States Election Assistance Commission; and public witnesses.

MISCELLANEOUS MEASURES;
MIDDLE EAST RELIGIOUS MINORITIES

The Subcommittee also held a hearing on Can Religious Pluralism Survive in the Middle East: The Plight of Religious Minorities? Testimony was heard from public witnesses.

PUBLIC EXPRESSION OF RELIGION ACT
Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H.R. 2679, Public Expression of Religion Act of 2005. Testimony was heard from public witnesses.

OVERSIGHT—PROTECTING U.S. WORKERS
Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims held an oversight hearing entitled “Is the Labor Department Doing Enough To Protect U.S. Workers?”. Testimony was heard from Sigurd L. Nilsen, Director, Education, Workforce, and Income Security Issues, GAO; Alfrid Robinson, Acting Director, Wage and Hour Administration, Employment Standards Administration, Department of Labor; and public witnesses.

OVERSIGHT—NATIONAL PARK SYSTEM ADVISORY BOARD REAUTHORIZATION
Committee on Resources: Subcommittee on National Parks held an oversight hearing on the Reauthorization of the National Park System Advisory Board. Testimony was heard from Fran Mainella, Director, National Park Service, Department of the Interior; and public witnesses.
WATER AND POWER INFRASTRUCTURE
Committee on Resources: Subcommittee on Water and Power held an oversight hearing on Securing the Bureau of Reclamation’s Water and Power Infrastructure: A Consumer’s Perspective. Testimony was heard from Larry Todd, Deputy Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

OVERSIGHT—FUTURE FEDERAL COURTHOUSE CONSTRUCTION PROGRAM
Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held an oversight hearing on the Future of the Federal Courthouse Construction Program: Results of a GAO Study on the Judiciary’s Rental Obligations. Testimony was heard from Mark Goldstein, Director, Physical Infrastructure Issues, GAO; Jane R. Roth, Judge, Third Circuit Courts of Appeals, Chairman, Committee on Space and Facilities; and David L. Winstead, Commissioner, Public Buildings Service, GSA.

VETERANS’ COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2006; OVERSIGHT IT DATA SECURITY

The Committee also held an oversight hearing on the legal implications of the theft from a VA employee’s home of personal data regarding millions of veterans, active duty military personnel, and spouses. Testimony was heard from Tim McClain, General Counsel, Department of Veterans Affairs; and public witnesses.

U.S. COMPETITIVENESS/INTERNATIONAL TAX REFORM
Committee on Ways and Means: Subcommittee on Select Revenue Measures held a hearing on the Impact of International Tax Reform on U.S. Competitiveness. Testimony was heard from public witnesses.

PATH AHEAD FOR THE CIA; CIA DIRECTOR AS HUMINT MANAGER
Permanent Select Committee on Intelligence: Met in executive session to hold a hearing entitled “Path Ahead for the CIA.” Testimony was heard from GEN Michael V. Hayden, USAF, Director, CIA.

The Committee also met in executive session to hold a hearing entitled “The CIA Director as HUMINT Manager.” Testimony was heard from GEN Michael V. Hayden, USAF, Director, CIA.

COMMITTEE MEETINGS FOR FRIDAY, JUNE 23, 2006
(Committee meetings are open unless otherwise indicated)

Senate
Committee on Foreign Relations: to hold a closed briefing on State Department and Defense Department cooperation overseas, 1 p.m., S–407, Capitol.

House
No committee meetings are scheduled.
Next Meeting of the Senate
11 a.m., Friday, June 23

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the House of Representatives
12:30 p.m., Monday, June 26

House Chamber

Program for Monday: To be announced.